Telecommuting/Telework Guidelines

# Telecommuting/Telework Policy for Cal Poly Employees

The purpose of this policy is to define the telecommuting program for eligible employees at Cal Poly, San Luis Obispo (the University) and the guidelines and rules under which it will operate. This policy applies to all telecommuting activities of the University and is authorized by Government Code sections 14200-14203. All managers and telecommuters should be familiar with the contents of this policy.

The University supports the use of a telecommuting work option in positions where appropriate. The Telecommuting/Telework program recognizes the benefits available through a planned and managed telecommuting program. Such an option can save commute time and expense for staff, relieve some of the congestion on campus, provide opportunities for disabled or mobility impaired staff, and offer some uninterrupted time for concentrated work. Cal Poly is an Affirmative Action/Equal Opportunity Employer/Minorities/Females/Vet/Disability. For further information, please view the Office of Federal Contract Compliance Programs (OFCCP) Employment Equity is the Law [notice](http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf) and its [supplement](http://www.dol.gov/ofccp/regs/compliance/posters/pdf/Supplement_English.pdf) at <http://www.dol.gov/ofccp/>.

The opportunity to participate in a telecommute program is offered only with the understanding that it is the responsibility of the employee to ensure a safe and proper work environment is maintained (e.g. dependent care arrangements are made so as not to interfere with the work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum, etc.). Failure to maintain a safe and proper work environment provides cause for an employee’s immediate termination from this program.

Telecommuting opportunities are based upon program requirements as determined by the appropriate Vice President. Eligibility of represented employees may vary from bargaining unit to bargaining unit, depending upon negotiated agreements.

# Definition

Telecommuting (also known as “telework”), as defined by the California Government Code, “means the partial or total substitution of computers or telecommunication technologies, or both, for the commute to work by employees residing in California.”

# Employee Selection

Telecommuting is only feasible for those job duties that can be performed away from the main office. Participation shall be based on specific, written, work-related criteria established by the employee’s manager and approved by the appropriate Vice President. The employee’s manager must make the selection criteria known to eligible employees. Such selection criteria may include reasonable accommodation provisions for permanently disabled employees, and temporarily disabled employees. Proposed selection and work schedules must be approved by the appropriate Vice President.

Employee participation in a telecommuting program is voluntary.

# Work Schedule

Telecommuters shall maintain regular contact with the manager, supervisor and co-workers. In addition, the manager shall take actions to prevent the employee from becoming isolated from central office staff. Therefore, the telecommuter shall spend a minimum of one day per week at the campus, except under unusual conditions approved in advance by the manager.

Operational needs take precedence over telecommute schedules. The employee will forgo telecommuting if needed in the office on the regularly scheduled telecommute day. All telecommuting work schedules are discretionary and require prior management approval. The work schedule shall be consistent with the operational needs of the employee’s work and the provisions of the employee’s collective bargaining agreement. As with any work schedule, temporary telecommuting assignments or changes in work schedules may be made at management’s discretion to meet management needs or to accommodate an employee’s request.

For non-exempt employees, overtime shall be authorized in advance by management in accordance with the provisions of the employee’s collective bargaining agreement and/or campus policies and procedures. For exempt employees, hours of availability must by approved by the manager.

# Equipment Needs, Cost Factors, and Equipment Check-out Process

Telecommuters usually require a computer with internet access and/or a telephone to communicate with people and access the information needed to perform their responsibilities. Equipment needs shall be confirmed through the completion of the “Telecommuter’s Agreement” (copy attached). The manager and the employee must confirm with appropriate Information Technology staff (Division/Department/ITS LAN Coordinator) that the equipment used at the off-site office is compatible with the campus equipment.

Before authorizing participation in the telecommuting program, the manager and the employee shall agree on the business-related/information technology equipment and associated costs that will be provided by the department and those which will be provided by the employee. Options to consider are:

1. The employee may voluntarily supply his or her own equipment and software. In so doing, the employee assumes responsibility for maintenance and repair costs.
2. The employee may, with the manager’s approval, move equipment and software from the campus to the telecommuting site. No hardware or software changes may be made without appropriate approval.

All State property that is taken off-campus must be documented through the Property Accounting Office. Contact the Property Accounting Office at 756-2570 or the [Fiscal Services/Property Accounting web site](http://www.afd.calpoly.edu/FiscalServices/forms.asp) at:

(<http://www.afd.calpoly.edu/FiscalServices/forms.asp>) to obtain a copy of the “Off-Campus Equipment Control Policy and Procedure” and the authorization form.

# Technical Support, Maintenance, Repair and Replacement

Maintenance and repair of State owned equipment issued to telecommuters will be the responsibility of the Department. Equipment must be returned to the campus for appropriate maintenance/repair. The employee is responsible for installing, configuring and updating all software on their equipment and complying with software licensing agreements. The University will not provide technical/computer personnel support at the off-site location, but will provide [Help Desk](http://servicedesk.calpoly.edu/forms/computing_support/index.html) assistance for supported software (<http://servicedesk.calpoly.edu/>) provided by the University. The University will not provide technical support beyond basic level 1 Help Desk phone support and during established operating hours. In the event of equipment malfunction, the telecommuter must notify his/her supervisor immediately. If repairs will take some time, the employee may be asked to report to the campus until the equipment is usable. Repairs to State equipment that result from employee’s negligence will be the responsibility of the employee.

Replacement of State owned equipment that is stolen or destroyed/damaged through negligence will be the responsibility of the telecommuter.

# Confidential and Sensitive Information

All State employees, including telecommuters, are expected to adhere to University policies and practices. This includes the policy on responsible use of information technology resources and confidentiality and security of University information handled in the course of employment (for more details, refer to the [Information Security web page](http://www.security.calpoly.edu/policies/) <http://www.security.calpoly.edu/policies/>).

# Health and Safety

Telecommuting employees are responsible for ensuring that their off-site work location complies with health and safety requirements and must so certify as part of their “Telecommuter’s Agreement.” The University may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on safety considerations.

If an employee incurs an injury while telecommuting, workers’ compensation law and rules apply. “Telecommuting” is defined as the actions directly related to working from an off-site location, and does not include actions that the telecommuter may take during break periods from working. These non-covered actions would include all actions that the employee would not be able to perform in his/her campus office, or which are directly related to the operation of the home. Examples of such non-covered actions include caring for children, domestic tasks, yard work, checking mail, retrieving the newspaper, etc. In the event of a workers’ compensation injury or illness, employees must notify their supervisor and manager immediately and complete all necessary and/or management requested documents regarding the injury.

# Conditions of Employment

All duties, responsibilities and conditions of employment remain the same for those who telecommute. Employee salary, retirement, benefits, insurance remain unchanged. The use of sick leave, vacation, or other leave must be preapproved by the employee’s supervisor in the same manner as when working in the regular office.

# Termination of Participation

Because participation in telecommuting is a bilateral voluntary agreement, the University may terminate an individual employee’s participation in the program without cause, at any time, with advance written notice. Whenever feasible such notice will be provided at least 21 calendar days prior to the termination of the program. Termination of the employee’s participation *for cause* may be immediate and does *not* require advance written notice.

The employee may also request to terminate participation, without cause, at any time. The University will make arrangements for the employee to begin working at the main office as quickly as possible, but not later than 21 days after notification by the employee.

# Telecommuter’s Agreement (HR 400 Form)

The “Telecommuter’s Agreement” is to be completed for those employees who are engaged in a clearly defined telecommuting assignment. It provides a way to verify that all essential parts of the start-up of a telecommuting arrangement with an employee have been covered prior to the actual start of telecommuting. The “[Telecommuter’s Agreement](http://www.afd.calpoly.edu/hr/forms.asp#telecommute)” must be signed by both the manager and the telecommuter prior to the start of telecommuting and must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program are well understood. The form may be found at <http://www.afd.calpoly.edu/hr/forms.asp#telecommute>.

# Renewal of Telecommuting Agreements

Each telecommuter/manager agreement should be discussed and renewed annually, whenever there is a major job change or whenever the telecommuter or manager changes positions. Because telecommuting was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and manager characteristics, a change in any one of these elements will require a review of the telecommuting arrangement.

Telecommuting is a work arrangement between an individual employee and his or her manager. The employee has no automatic right to telecommute. A manager has no authority to require an employee to telecommute. Telecommuters and new managers are encouraged to continue telecommuting arrangements by mutual agreement. Neither should be required to continue a telecommuting arrangement when it is not in the best interests of either or both, or the University.

# Tax Implications

The tax implications of utilizing a home office deduction are the responsibility of the employee.