



UNIVERSITY OPERATING PROCEDURE

Title: Telework Procedures - Interim

Overview and Applicability of the Procedure

This University Operating Procedure (UOP) specifies the terms and conditions applicable to work routinely performed by an employee of the University in a location that is not owned or maintained by the University. This UOP does not apply to occasional telework as defined in the Telework Policy. Adherence to these procedures is required and enforceable. To the extent that terms contained in the Telework Procedures UOP conflict with the Telework Policy, the policy prevails.

Definitions

Definitions for this UOP are the same as in the Telework Policy

Procedures

ELIGIBILITY FOR TELEWORK

All current employees who have successfully completed the probationary period of their current position are eligible to request telework arrangements. The work of student employees is not governed by the Telework policy or operating procedure.

In some circumstances, telework may also be appropriate as a reasonable accommodation for an employee with a disability. When telework is being requested as a reasonable accommodation, the employee must follow the procedures to request an accommodation set out in the [Procedural Guidelines for Disability Accommodation for Employees and Applicants for Employment](#).

The University may choose to designate some positions as fully or partially remote as a condition of employment. When this is the case:

- *Job Postings* must make the telework condition clear and must be approved by the appropriate Dean, Vice President, or Vice Provost before the position is posted.
- *Applicants* should receive clear notice that telework is required for the position.
- *Hiring Decisions* should be based on considerations set out in University policies and the procedures set forth in this UOP before a final hiring decision is made.

The University may direct employee(s) to temporarily telework where appropriate and as needed for the continuation of business operations such as when public health guidance for contagious diseases (e.g., pandemic), natural disasters (e.g., floods) or other emergency requires remote operations. The University also reserves the right to direct teleworkers to report to campus as may be needed for business operations.

REVIEW OF TELEWORK REQUESTS

Review Position for Appropriateness

The following criteria will be used to evaluate telework requests:

- *Job Suitability:* Telework may be appropriate when the employee's essential job duties can be performed remotely, and the employee and the School, College or administrative unit can maintain quality of service for students, faculty, staff, and other members of the University community if the employee teleworks. Positions/units that necessitate in-person work, those positions that require in-person interaction with others, and any position where there is a need to perform assigned tasks using specialized material or equipment that is only available at a University owned or maintained facility may not be suited for telework. Positions in which in-person duties are shared may allow for a hybrid telework arrangement. Telework should not create undue burdens on others in the unit/department.
- *Employee Suitability:* Based on demonstrated job performance and work habits, the supervisor must be confident that the employee will maintain the expected quantity and quality of work in a telework arrangement.
- *Ability to Build and Maintain an Effective Workplace Environment:* The University's ability to connect on-campus and teleworking employees must be considered, including for example the cost and investment in videoconferencing facilities in meeting rooms. Other considerations include the time and effort necessary to plan meetings, share information, and develop processes that accommodate multiple work modes; fostering continued University community and team spirit, as well as productive and efficient working relations among and between in-person and remote employees; the ratio of in-person to remote employees; and operational efficiencies.
- *Remote Office Suitability:* The employee must have access to a suitable, safe, and ergonomically correct workplace with consistent wireless/internet access and cell signal (the University will not provide such a workspace off-site nor provide funds for connectivity contracts, such as phone cable bills or upgrades to internet services).

If discussions of private, confidential, protected or any other non-public personal data (NPPD as defined in [UVM's Privacy Policy](#)) are part of the employee's job duties, employees are required to have a private space available, and others must be restricted from this space during such discussions.

If any of the above criteria cannot be met, the position or the location may not be suitable for telework.

Management should also consider whether teleworking will allow the employee to better manage personal or family responsibilities or address commuting challenges, while still maintaining the expected quantity and quality of work.

Additionally, the following criteria indicate circumstances where telework would not be appropriate:

- The nature of the job requires the employee's physical presence, or efficiency is compromised when the employee is not present. By way of example, telework may not be appropriate where the employee must supervise the work of other employees, where performance requires frequent interaction, direction or input from other employees working on site, or where the employee needs regular guidance, such as on technical matters.
- The employee's performance evaluations do not indicate sustained solid performance.
- The employee's observed productivity levels are low or inconsistent.

- The employee has not completed probation in the School, College or administrative unit (except where telework is required as a condition of employment).
- The employee has received disciplinary action within the past year, has a record of low performance, or has a demonstrated attendance problem.

Consider Necessary Equipment and Supplies

Management is responsible for identifying the equipment and supplies necessary for telework and to maintain an up-to-date inventory of University equipment at the telework location. Typically, the University will provide employees with a desktop or a laptop computer, docking station, and monitor for in-person or telework use. As it relates to computing equipment, while teleworking, the employee must either:

- Be issued and use for all work-related activities UVM-owned and managed computer equipment secured by monitoring software that allows for the security and integrity of the device and its data and that allows for storage of University data and work product safely and securely on the University server; or
- Use non-UVM owned/managed computer equipment that has been approved for use.

The approval to use non-UVM owned/managed equipment is authorized only for limited categories of positions and only by exception.

Departments should use the University-approved office supply vendor for providing office supplies.

Ensure Technology, Privacy, and Information Security

Full-time positions and those positions that access or use non-public protected data (NPPD as defined in [UVM's Privacy Policy](#)) require a UVM owned/managed device and are not eligible for the non-UVM owned/managed computer equipment exception. Certain part-time and temporary positions that do not access or use NPPD may be exempt from this requirement if the arrangement is in compliance with the University's [Information Security Policy](#), [Information Security Procedures](#) and [Computer, Communication, and Network Technology Acceptable Use Policy](#) and includes a prohibition from downloading or storing UVM data on the non-UVM owned/managed device. Positions that access, use, or disclose NPPD from a remote location require the execution of a separate Information Security, Privacy and Confidentiality Agreement [under development/link forthcoming].

Nothing in this UOP prevents a unit from requiring the use of UVM owned/managed devices for all positions. Employees may use personal hand-held devices such as smartphones without prior approval if data is not downloaded or stored on the device or in a personal account (such as a personal iCloud or Google Drive). The University will not reimburse for the use of a personal device or smartphone.

Employees working remotely are required to adhere to all existing policies related to safeguarding of NPPD and acceptable use of technology. Employees should review the University's [Information Security Policy](#), [Information Security Procedures](#) and [Computer, Communication, and Network Technology Acceptable Use Policy](#) prior to starting remote work.

If an employee is planning to work offsite, but not from the employee's home, it is essential to establish guidelines to ensure confidentiality of the data on the employee's screen and the content of the employee's teleconference conversations, for example, to ensure privacy of student data, personnel information, and other confidential information. Failure to follow these guidelines could result in termination of the telework agreement and/or disciplinary action, up to and including termination of employment.

MAKING A TELEWORK REQUEST

Employees who wish to telework must complete the [Telework Request eForm and Agreement](#) and submit the form to their immediate supervisor. The supervisor shall review the request with the employee and discuss the specific provisions to be included in the Telework Agreement prior to submitting it to the appropriate Dean, Vice President or Vice Provost for consideration.

New hires for whom telework is a condition of employment must have the Telework Agreement Form submitted with their new hire paperwork.

An approved UVM Telework Request Form and Agreement must be entered into the digital data base, maintained by Human Resource Services, prior to the start of any telework.

Supervisors may not request medical/health information from employees, nor should employees disclose personal medical/health information, as part of the telework request process. Employee medical/health information, if needed, will be requested as part of the ADA accommodations process.

ANNUAL REVIEW OF THE TELEWORK AGREEMENT

The supervisor and employee will review the Telework Agreement annually and make any adjustments needed to ensure efficiency and quality of performance. Any revisions to the conditions for teleworking will be documented in writing and signed by the supervisor and the employee.

This review may occur in conjunction with the employee's annual performance review. Employees may request an additional review of their telework arrangements every six months.

REVOCAION OF TELEWORK

The supervisor may, at any time and for any reason, revise or revoke the Telework Agreement, either temporarily or permanently; provided, however, that an employee is entitled to two weeks prior notice of revocation of a Telework Agreement before it becomes effective to give the employee time to make any alternative arrangements needed before returning to work at a facility owned or maintained by the University. Revision or revocation of a telework arrangement may be appealed to the appropriate Dean, Vice President or Vice Provost but shall otherwise not be grounds for a grievance.

Unless telework is a condition of employment, the employee may request to terminate the Telework Agreement either temporarily or permanently, provided that the employee provides two weeks prior notice. Due to space, scheduling and location considerations, any changes to telework agreements, including the termination, will require management approval.

APPROVAL PROCESS

Deans, Vice Presidents and Vice Provosts are authorized to approve telework agreements. Management reserves the right to make the final decision regarding teaching modality. Therefore, faculty requests for fully remote telework must obtain final approval from the Provost. Unless telework is a condition of employment, telework requests are submitted by the employee to the supervisor for recommendation and then submitted to the appropriate Dean/Vice President/Vice Provost for final review and approval.

If the immediate supervisor does not recommend telework, the employee may appeal that decision directly to the appropriate Dean/Vice President/Vice Provost. The final decision on a telework request, as well as the specific provisions to be included in a Telework Agreement, is at the discretion of the Dean/Vice President/Vice Provost and may not be appealed or grieved.

Unless telework is a condition of employment, the initial telework approval is for a period of no more than one year; renewals are issued as part of the annual review of the Telework Agreement.

IMPLEMENTATION

Telework Office Safety and Offsite Injury

Before engaging in telework, an employee must review [UVM's Risk Management Ergonomics webpage](#) for information on how to prevent ergonomic injuries, setting up a telework workstation, and other guidance for telework office safety and sign off indicating that they have done this on their Telework Agreement. Employees must promptly report any injury incurred related to performing duties offsite by following [UVM's Workers' Compensation Claim Procedures](#).

Time Reporting, Hours Worked and Overtime

Regardless of whether a position is remote or in-person, all non-exempt (hourly) employees are required to accurately record all hours worked and any exception time used in systems (e.g., PeopleSoft or Kronos). Those non-exempt employees working remotely are further required to adhere to all arrangements related to core business hour availability requirements as specified in the Telework Agreement. Supervisors must review for accuracy and approve time recorded. Hours worked in excess of those scheduled per day and per workweek require advance approval, in writing, of the teleworker's supervisor. Employees working overtime without prior approval may result in termination of the Telework Agreement. All exempt employees are required to accurately record all exception time used in PeopleSoft which must be reviewed and approved by supervisors.

Management Preparation

Management must be prepared to assume the unique supervisory responsibilities arising from telework, including developing methods to monitor expected quantity and quality of work; verifying that employees have attested to the suitability of their remote office; ensuring adherence to confidentiality and privacy policies; and monitoring the impact of the telework arrangement on in-person employees. Management must also be able to account for devices and equipment provided to support the success of the telework arrangement as well as the security of the University's data and information systems.

Telework Outside of the State of Vermont

It is expected that in general, University employees who telework will do so from within the State of Vermont. This is consistent with the University's mission to support economic and community development in Vermont.

Telework from outside the State of Vermont requires pre-approval of the relevant Dean, Vice President, or Vice Provost, and will be considered only when it is in the University's best interests. For the purpose of this UOP, telework from outside of the State of Vermont means working from a state other than Vermont for more than 30 consecutive days. The wage and tax laws of the state in which the employee is working will determine how the employee will be taxed on earnings during this period. Although the telework approval process and telework agreement is only necessary if an employee is working from a state other than Vermont for more than 30 consecutive days, Payroll and Tax Services needs to be notified prior to any employee doing any portion of their work for UVM outside the state of Vermont, other than work completed during leave periods (i.e., vacation) or during business trips out of state. See the University's [payroll web page](#) for more information.

Tax liabilities and employment laws can vary from state to state. Employees and supervisors must consult with Payroll and Tax Services prior to approval for a determination of workability and cost when it is planned for an employee to work outside the State of Vermont. The University will not be responsible for any tax liability, penalties, or interest the employee may incur for failure to notify that they are working outside of Vermont. Employees are responsible for adhering to this policy. Noncompliance may result in the termination of any Telework Agreement and/or formal disciplinary action.

Telework from Outside of the United States

University employees may not live and, therefore, telework from outside the United States. There are a number of legal, financial, and risk management considerations involved when employees are engaged to perform duties on the University's behalf outside of the United States (the Continental United States, Alaska, or Hawaii). Limited exceptions may be considered if the arrangement is crucial to the functioning of the University. Given the legal and tax issues that arise out of international employment, before sending the request to the Dean/Vice President/Vice Provost, the recommending supervisor is required to consult with the Office of General Counsel, Compliance and Privacy Services, and Payroll and Tax Services to ensure compliance with all applicable employment, labor, tax, immigration, privacy, and other laws and regulations, both in the United States and in the country or territory where the individual will be physically located. Additional approval of the Vice President of Finance and Administration and Provost is required for exceptions allowing for telework from locations outside of the United States.

Contacts

| Questions concerning the daily operational interpretation of this UOP should be directed to the following: | |
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| Title(s)/Department(s): | Contact Information: |
| Labor and Employee Relations | Website uvmler@uvm.edu |
| Payroll & Tax Services | tax@uvm.edu |

Forms/Flowcharts/Diagrams

- Telework Decision Flowchart - Link forthcoming.
- [Telework Request eForm and Agreement](#)

Related Documents/Policies

- [Computer, Communication, and Network Technology Acceptable Use Policy](#)
- [Conditions of Employment](#)
- [Employee Performance Reviews](#)
- [First Report of Injury Form](#)
- [Flexible Working Arrangements](#)
- [Information Security Policy](#)
- [Mobile Communication Services and Equipment Guidelines](#)
- [Privacy Policy](#)
- [Procedural Guidelines for Disability Accommodation for Employees and Applicants for Employment](#)
- [Staff Handbook](#)
- [Telework Policy](#)

Training/Education

Training related to this policy is as follows:

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| Training Topic: | Telework Policy and Procedures; Best Practices for Remote Work | | |
| Training Audience: | <ul style="list-style-type: none">All telework eligible employeesSupervisors/managers | Delivered By: | Human Resource Services |
| Method of Delivery: | TBD | Frequency: | As needed; at the time of request and minimally annually |

About This Procedure

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| Responsible Official: | Vice President for Finance and Administration | Approval Authority: | Vice President for Finance and Administration |
| Affiliated Policy Number(s): | V. 4.34.1 | Effective Date: | August 26, 2021 |
| Revision History: | | | |

University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).