



**Telecommuting Procedure**

Intent:

This procedure is intended to provide information and processes for creating telecommuting agreements between an employee and their supervisor.

Scope:

This policy and procedure apply to all employees of the University of Wisconsin-Whitewater. This policy does not apply to telecommuting agreements that are part of a reasonable accommodation under the Americans with Disabilities Act of 1990 or a religious accommodation under Title VII of the Civil Rights Act of 1964.

Definitions:

**Telecommuting.** An employment arrangement in which an employee performs their job functions from an approved alternate worksite other than the employee’s primary headquarters location (main office), one or more days per month on a standard and recurring basis.

**Intermittent Telecommuting.** An unplanned period of telecommuting arising out of transient circumstances (e.g. weather emergency, temporary school closure, etc.) lasting no longer than ten (10) consecutive business days.

**Short-Term Telecommuting.** A continuous period of part-time or full-time telecommuting lasting no longer than three (3) months.

**Long-Term Telecommuting.**  A continuous arrangement for part-time or full-time telecommuting subject to at least annual review.

**Supervisor.** A person(s) responsible for the productivity and actions of an employee or employees and/or the designated HRS approver for leave requests. This includes department chairs, directors and anyone with manager/supervisor in their title.

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## Guiding Principles:

Telecommuting agreements are supported if:

1. The employee meets the eligibility requirements outlined below
2. The duration and form of telecommuting is clearly defined, as described below
3. The agreement meets the limitations outlined below
4. The employee can fulfill the responsibilities outlined below
5. Both the employee and the University of Wisconsin - Whitewater (or its students) benefit from the agreement

## Eligibility:

Employees who meet the following criteria are eligible for telecommuting agreements:

1. Only employees whose job duties can be fulfilled from a remote location are eligible for a telecommuting agreement.
2. Telecommuting is only available if the work unit and institution have the ability to monitor or measure the work product produced by the employee during the period of telecommuting.
3. Telecommuting is only available to employees who have all tools required for their job available to them at the remote location, as determined by the employee’s supervisor. A safe working space, insurance, utilities, and other services for the remote workspace must be provided by the employee at their own expense as a condition of the telecommuting agreement.
4. Prior to beginning a telecommuting arrangement, the employee must certify to the employer that their remote workspace meets minimum safety requirements.

Duration and Form of the Telecommuting Agreement:

The University of Wisconsin-Whitewater recognizes that telecommuting can have various meanings. Below we define both duration and form of telecommuting at UW-Whitewater.

1. Intermittent Telecommuting is permitted for an eligible employee without a formal written agreement upon the mutual consent of the employee and their supervisor. This agreement will last no longer than ten (10) consecutive business days.
2. Short-Term Telecommuting is permitted for eligible employees based on this practice directive and procedures of UW-Whitewater. Any telecommuting agreement longer than two weeks must utilize the [Telecommuting Application and Approval Form.](https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/telecommuting/#form)
3. Long-Term Telecommuting is permitted for eligible employees based on this practice directive and procedure. Long-term telecommuting arrangements must utilize the [Telecommuting Application and Approval Form.](https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/telecommuting/#form)

Limitations:

The University of Wisconsin-Whitewater has limitations to all telecommuting agreements. Each agreement will be subject to these limitations.

1. The approval or end of a telecommuting agreement does not affect or change an employee’s conditions of employment, salary, or benefits if the employee was not hired as a remote employee.
2. Any telecommuting agreement which involves the employee working outside of the State of Wisconsin requires the approval of the Vice Chancellor overseeing the employee’s work area. Such approval shall only be granted after consultation with Office of General Counsel regarding the tax and employment law implications of remote work based out of state.  A supplemental agreement may be required as part of the approval for out-of-state telecommuting.
3. An employee who has more than one (1) position within the University will need a request form submitted and approved by each position supervisor.
4. Maintenance of any University-owned equipment issued to a telecommuting employee will be performed only by a University-authorized technician. Maintenance and repair of employee-owned equipment is the responsibility of the employee.

Responsibilities:

The University of Wisconsin-Whitewater defines roles and responsibilities regarding telecommuting below.

**Employee Responsibilities**:

1. Employees who are telecommuting are required to attend meetings, work, or other functions away from their alternate workspace, if circumstances require such travel.
2. Employees who are not FLSA-exempt must report actual hours worked and may not work overtime, or additional hours that generate night or weekend differentials, without receiving supervisor approval in advance of the overtime work being performed. Night and weekend differentials are not available when a telecommuting employee chooses to shift their work hours into a night or weekend period for the employee’s benefit or convenience.
3. Employees who are telecommuting will work their approved normal work schedule during the period of the telecommuting arrangement unless an alternate schedule is agreed upon in advance.
4. Employees who are telecommuting must be available during their approved normal work schedule. Employees should be reachable by telephone, video conferencing, or some other form of live communication during the workday, as per the arrangements with their supervisor and co-workers.
5. An employee operating under a telecommuting agreement is subject to the same notification, approval, and reporting requirements for sick leave or other paid time off as if the employee were working at the organization’s primary headquarters.
6. Employees who are telecommuting must have general liability homeowner’s or renter’s insurance. Employees are responsible for notifying their homeowner’s or renter’s insurance company of their intent to work from home. Employees may not host UWS business visitors, including other employees, in their home. The employee must provide the employer with evidence of insurance upon request.
7. Employees who are telecommuting are responsible for complying with all [University of Wisconsin System risk management](https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/information-security-risk-management/) and information technology security and access policies while in their alternate workspace, as well as any [UW-Whitewater](https://www.uww.edu/policies) policies covering these subjects, to the same extent as if they were working at their primary headquarters location.
8. An employee who has more than one (1) position within the University will need a request form submitted and approved by each position supervisor.

**Supervisor Responsibilities**:

1. Review and respond to any telecommuting requests for their employees in a timely manner (10 business days).
2. Forward any approved telecommuting agreement longer than intermittent telecommuting to the appropriate Vice Chancellor overseeing the employee’s work area.
3. Forward telecommuting agreement to HR.
4. If the employee is seeking to telecommute from a location outside the state of Wisconsin, the approval of a Vice Chancellor is required. It is the supervisor’s responsibility to forward this to the appropriate Vice Chancellor for approval.

**Vice Chancellor Responsibilities**:

1. Vice Chancellor responsibility is making sure the use of telecommuting is consistent and equitable across similar units within their purview.
2. Approval of any telecommuting agreements from a location outside of the state of Wisconsin. Such approval shall only be granted after consultation with Office of General Counsel regarding the tax and employment law implications of remote work based out of state.  A supplemental agreement may be required as part of the approval for out-of-state telecommuting.

# Approval:

The University of Wisconsin Whitewater will follow the same approval flow for each telecommuting agreement on campus.

1. Submitted telecommuting agreements are routed to the employee’s supervisor, at minimum.
2. Telecommuting agreements may be discontinued with 30 days’ notice by either the employee or University of Wisconsin - Whitewater at any time without cause. The 30-day notice period can be altered by mutual agreement of employee or supervisor. If urgent, exigent circumstances require a shorter notice period to meet an important interest of the UW System.
3. Telecommuting agreements may be modified at any time at the discretion of the employee’s supervisor. Employees should receive reasonable notice (15 days) in advance of any modification.  The length of the notice should be guided by the interests behind the modification balanced with the employee’s needs.

Appeals:

The University of Wisconsin Whitewater believes in fair and equitable guidelines for all employees.

If an employee is dissatisfied with a decision regarding the approval, modification, or termination of a telecommuting agreement, the employee may bring any issues or concerns to Human Resources, who will attempt to achieve resolution through a mediation process including employee, employee’s chosen representative, the HR director, and the Supervisor.

If the issue or concern is still not resolved, a final review committee will be established, to include the employee, the supervisor, the HR director (or designee), a representative from the relevant governance group, and the relevant Vice Chancellor (or designee who was not involved in the approval process). This committee will be convened in a timely manner to resolve the matter.

# Resources:

UW System Policy:

<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/telecommuting/>

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### Administration:

Approval Details

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