



Ins and Outs of Teleworking Arrangements: What Employees and Supervisors Need to Know

2023 Legal Symposium

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Agenda

- ❖ Policy
- ❖ General Requirements
- ❖ Process
- ❖ Duration & Termination
- ❖ Forms
- ❖ Common Mistakes
- ❖ Out-of-State
- ❖ FMLA
- ❖ ADA Accommodations
- ❖ Workers' Compensation
- ❖ Additional Resources
- ❖ Scenario

University Policy 101.22

- **University Policy 101.22:** *Flexible Work and Telework Arrangements for SHRA and EHRA Non-Faculty Employees*
- Revised May 15, 2022
- Applicability
 - All SHRA and EHRA non-faculty employees, full-time and part-time permanent, probationary, temporary and time-limited employees.
- Flexible Work Arrangements are made and approved at the sole discretion of the University and must be in compliance with applicable policies prior to being communicated as being approved to the employee and implemented



Types of Flexible Work Arrangements

- **Flexible schedule**
 - *Allow a supervisor to adjust an employee's work schedule to accommodate a business need or respond to unusual personal circumstances of an employee, provided that the employee continues to work the total weekly hours required congruent with their employment status.*
- **Telework**
 - *A supervisor, with appropriate Vice Chancellor approval, directs or permits an employee to perform some of their job duties away from their primary workplace, so long as they meet the same performance expectations and any other approved and agreed upon terms.*
- **Remote work**
 - *An employee works off campus 100% of the time. An employee engaging in Remote Work may have a primary work station that is within commutable distance (no more than 100 miles) from campus.*



General Requirements

- ***Only Certain Position Are Eligible***
 - The University will offer options of flexible schedules, telework and remote work to employees whose job duties allow for this flexibility with appropriate approvals from supervisors and, where required, divisional vice chancellors.
- ***When Do You Need to Use the Telework Form***
 - All agreements for teleworking or remote work that will be in place for longer than 30 days must be documented using the telework/remote work agreement form and reviewed annually.
 - Arrangements of less than 30 days are available for emergency situations.
- ***Required Training for Employees and Supervisors***
 - Online training is required for all employees and supervisors prior to the approval of a telework/remote work agreement.
 - Business Officers are responsible for working with the Deans/Vice Chancellors to assist with training, managing, and implementing the process for flexible work arrangements for their units.



The Approval Process

- 1) **Employee**: The employee will be responsible for completing and submitting the Flexible Work form to their supervisor. Signature of the employee on the form indicates that they understand and agree to the conditions outlined on the form.
- 2) **Supervisor**: The supervisor is responsible for reviewing, endorsing, and routing the form to the Divisional Vice Chancellor for approval.
- 3) **Divisional Vice Chancellor**: The Vice Chancellor will review and approve all requests from their division except for out-of-commutable distance and out-of-state arrangements.
- 4) **Associate Vice Chancellor for Human Resources**: AVC-HR or designated representative will be responsible for reviewing all Flexible Work Arrangement forms to ensure compliance with the Policy and all related state and federal requirements.



The Renewal Process

- 1) Existing telework/remote agreements must be reviewed by the manager/supervisor at the beginning of each academic year (by Sept.1)
- 2) Employees should only use the renewal form if there are no changes required to the existing telework/remote work arrangement
- 3) The renewal form will remain effective for up to 12 months (between Sept. 1 – Aug. 31, annually).
- 4) The renewal end date will be August 31 or before regardless of the start date to align with the academic year.



Duration & Termination of Telework/Flexible Work Arrangements

- The maximum term of all Telework/Remote Work Agreements is one year.
- Telework/Remote Work Agreements may be renewed for successive one-year terms if approved by the supervisor and divisional Vice Chancellor.
- University may terminate a Telework/Remote Work Agreement at any time based on the needs of the University, including for positions initially established with Telework or Remote Work arrangements.
- Should the University terminate an employee's Telework/Remote Work Agreement, the University will provide the employee with at least ten (10) business days' notice to enable the employee to prepare for the return to the campus workplace.



Telework/Remote Work Arrangement Form

TELEWORK/REMOTE WORK AGREEMENT

This document is intended to ensure that both the manager and the employee have a clear, shared understanding of the employee's telework or remote work arrangement. Teleworking is a flexible arrangement in which a manager, with appropriate divisional approvals, directs or permits an employee to perform some of their job duties away from their primary workplace, so long as they meet the same performance expectations and any other approved and agreed upon terms. Remote work is an arrangement in which an employee works off campus 100% of the time. See University Policy 101.22, Flexible Work Arrangements for SHRA and EHRA Non-Faculty Employees, at <https://legal.charlotte.edu/policies/up-101.22>.

Each telework or remote work arrangement is unique depending on the needs of the position, manager, and employee. In defining a telework or remote work arrangement, the employee and their manager are expected to evaluate the costs and benefits of telework or remote work, identify work expectations, and clearly communicate how expectations may be met.

This Telework/Remote Work Agreement may be terminated by the department or Human Resources at any time. It does not alter or supersede the terms of the existing employment relationship. Approval for any teleworking or remote work arrangement lasting longer than 30 days must be provided by the divisional Vice Chancellor and reviewed by Human Resources. Human Resources reserves the right to deny Telework/Remote Work Agreements that are not in compliance with policy requirements.

Employee Information

Employee Name:	Last Name	First Name	MI	Employee ID:	
Job Title:				Manager:	
Position Designation:	Position Type:				
Division:				Department Name:	
Work Arrangement (select one - if selecting <i>Other</i> , please explain in the field that appears):					
Physical Address Where Telework or Remote Work Will Be Performed (Include City, State & Zip):					
Requested Arrangement Effective Dates:	Prospective Start Date	End Date	(cannot span more than one year; End Date cannot be beyond 8/31 regardless of Start Date to align with academic year [Sept 1]; arrangements must be reviewed annually at a minimum)		

Justification for Agreement

Explanation of business reason(s) for the arrangement	
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Work Schedule and Location

Day of Week	Work Hours	Work Location
Sunday		
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		

Flexible, Occasional, or Ad Hoc Days (if the schedule is not set, explain here)

Explanation of Circumstances	
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Expectations

The general expectation for a telework/remote work arrangement is that the employee will effectively accomplish all of their regular job duties, regardless of work location.

- I agree:
- To be available and responsive during scheduled work hours.
 - That my duties, obligations, and responsibilities are the same as onsite workers, including my obligation to respond to my voicemail, e-mail and other messages in a timely manner.
 - That I will work at the above-listed locations during my teleworking/remote work schedule, unless I have received prior approval to temporarily work elsewhere.
 - That any time off or overtime must be pre-arranged and approved according to department guidelines and consistent with the rules applicable to my employment.
 - To maintain an appropriate level of communication with clients/students/stakeholders, team members, and management.
 - When deemed necessary by my supervisor, to attend events or activities that require in-person attendance.
 - Review this arrangement on an ongoing basis, annually at a minimum.

Additional expectations are to be enumerated and documented to the employee as appropriate by supervisor/manager.



Equipment and Technology Access

The employee and unit management agree to work together to ensure that the alternate worksite is safe, productive, and ergonomically suitable. The employee and unit management shall work together to determine whether to issue new or additional equipment necessary to perform the job, or if an employee already has the required equipment. These arrangements do not typically result in the duplication of office equipment. In the event of equipment failure or service interruption, the employee must notify their manager immediately to discuss alternate assignments or other options.

In the chart below check each box next to any University-owned equipment that is being used at the alternate location. If you have any information to add, please enter it in the Notes column. **Note that a University-owned computer must be used at all work locations in order to comply with security standards.**

Items provided by the University, including items purchased by the employee and reimbursed, remain the property of the University and may only be used for University business. University property must meet the expectations for information security, be properly secured, and returned to the University at the end of the telework or remote work arrangement.

Equipment Used at Alternate Location

University-Owned Equipment	Used at Alternate Location	Notes	University-Owned Equipment	Used at Alternate Location	Notes
Laptop			Desk/Mobile Phone		
Docking Station			Headset/Microphone		
Desktop Computer			Power Strip/Cord		
Mouse			Printer		
Keyboard			Camera		
Monitor(s)			Other:		

I affirm that the above equipment checked is accurate.

Health and Safety

The employee must maintain a safe and functional working environment free from excessive noise, distractions, and recognized hazards. The work space must also have adequate lighting, ventilation, and ergonomics. The University will not be responsible for operating costs associated with the employee's Telework or Remote Work location, including but not limited to internet and cell phone service, utilities, home maintenance, or other incidental expenses. All work-related incidents or injuries should be reported in the normal manner outlined in [University Policy 101.7, Workers' Compensation](#). Failure to maintain a safe working environment or to report incidents in accordance with University policies may result in restrictions to, or revocation of, Telework or Remote Work privileges.

Policies and Procedure Acknowledgement (Required by Supervisor and Employee)

Policy/Procedure	Employee Initials	Supervisor Initials
I have read and understand University Policy 101.22, Flexible Work Arrangements for SHRA and EHRA Non-Faculty Employees https://legal.charlotte.edu/policies/up-101.22 and any departmental telework or remote work guidance.		
I understand that I am required to comply with all applicable timekeeping and overtime regulations defined by state or federal law (e.g., the Fair Labor Standards Act, and University policy).		



I understand that work-related injuries at my alternate location during agreed-upon working hours may be covered by Workers' Compensation. I am required to report any work-related illness or injury to my manager immediately and am required to fill out an accident report as an internal record of the incident within 24 hours of the event or claim.		
I attest that I have reviewed my Telework/Remote workplace and agree that: <ul style="list-style-type: none"> The workspace is arranged to minimize glare and visual discomfort. The workspace is free of tripping hazards. The workspace seating is sturdy and free from damage and the seat and backrest are supportive and allow for a comfortable upright position. The keyboard and mouse are situated at elbow level and allow arms and wrist to be in a neutral position. The monitor/screen is positioned to prevent eye and neck strain. I will take necessary breaks to eliminate excessive keying and give hands and wrists a break. I will adhere to neutral posture, stretching and other standard ergonomic practices as appropriate. 		
I agree to maintain the confidentiality of all University information and documents and prevent unauthorized access to any University system or information.		
I agree to follow secure computing standards and guidelines: <ol style="list-style-type: none"> Standard for Teleworking and Remote Work Security of Endpoints Security of Applications Security of Systems Standard for Encryption Controls 		
Employee has taken the following required training prior to start of this arrangement: Contributing as a Virtual Team Member - Employee Training (for employees)		
Supervisor has taken the following required training prior to start of this arrangement: Establishing Effective Virtual Teams - Manager Training (for supervisors)		

Employee Signature: _____ Date: _____

I agree to ensure that the employee named herein is provided with the resources, training, equipment and supplies necessary for effective telework or remote work. I agree that I have thoughtfully considered how to successfully onboard and integrate the telework or remote work employee named herein into the unit's teams, culture and opportunities.

Manager Signature: _____ Date: _____

Other Department Approver Signature: _____ Date: _____

Divisional Vice Chancellor Signature: _____ Date: _____

Telework/Remote Work Arrangement Renewal Form

Telework/Remote Work Arrangement Renewal Form

1201

DocuSign Envelope ID: 18941196-4236-4490-89BF-4B1192628353



RENEWAL FORM TELEWORK/REMOTE WORK AGREEMENT

This Telework/Remote Work Agreement Renewal Form must be submitted by the employee for approval by their manager/supervisor to renew an existing Telework/Remote Work Agreement. This form is only to be used if there are no changes required to the existing telework/remote work arrangement.

The renewal form will remain effective for up to 12 months (between September 1 – August 31 annually).

If there are any changes to the Teleworking/Remote Work Agreement, including changes to the employee's Teleworking or Remote Work location, department, or number of days, a new Telework/Remote Work Agreement/Request [Form](#) must be submitted.

See University Policy 101.22, Flexible Work Arrangements for SHRA and EHRA Non-Faculty Employees, at <https://legal.charlotte.edu/policies/up-101.22>.

Employee Information

Last Name:		First Name:	MI:
Employee ID:	Division:		Department Name:
Manager Name:			
Previous Arrangement Effective Dates:	Start Date:	End Date:	
Renewal Arrangement Effective Dates:	Start Date:	End Date: (Maximum renewal period is one year)	

Policies and Procedure Acknowledgement (Required by Manager and Employee)

Policy/Procedure	Employee Initials	Manager Initials
I have read and understand University Policy 101.22, Flexible Work Arrangements for SHRA and EHRA Non-Faculty Employees https://legal.charlotte.edu/policies/up-101.22 , and any departmental telework or remote work guidance.		
I understand that I am required to comply with all applicable timekeeping and overtime regulations required by University policy and applicable state and federal law.		
I have read and agree to comply with University Incident Reporting & Investigation PIM #27 to report any work-related illness or injury occurring at my remote work site to my manager immediately and to complete and submit an online Employee Incident Report form within 24 hours of the incident.		
I agree to maintain the confidentiality of all University information and documents and prevent unauthorized access to any University system or information at the remote work location.		

I agree to follow secure computing standards and guidelines:			
<ol style="list-style-type: none"> Standard for Teleworking and Remote Work Security of Endpoints Security of Applications Security of Systems Standard for Encryption Controls 			
Employee Signature:			
Manager Signature:		Date:	

Reminder: If there are any changes to the Teleworking/Remote Work Agreement, including changes to the employee's Teleworking or Remote Work location, department, or number of days, a new Telework/Remote Work Agreement/Request [Form](#) must be submitted.

Common Mistakes To Avoid

- ❖ The employee has not completed the required ***Contributing as a Virtual Team Member*** training
- ❖ The manager/supervisor has not completed the required training ***Establishing Effective Virtual Teams***
- ❖ Agreement was ***not*** forwarded to the Divisional Vice Chancellor
- ❖ Agreement end date exceeds one year or August 31
 - ❖ Agreements must have an end date of **on or before August 31** to align with the academic year regardless of the start date
- ❖ Employee remote work location physical address is incomplete



Teleworking Out-of-State

- If a potential need arises for an employee to work for the University from a worksite outside of North Carolina for more than one month, the employee must complete an Out-of-State Work Arrangement Request Form at least 60 calendar days prior to the proposed start date of the arrangement.
- Employees considering a Teleworking or Remote Work arrangement outside the State of North Carolina must review the out-of-state employee guidance.
- Any arrangement which is out of state or beyond 100 miles from campus must be approved by the AVC-HR and reported to the University Tax Office prior to starting. *There is a separate form to be completed for out-of-state arrangements.*



Understanding The Intersection Between Teleworking and Medical Leaves

Teleworking and the FMLA

- Flexible Work Arrangements are **not** a substitute for sick leave or FMLA leave.
- In cases in which an employee requests permission to Telework or Remote Work temporarily due to a medical emergency, a completed and approved Telework/Remote Work Agreement is required *even if the arrangement does not exceed 30 days.*
- Applies to a continuous leave of absence.
- A medical certification form or a fitness for duty statement completed by the employee's treating physician must be submitted in order to determine if the employee is able to Telework/Remote Work and what, if any, restrictions or accommodations are necessary.



Teleworking and the FMLA

Important Reminders!

- ❑ Teleworking employees must report their need for FMLA leave to their supervisor as soon as they become aware of their need for leave
- ❑ Complete the required FMLA forms and provide supporting documentation as requested by the Benefits Office
- ❑ Employees are strictly prohibited by University policy from performing any University work while on approved intermittent or continuous FMLA leave
- ❑ Employees on intermittent FMLA must enter their FMLA leave time in Kronos
- ❑ If employee is on continuous FMLA, the supervisor is responsible for entering the time in Kronos
- ❑ Employees must submit a return-to-work form from the provider before coming back from FMLA leave



Teleworking As A Reasonable Accommodation

- Teleworking may be approved on a temporary or as-needed basis as a reasonable accommodation to address a variety work-related barriers
- Examples of work-related barriers can include:
 - Difficulty commuting to and from work due to disability-related reasons
 - Environmental issues (*e.g.*, construction activities, exposure to chemicals/irritants, temperature sensitivity, problematic lighting, etc.)
 - Lack of privacy to manage personal/medical needs, like using the restroom, taking medication, or receiving treatment



Teleworking As A Reasonable Accommodation

- Employees must communicate their need for an ADA accommodation to their supervisor as soon as they become aware of such need
- Employee is responsible for completing the required ADA forms and submitting supporting documentation as requested by Human Resources
- A telework arrangement will only be approved as a reasonable accommodation if the employee is able to perform all of the **essential functions** of the job while teleworking
- Employee must agree to abide by the terms of the ADA approval letter and University Policy 101.22



Teleworking and Workers' Compensation

- Employees working under a flexible work arrangement, including at an alternate work site, are covered by the University's workers' compensation policy for any job-related injuries that occur in the course and scope of employment during approved work hours
- In cases where the home and alternate work location are the same, workers' compensation will not apply to non-job-related injuries that might occur at the off-site alternate work location
- Employees must **immediately** report any job-related injury occurring at an alternate work location to their supervisor and submit the **Employee Incident Report** form
- Failure to comply with workplace safety standards may impact workers compensation eligibility



Important Links & Resources

- ❑ [University Policy 101.22, Flexible Work Arrangements for SHRA and EHRA Non-Faculty Employees](#)
- ❑ [DocuSign: Telework/Remote Work Agreement/Request Form](#) -
- ❑ **Required Supervisor Training:** [Establishing Effective Virtual Teams](#) (30 min)
- ❑ **Required Employee Training:** [Contributing as a Virtual Team Member](#) (18 min)
- ❑ [Flexible Work Arrangements - FAQs](#)
- ❑ [Telework and Remote Work Self-Certification Checklist](#)
- ❑ [Telework Guidance for Supervisors](#)
- ❑ [PIM-16 Normal and Variable Work Schedule for SHRA Employees Subject to the FLSA](#)
- ❑ [University Policy 701, Campus Operation Status, Including Adverse Weather and Emergency Events](#)
- ❑ [UNC Charlotte Standard for Teleworking and Remote Work \(OneIT\)](#)
- ❑ [Out-of-State Employee Guidance](#)
 - ❑ [Out-of-State Work Approval Form](#)



Questions?



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