

DEPARTMENT OF HIGHER EDUCATION & WORKFORCE DEVELOPMENT

POLICY STATEMENT

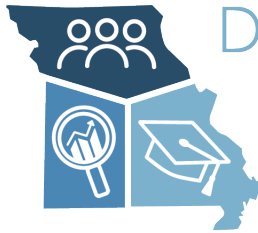
Subject: Telecommuting	Issued: 8-28-2019	Policy Section: HR
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The Department of Higher Education and Workforce Development (Department) considers telecommuting as an alternative work arrangement, which allows or may require the employee to work in an alternative location for all or part of their regular work schedule. Telecommuting may be approved or required based upon a business need, a workplace flexibility arrangement, as an accommodation, or during an emergency such as a weather-related disaster or pandemic.

Telecommuting does not change the basic terms and conditions of employment with the Department. All other Department policies continue to apply to a telecommuting employee. It is a work alternative and is intended to enhance productivity, creativity, employee satisfaction, reduce operating costs, provide an accommodation, and/or to ensure continuity of essential Department operations during an emergency.

General Provisions

- Any employee of the Department may request an alternative work arrangement. Each request will be reviewed on a case-by-case basis. The Department will consider job function, employee responsibilities, team function, customer service, business need and other job related factors when making a determination. Telecommuting work alternatives must be approved by the appropriate supervisor, Assistant Commissioner, and Human Resources Director.
- An employee of the Department who is not approved to telecommute permanently may be allowed or required to telecommute in response to a weather-related event, disaster, or pandemic, temporarily, not permanently, to ensure continuity of essential Department operations.
- An employee may be deemed “essential” and be asked to continue to work at their typical work facility due to the need to assist the public while other employees are allowed or required to telecommute in response to a weather-related disaster or pandemic. Any employee with an underlying health condition that creates a personal concern in these situations should contact their Human Resources Coordinator directly.
- The Department may discontinue an alternative work arrangement at any time (i.g. If it determines that Department and/or employee’s needs are not being met or at the direction of the Commissioner of Higher Education following an emergency when it is deemed appropriate.)
- An employee may request at any time to discontinue the alternative work arrangement. An employee’s request to discontinue an alternative work arrangement will not be automatically granted, but will be considered by the appropriate supervisor, Assistant Commissioner, and Human Resources Director.
- In order to be considered for an employee-requested alternative work arrangement, an employee must have completed their initial probationary period (if employee has merit status), not been



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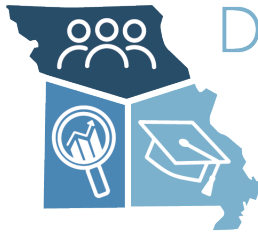
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subject to disciplinary action within the last twelve (12) months, and demonstrated successful performance for the past twelve months as determined by their immediate supervisor.

- Employees entering into a telecommuting arrangement may be required to forfeit use of a personal office or workstation in favor of a shared arrangement to maximize space needs.
- Employees remain obligated to comply with all Department policies and procedures.
- Supervisors may require employees to report to the office as needed for work-related meetings or events.
- Telecommuting employees who work within a 100-mile radius will remain domiciled at the Department's headquarters in Jefferson City. Telecommuting employees who work outside a 100-mile radius will be domiciled at their alternate work site. All policies, including travel and reimbursement policies, apply to the employee whether working at the employee's alternate work site or at the Department's headquarters.
- If deemed appropriate by the Commissioner of Higher Education, telecommuting on a short-term or part-time basis may be awarded to employees as a reward for exceptional performance, meeting important goals or deadlines, or for any other reason deemed appropriate by the Commissioner of Higher Education.
- An employee that is unwilling or unable to utilize personal equipment and/or resources in order to work remotely will be required to report to the work place.

Job Responsibilities

- The employee's job responsibilities and expectations do not change due to the telecommuting arrangement.
- During an emergency, it is understood by the Department that some employees required to telecommute may not be able to perform all essential functions while working off-site. However, the employee is required to make every reasonable effort to perform all essential functions possible. The employee is required to meet the minimum forty (40) hours within the work week (Sunday 12:00 am through Saturday 11:59 pm).
- For an employee-requested telecommuting arrangement, the employee and immediate supervisor will agree on the number of days of telecommuting allowed each week, the work schedule the employee is to maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone or email within a reasonable time period during the agreed work schedule.
- Telecommuting employees are not exempt from the requirements of the Fair Labor Standards Act. A non-exempt (Code 2) employee is eligible to earn compensatory time at a rate of time and one-half when physical hours worked are in excess of the normal work week (40 hours).



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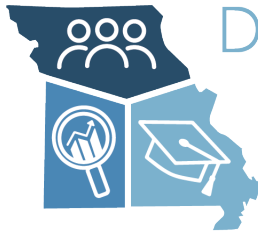
- A Code 2 employee is required to obtain authorization from their supervisor prior to working overtime and is required to record all hours worked as outlined in the Employee Leave Policy. Failure to comply with this requirement may result in immediate termination of the telecommuting arrangement.
- Employees who were previously approved for telecommuting must complete the Telecommuting Application annually each year no later than the first business day of the year. A copy of this form will be kept in the employee's personnel file.
- Employees who were previously approved for telecommuting but desire to change their work schedule must complete a new Telecommuting Application and receive approval from their supervisor, Assistant Commissioner, and Human Resources before beginning the new work schedule.

Data Protection

- Consistent with State policy regarding information security, telecommuting employees are expected to ensure the protection of information accessible from their work location. Employees are required to secure all physical and electronic information.
- Confidential and/or restricted access materials may not be taken out of the office, copied, or compromised in any way. Employees working at alternative sites will take all precautions necessary to secure sensitive information and prevent unauthorized access to the Department and/or State systems.
- All physical and electronic documents created at the alternative work location must be retained and/or destroyed in accordance with the applicable document retention schedule and the Missouri Sunshine Law, RSMo. Chapter 610.
- Employees are required to comply with all confidentiality requirements that would apply to work in the office while telecommuting. If the Department determines that telecommuting employees must take confidentiality training, telecommuting employees will comply with the training requirements.

Technical Provisions

- An employee is required to provide and maintain the OA-ITSD recommended internet speed/access needed for an effective telecommuting work environment. The Department will not reimburse internet charges for telecommuting employees.
- The Department will determine the appropriate electronic equipment needs (including hardware, software, modems, phone and data lines, facsimile equipment or software, and photocopiers) for each telecommuting agreement on a case-by-case basis.
- Equipment supplied by the Department will be maintained by the Department.



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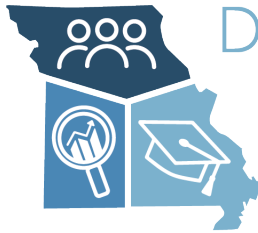
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- Department and/or State equipment may not be used for personal activities or by unauthorized personnel.
- The employee shall be assigned inventory and must take appropriate action to protect all inventory from damage or theft.
- Any equipment purchased by the Department remains the property of the Department and will be returned should the alternative work arrangement be discontinued or the employee cease working for the Department.
- In some circumstances, such as unexpected weather-related disasters or pandemics, employees may be required to use their own personal equipment, such as a personal laptop, desktop computer, or phone, to telecommute.
- Equipment supplied by the employee, if deemed appropriate by the Department, will be maintained by the employee. The Department accepts no responsibility for damage or repairs to employee-owned equipment. The Department reserves the right to make determinations as to appropriate equipment and is subject to change at any time.
- The Department will provide software necessary for the employee to complete work assignments.
- Software owned or licensed by the Department may not be duplicated except as formally authorized by policy.
- Employees using Department software must adhere to the manufacturer's licensing agreements.
- Supplies required to complete work assignments at alternative locations, such as pens, notepads, markers, earbuds, etc., will be obtained during the employee's in-office work periods or through agreement between the employee and the immediate supervisor. Purchase of these items will not be reimbursed on an expense report.
- With the exception of adhering to the requirements of the Americans with Disabilities Act to the extent they are applicable to telecommuting employees, generally, the Department will not supply office furniture, including but not limited to, a desk, chair, lighting, etc., in the employee's telecommuting workspace.
- Employees are encouraged to verify with a tax professional if any expense personally incurred due to remote work is eligible for itemized deduction on personal income tax filing.

Accommodation Requests

- Employees on medical leave who desire to telecommute during some or all of their medical leave may be allowed to telecommute if approved by the employee's supervisor, Assistant Commissioner, and Human Resources Director.



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- Employees telecommuting while on medical leave must provide a statement to the Human Resources Director from their health care provider, prior to commencing the telecommuting arrangement, releasing the employee to telecommute during the scheduled medical leave.
- The medical statement must indicate any work restrictions.
- The employee may not work in excess of eight (8) hours per day.
- During an emergency, due to the sudden and likely short-term nature of the required telecommuting, the Department may not be able to offer certain accommodations, such as specific furnishings. When feasible and safe, an individual may transport disability accommodation related equipment that is easily transportable home for the duration of the telecommuting work, such as chair, ergonomic keyboard, footstool, etc. The employee is responsible for securing approval from Human Resources to enter the facility and retrieve the equipment. The employee is further responsible for arranging transportation of the equipment. The Department will not provide assistance in transporting equipment.
- All disability-related equipment removed from the facility must be returned in the same condition following the emergency when facility reopens to staff. The Department will not replace equipment removed from the facility and not returned.

Exception

The Department recognizes that an employee may occasionally, with a supervisor's approval, work for one day or less from home for a personal or weather related reasons. In this situation, a formal telecommuting work arrangement pursuant to this policy is not required. This occasional alternative arrangement is to be infrequent and not violate the spirit of the Telecommuting Policy.