



# West Liberty University Telework Program

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Human Resources  
West Liberty University  
208 University Drive, CUB 131  
West Liberty, WV 26074  
304-336-8139

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## **Program Statement**

West Liberty University (WLU) understands the most effective working environment occurs when we work together, in-person, on-campus, collaborating, supporting one another and serving the interests of our students.

We understand that the COVID-19 pandemic taught us to be effective in alternate ways. Not necessarily better or worse but different and still effective. National and local recruiting/retention efforts are challenging traditional workplace practices such as where we work. Therefore, in an effort to progress into the dynamic nature of the ever-changing workforce, WLU has created a Telework Program. We hope the Telework Program will enhance our efforts to recruit and retain talent. WLU supports workplace flexibility for eligible employees to telecommute when it is reasonable and practical to do so, and where educational and operational needs will not be negatively impacted.

Telework is a privilege and not an employee entitlement. A Telework Agreement may be terminated at any time.

## **Definition of Telework**

Telework shall be defined as working at an alternate primary location where employees maintain a consistent electronic link (via mobile phone, internet-based meeting and communications platform, computer, virtual private network-VPN, etc.) to the WLU main campus or Statewide Campus location (i.e. employee's principal place of employment).

Telework is a cooperative arrangement between WLU and an employee, based upon the needs of the position, department, and WLU as a whole. The employee and supervisor will agree upon a work schedule. With a telework agreement, employees may be approved to work at the identified alternate primary location full-time, or work within a hybrid schedule where the individual would report to the WLU campus as scheduled or as needed.

Employees can request a flexible work schedule whether they are working on-campus or via telework. The WLU Employee Handbook, page 7 defines a standard workday usually from 8:00am to 4:00pm Monday through Friday, or a schedule that meets the needs of the department and WLU. In general, all employees will work during their scheduled work period unless the supervisor has approved otherwise to meet the needs of the department and/or WLU. The WLU Employee Handbook, page 7 generally states that employees may request a change in their work periods from their supervisors and this shall be done in advance. The quantity and quality of service provided by an employee must either exceed or be equal to that accomplished during the normal work period, regardless of their work location.

This telework program does not apply to situations where a supervisor occasionally allows an employee to work from home on a temporary, as-needed basis. WLU considers these as "situational work-from-home" arrangements for short-term requests (typically 2 weeks or less).

## **Eligibility for a Telework Agreement**

All requests for telework agreements are reviewed on an individual basis. The position must be eligible for telework and the individual must meet the criteria to telework. The supervisor and the appropriate Cabinet Member must approve both the position for telework as well as the individual for telework before a recommendation for an agreement can be executed.

## Process Overview for Eligibility

If an employee requests (in writing) a telework agreement, the following outlines the steps involved in the process of executing the official telework agreement. Additional information for each step follows this brief outline.

- Step 1, Position Eligibility: the supervisor reviews the position to determine if they recommend that the position is eligible for a telework agreement.
- Step 2, Employee Eligibility: the supervisor would review and determine if they recommend the employee is eligible for a telework agreement.
- Step 3, Supervisor and Cabinet Member Consideration: the supervisor presents the information to the appropriate Cabinet Member for review and discussion. The Cabinet Member would then make a formal recommendation to Human Resources for a telework agreement.
- Step 4, Administrative Review: the Chief Human Resources Officer, or designee, would present the recommendation to the Administrative Group, which consists of the Chief Human Resources Officer, Chief Information Officer, and General Counsel for approval. If approved, the agreement is executed by Human Resources.

### Step 1 – Position Eligibility

The supervisor of the position would review and recommend to the appropriate Cabinet Member whether or not the position is eligible for telework. As part of this step, there is an example of the Eligibility Questionnaire in Appendix A for completion as part of this process.

The following questions, listed in the Questionnaire, would be reviewed as part of this process to determine if the position is eligible for telework:

#### *Eligibility Questionnaire for Position (Example)*

- Is the position exempt or non-exempt?
- Does the position supervise individuals ineligible for telework agreements such as, but not limited to, frontline, customer-facing, maintenance roles?
- Does the position require consistent access to equipment, materials, and/or files accessible only on campus?
- Does the position require extensive in-person interaction with students, faculty, alumni, other employees, or the outside public?
- Does the position have job duties that require a presence on-campus (i.e. facilities or maintenance positions, positions that require in-person interactions with students, faculty, external individuals, etc.)?

### Step 2 – Employee Eligibility

The supervisor of the position would recommend to the appropriate Cabinet Member whether or not the employee holding the position is eligible for telework. Employees are eligible for telework based on their job responsibilities, an evaluation of the likelihood of being successful in this arrangement, and an evaluation of their supervisors' ability to manage telework employees.

As part of the eligibility determination process, the supervisor and Cabinet Member review the following questions:

### *Eligibility Questionnaire for Employee (Example)*

- Are there documented concerns with the employee's performance history (including recent documented disciplinary action)?
- Does the employee have access to a reliable high-speed internet connection to be able to complete their duties and responsibilities and communicate regularly with their team and supervisor?
- Does the employee have access to a phone or phone option
- Does the employee have the necessary computer skills to complete their required job functions outside of the office?
- Does the employee understand their role and expectations, and require minimal supervision to complete their tasks?
- Is the employee consistently able to meet goals and deadlines?
- (New Employee) Has the new employee worked remotely in past positions?
- (New Employee) Has the new employee's references indicated there have been any concerns regarding the individual's past performance?

### **Step 3 – Supervisor & Cabinet Member Consideration**

The supervisor and the appropriate Cabinet Member will review the Eligibility Questionnaire (Appendix A) for the position and the eligibility for the employee seeking a telework agreement. Supervisors shall have the same expectations of employees working remotely as those working on-campus.

Below is a list of discussion topics for supervisors and employees to consider before entering into this type of agreement. These questions are also listed within the Eligibility Questionnaire.

### *Supervisor & Cabinet Member Consideration (Example)*

- Is the supervisor comfortable allowing the employee to work in a remote setting with minimal oversight?
- Has the supervisor expressed their expectation of work hours and schedule for the telework agreement?
- Is there a need for a balance of presence with virtual and on-campus meetings?
- Have the supervisor and employee discussed performance expectations and how the supervisor will monitor performance?
- Does the employee have a good physical space arrangement including the technology necessary to perform work functions outside of the office at an alternate primary work location?
- Has the supervisor discussed communication expectations with the employee? (This includes resources to be considered in maintaining communication, i.e. video conferencing, email, phone, etc.)
- Has the supervisor discussed with the employee all aspects of WLU's expectations of the Telework Program as outlined within the program document?

Once the supervisor and appropriate Cabinet Member have reviewed the Eligibility Questionnaire, the supervisor and Cabinet Member sign the questionnaire recommending the position and employee for a telework agreement. This questionnaire is submitted to Human Resources for review prior to the next level approval.

#### **Step 4 – Administrative Group Review**

The Chief Human Resources Officer reviews the questionnaire confirming that there is no additional information to consider as part of the request. The Chief Human Resources Officer then presents the recommendation to the Administrative Group consisting of the Chief Information Officer and General Counsel for consideration. The Chief Human Resources Officer will then notify the supervisor and the employee of the decision.

Upon approval, an agreement executed by Human Resources shall be maintained within the employee's personnel file.

#### **Appeal Process**

If the employee requests a telework agreement through their supervisor, and the supervisor denies the initial request, the employee can appeal the decision to the appropriate Cabinet Member. If the appropriate Cabinet Member denies the request, the employee may appeal to the Administrative Group. The Administrative Group's decision on appeals is final.

#### **Potential Exclusions from this Program**

There are positions and/or individuals that are unable to utilize telework agreements. WLU has determined the following exclusions from the Telework program at this time:

- Telework/remote work is not a replacement for appropriate childcare and/or eldercare. Although an employee's schedule is often modified to accommodate childcare and/or eldercare needs, a telework agreement is not a replacement for eldercare or childcare. Employees who would like to telecommute are encouraged to discuss expectations of telework work with family members prior to entering into an agreement. All employees should work to mitigate distractions while they are working, as communication and project completion are necessary for each position.
- Positions that have an on-campus presence requirement of the position (i.e. custodial, maintenance, food services, etc.).
- Employees who do not have reliable high-speed internet at their alternate primary location. The FCC defines high-speed broadband as download speeds of up to 25 megabits per second and upload speeds of up to 3 megabits per second (25/3 Mbps). This classifies all modern internet services including wireless, cable, DSL and satellite.
- Employees who do not have access to a phone or phone option at their alternate primary location.
- Employees with documented performance and/or attendance issues.
- Employees with supervisory or lead responsibilities over groups of employees who are not eligible for telework agreements.
- Non-Exempt employees unless approved for situational reasons.

#### **Executing Telework Agreements**

Following the review process for the position and employee, Human Resources can create an agreement for approval and signature.

#### **Process and Maintenance**

Human Resources will execute and maintain all telework agreements. A sample of the telework agreement can be found in Appendix B of this document. All agreements originate from Human Resources and maintained within the employee's personnel file. The employee, the supervisor,

the appropriate Cabinet Member, with a final sign-off from Human Resources, signs the executed agreement. If at any time, the employee, supervisor, department director, or appropriate Cabinet Member determines that an employee's telecommuting arrangement is not working to the benefit of WLU, or for the operational good of the school, the telework agreement may be rescinded and the employee shall return to work on campus.

Any change in the approved job assignment or remote work location must be reviewed and approved by the supervisor, Cabinet Member, and Human Resources before it can be adjusted within the agreement. An employee can only have one alternate location for a telework agreement and the alternate location is stated within the agreement.

Where possible, WLU will provide advance notice of rescission or changes to an employee's telework agreement; however, advance notice is not required as telework agreements may be rescinded at any time.

### **Telework Orientation and Discussion**

Following the execution of the telework agreement but prior to commencement of teleworking, Human Resources shall schedule an orientation with the individual and supervisor (as needed) who are entering into a telework agreement. This orientation shall cover the following aspects:

### **Job Responsibilities**

The supervisor and the employee will mutually agree upon employee job responsibilities, performance standards, and daily work schedule in advance, but in no event shall an employee under a telework agreement devote less than their regularly scheduled working hours to work duties during the course of a workweek. To clarify, the amount of time a full-time employee is expected to work per day (at least 7.5 hours) or per pay period (at least 75 hours) will not change as a result of participation in the telecommuting program. Exempt employees are expected to work until the job is complete.

As with all employees of the State of West Virginia, regardless of work location, work schedules must remain in compliance with the Fair Labor Standards Act and West Virginia wage and hour law, and under no circumstances shall non-exempt employees work or accrue overtime without pre-approval from the appropriate Cabinet Member or President. The telework employee shall continue to follow WLU's professionalism standards in terms of job responsibilities, work output, professional appearance, behavior, and customer service. In the event that WLU requires the employee's presence on campus during the employee's regularly scheduled workday, the employee shall report to campus when physically possible. The telework employee shall be available for in-person staff meetings or other meetings deemed necessary by his or her supervisor, department director, or appropriate Cabinet Member. The supervisor shall endeavor to give the employee as much notice as possible when requiring on-campus meetings.

Telework employees must work a regular, defined schedule agreed upon with their supervisor and should treat their remote work location as an office setting. Schedules regarding on-campus and telework can be adjusted as often as needed with the employee and supervisor (as long as space allows), but should be regularly communicated between the employee and supervisor. Telework employees shall be available for interaction with WLU constituents during the workday via phone, email, virtually, etc. Telework employees shall adhere to WLU guidelines for the appropriate dress code when attending virtual meetings or interacting with the public.

## **Workspace and Office Supplies**

The employee shall designate a workspace within the primary alternate work location for placement and installation of WLU technology to be used while teleworking.

The telework employee shall not remove from WLU any WLU-owned furniture, such as desks, desk chairs, filing cabinets, bookcases, etc.

The telework employee may take their work computer, monitors, mouse, headset, and other related computer peripherals to the approved remote work location after the telework agreement has been approved in accordance with this procedure, and after Human Resources has made an inventory of the equipment the employee is taking to the remote work location. WLU shall itemize the inventory prior to the beginning of the telework agreement during the Telework Orientation. The employee shall return any such equipment to WLU upon request of his or her supervisor, department director or the appropriate Cabinet Member.

The employee shall maintain the designated workspace in a clean, professional, and safe condition, free from hazards and other dangers to the employee and their assigned equipment. The workspace must not contain materials, decorations, images, etc., that would be deemed inappropriate for a professional office setting, as these may be visible during video teleconferences and virtual meetings. WLU will not furnish an employee's primary work location.

Any WLU materials and equipment taken to the alternate primary work location by the telecommuting employee shall be kept in the designated work area and not made accessible to others. WLU equipment and materials located at an alternative work location may not be used for personal activities or by other members of the teleworking employee's household for any purpose. Employees must continue to adhere to WLU University Policy #50: Acceptable Use while teleworking for WLU.

As liability may extend to accidents which could occur in the alternative work location, WLU retains the right to make on-site inspections of this work area, at a mutually agreed upon time, to ensure that safe work conditions exist.

Office supplies will be provided by WLU as reasonably needed and as approved by the telework employee's supervisor. WLU will not reimburse the telecommuting employee for out-of-pocket expenses for office supplies or other materials unless such purchase was pre-approved by the employee's supervisor.

When an employee enters into a telework agreement, WLU reserves the right to determine, reassign, or change the on-campus workspace for the remote individual.

As stated in the above section regarding eligibility, a telework agreement is not to replace childcare or eldercare. Employees who enter into these agreements should discuss expectations of telework work with family members prior to entering into an agreement to mitigate distractions and disruptions during the workday.

## **Computer Equipment and Software**

As indicated previously, high-speed internet access and telephone services are required for telework agreements and employees must provide those resources to work remotely and accept that their phone number will be forwarded to their personal home or mobile phone.

Employees must continue to adhere to WLU University Policy #50: Acceptable Use while teleworking at WLU. This is important for ensuring the protection and security of highly confidential data while working in any location on behalf of WLU. Employees must protect all WLU confidential data and information from unauthorized access at all times.

Employees who choose to use their own computer to telework should remember it is a violation of WLU University Policy #50: Acceptable Use to place or store confidential data and records on an employee's personal computer or equipment. For information regarding VPN access, please contact the WLU Help Desk. In addition, VPN access will only be approved on a case-by-case basis for specific applications. VPN can be installed on WLU devices for use off-site (e.g., a WLU issued laptop) and employees must follow all guidelines as outlined in Policy #50.

The telework employee shall not be issued a hot spot for internet or a physical phone, as they must provide their own high-speed internet access and the ability to be reached by phone off-campus. Employees will also not be issued a printer, copier, or scanner for use unless specifically approved for use.

Any hardware or software purchased by WLU remains the property of WLU and shall be returned should the telework agreement be terminated or upon request by the employee's supervisor or appropriate Cabinet Member. Software owned by WLU may not be duplicated except as formally authorized. Employees using WLU software must adhere to the manufacturer's licensing agreements. The WLU IT Department maintains WLU-issued equipment and employees may be required to report to campus for updates or repairs to this equipment. Employees cannot purchase hardware or software unless authorized by the appropriate leadership.

Employees shall not be issued a printer, scanner, or copier unless specifically approved to do so. In addition, employees who are printing documents at their alternate work location should treat those documents as they would in their on-campus office. Destruction of confidential documents shall be done in accordance with WLU Institutional policies, procedures and practices, and state and federal regulations.

In addition, as with on-campus use, WLU equipment and software located at an alternative work location may not be used for the employee's personal activities; or by other members of the teleworking employee's alternate primary work location for any purpose. WLU employees are responsible for any and all activity that occurs on their WLU issued equipment.

### **Travel**

When working in an approved telework agreement, the employee is considered to have two primary work locations for purposes of travel reimbursement. A telecommuting employee is not permitted to claim mileage reimbursement for travel between the alternate work location and WLU. Business-related travel to or from remote locations that would otherwise be reimbursed from WLU shall be reimbursed to or from WLU or the alternate work location, whichever is closer to the remote location.

### **Supervisor Contact**

Upon final approval and implementation of a telework agreement, the supervisor and the employee shall establish a regular schedule of meetings to ensure that the arrangement is working for both the employee and WLU. Supervisors have the flexibility to adjust and approve employees' schedules regarding on-campus and remote work.

Once a telework agreement is executed, the employee is responsible for maintaining regular contact with their supervisor, and the employee must be available by virtual meeting technology, telephone, and email during established work hours. Telecommuting employees will be provided necessary computer hardware, webcams and other equipment in order to be readily and regularly available for video teleconferences with their supervisors via this technology (see HR Orientation). The supervisor or designee shall be the employee's primary contact at WLU. It is expected that the supervisor and the employee will work collaboratively, and the supervisor shall stay apprised of events or information obtained during the working day. The employee shall return calls and e-mail from their supervisor within the same business day, unless on approved leave. Although it is the responsibility of the telecommuting employee to maintain regular contact with their supervisor, it is the responsibility of the supervisor to ensure oversight of the employee's remotely performed work duties.

### **Workers' Compensation and Other Liability**

As required by State statutes, WLU has workers' compensation liability for the telecommuting employee's job-related injuries and illnesses while performing work functions during regularly scheduled work time in the designated work area of the home.

WLU assumes no liability for any activity, damage, or injury, which is not directly associated with, or resulting from, the official job duties at WLU, specifically during times that the individual is not scheduled to be working.

WLU also assumes no liability for the employee's personal property or for any loss, destruction, or injury that may occur in or to the employee's home or to the designated work area of the home, including any personal injury or property damage to any family members or invitees to the telecommuting employee's home.

### **Compensation, Benefits, Leave and Taxes**

An employee's compensation, benefits, employee status, and work responsibilities shall not change as a result of the telecommuting arrangement.

Telework is not to be used as a replacement for sick leave, family medical leave, worker's compensation leave or any other type of leave. Teleworking is not a replacement for dependent care responsibilities. During the telecommuting employee's regularly scheduled workday, the employee will not be available to provide dependent care, unless they have been approved to take the appropriate leave.

It shall be the employee's responsibility to determine any income tax implications of maintaining a home office area. WLU will not provide tax guidance, nor will WLU assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

### **Confidentiality**

Employee shall ensure the protection of all WLU business information, records, software, communications, and trade secrets, and will apply WLU-approved safeguards to protect all records from unauthorized disclosure or damage. Work done at any location on behalf of WLU is "considered within the scope of your employment" within the meaning, prescribed in University Policy #50: Acceptable Use. All records, whether physical or electronic, must be safeguarded at all times whether at the telework location, on-campus, or in-transit between the two. Employees working at alternate sites shall take all precautions necessary to secure

confidential information and prevent unauthorized access to institutional records, documents, and information. Violation of University Policy #50 could result in disciplinary action, up to and including termination.

### **Review Process**

Review of a telework agreement will be evaluated quarterly for the first year and then no less than annually after. An agreement must be completed for each fiscal year. The agreement is dependent upon a positive performance evaluation of the telework employee by his or her supervisor, and input from Human Resources. The appropriate Cabinet Member shall have final approval of all telework agreements within their line of supervision and they may rescind an agreement upon written notice to the employee and their supervisor.

### **Finally, What Changes with Telework and What Does Not?**

Supervisors and Cabinet Members shall have the same performance expectations of the individual within a Telework Agreement as though the individual were working on-site. Salary and benefits do not change because of the telework agreement. The required number of hours worked does not change because of the telework agreement. Essentially nothing changes except the location the employee is working in, the contact with the individual, and their physical presence on campus.

***\*Information and resources obtained from the West Virginia Higher Education Policy Commission, West Virginia University, and Virginia Tech, which are reflected in this plan and attached documents. Framework provided by the West Virginia School of Osteopathic Medicine.***