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Telecommuting   
Toolkit

Developed by

The South Carolina Department of Administration’s

Division of State Human Resources

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Contents

[Introduction 3](#_Toc74317637)

[Definitions 3](#_Toc74317638)

[The Business Case for Telecommuting 4](#_Toc74317639)

[Telecommuting Guidelines 6](#_Toc74317640)

[Possible Telecommuting Arrangements 9](#_Toc74317641)

[Selecting Telecommute Participants 10](#_Toc74317642)

[Managing Employee Performance 12](#_Toc74317643)

[The Alternate Workplace, Data and Equipment 13](#_Toc74317644)

[Telecommuting as an ADA Accommodation 14](#_Toc74317645)

[Frequently Asked Questions 14](#_Toc74317646)

[Implementing a Pilot Program 16](#_Toc74317647)

[Implementing a Long-Term Telecommuting Program 17](#_Toc74317648)

[Agency Telecommuting Checklist 20](#_Toc74317649)

[Model Telecommuting Policy 21](#_Toc74317650)

[Sample Telecommuting Application 26](#_Toc74317651)

[Sample Telecommuting Agreement 29](#_Toc74317652)

[Sample Telecommuting Workplace Safety Checklist 33](#_Toc74317653)

[Sample Telecommuting Activities Form 35](#_Toc74317654)

[Suggested Space Guidelines for Telecommuting Employees 36](#_Toc74317655)

[Business Case for Telecommuting 37](#_Toc74317656)

[Telecommuting Tracking Spreadsheet 38](#_Toc74317657)

## Introduction

Section 8-11-15(B) of the South Carolina Code of Laws says that state agencies “may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.”

The South Carolina Department of Administration’s (Admin) Division of State Human Resources (DSHR) designed this toolkit to provide agencies guidance on the design and implementation of telecommuting programs.

Telecommuting is a work arrangement where selected state employees are allowed to perform the normal duties and responsibilities of their positions, through the use of computers or other telecommunication equipment, at home or at another alternate work location apart from the employee's usual location of work. Telecommuting may be a part-time or a full-time arrangement. Telecommuting is an option offered at the agency’s discretion and is not an employee entitlement or right. If telecommuting is approved for an employee, the agency retains discretion to withdraw the approval of telecommuting at any time and with or without cause.

Agencies considering a telecommuting program should review the information in this toolkit carefully. Agencies are also strongly encouraged to implement a pilot telecommuting program with a small group of employees prior to implementing a long-term or large-scale telecommuting program. Information concerning the implementation of a pilot telecommuting program is provided in this toolkit.

The following documents are provided to assist agencies in developing telecommuting programs:

* Agency Telecommuting Checklist
* Model Telecommuting Policy
* Sample Telecommuting Application
* Sample Telecommuting Agreement
* Sample Telecommuting Workplace Checklist
* Sample Telecommuting Activities Form
* Suggested Space Guidelines for Telecommuting Employees
* Sample Business Case for Telecommuting
* Telecommuting Pilot Tracking Spreadsheet
* Spreadsheet to Record Telecommuting in SCEIS
* Required Telecommuting Reporting for Non-SCEIS organizations

For additional assistance, please contact the Division of State Human Resources (803-896-5300).

## Definitions

**Telecommuting:** A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with work agreements. Also known as teleworking or remote work. Three main categories of telecommuting can exist:

* Regular, recurring telecommuting. May be full-time or part-time, such as one or two days a week or parts of each workday (to avoid peak commuting hours). This level of telecommuting requires a formal agreement between the employee and the agency. The time telecommuting must be tracked in SCEIS or as required for non-SCEIS agencies.
* Periodic, intermittent telecommuting arrangements may arise, for example, where an employee is assigned a project with a short timeframe or one that requires uninterrupted time to complete. This level of telecommuting does not require a formal agreement or checklist process. While it is not required that employees in these arrangements sign a telecommuting agreement, it is advised that the agency document the approval of the periodic, intermittent telecommuting arrangement in writing with the employee.
* Temporary or emergency telecommuting may be used during short-term illness, a transportation emergency due to weather, a natural disaster, pandemic health crises, or other similar unplanned emergent events. This level of telecommuting does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the agency. These arrangements should be limited to the duration of the short-term illness, transportation emergency due to weather, natural disaster, pandemic health crises, or other similar unplanned emergent event.

**Primary Workplace:** The telecommuter’s usual and customary agency workplace. This primary workplace may include time spent by the employee at the agency’s other office locations (e.g. satellite or county offices). For employees who primarily work in the field, or who are full-time telecommuters, the primary work location must still be an agency office.

**Alternate Workplace:** A workplace other than the employee’s usual and customary workplace (primary workplace) and may include the employee’s home. The alternate workplace is not an agency office.

**Telecommuting Application:** The document used by supervisors and employees to evaluate the employee’s ability to successfully telecommute.

**Telecommuting Agreement:** The signed document that outlines the understanding between the agency and the employee regarding the telecommuting arrangement. Telecommuting agreements are not transferable from one position to another.

**Telecommuter:** An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location rather than the agency’s primary location.

**Telecommuting Coordinator:** The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program.

**Childcare and Dependent Care —** Telecommuting workers may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Telecommuting is not a substitute for childcare, dependent care or other personal responsibilities. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

## The Business Case for Telecommuting

As noted previously, S.C. Code Ann. § 8-11-15(B), permits agencies to implement telecommuting when it results in greater efficiency and cost savings. Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for the agency and the taxpayers.

A well-designed telecommuting program can benefit an agency in several ways, including:

* Reduced facility costs as the amount of office space needed is reduced. This can include savings on lease payments, reduced parking fee subsidies, lower utility costs, and reduced furniture and office equipment needs.
* Improved employee productivity.
* Lower employee turnover.
* Increased retention of employees who are disabled as defined by the Americans with Disabilities Act and require an accommodation to work from home.
* Decreased recruitment cost and lower time to fill positions. Recruitment is made easier as potential candidates can be drawn from a larger geographic area and employees view the ability to telecommute as a valuable benefit.
* Lower employee absenteeism.
* Continuity of operations is supported by ensuring service is not interrupted during times of emergency when the regular work location is inaccessible.

In addition to benefits for the agency, many employees also value the opportunity to telecommute. Benefits to employees include:

* Decreased commuting costs, including lower gas and maintenance costs.
* Ability to live in an area with a lower cost of living than the primary location of the agency.
* Cost savings related to clothing, lunch and other miscellaneous expenses.
* Higher employment satisfaction.
* More flexibility as commute time is eliminated.
* Increased job satisfaction.

There are also benefits to taxpayers and the public. These benefits include:

* Reduced cost of government.
* Improved customer service as turnover is reduced and high-quality candidates are attracted to work for the state of South Carolina.
* Fewer cars on the road.

These benefits must be weighed against any increased costs to an agency which may result from a telecommuting arrangement. These costs may include:

* Increased IT costs.
* Increased time spent monitoring of employee performance and work time.
* Increased data-security costs.

Prior to implementing a telecommuting program an agency must be able to demonstrate through quantifiable measures that telecommuting provides a benefit to the agency and, by extension, the taxpayers. Agencies may be asked to provide this information to the Governor, the General Assembly, the public or other interested parties. Plans that require approval by the State Human Resources Director must include an actual or predicted positive return on investment (ROI) for the telecommuting program. Agencies that implement a telecommuting program should also update analysis to demonstrate the continued ROI at least annually to ensure telecommuting arrangements continue to serve the interests of the agency and taxpayers.

A telecommuting program should only be implemented, and will only be successful, if the service provided by the agency to the citizens of South Carolina is as good as or better when employees are telecommuting. This includes ensuring state employees are available to those seeking service, including being available in-person when needed. It is critical that citizens feel secure that agency employees will be available to help and support them when they seek services from a state agency.

## Telecommuting Guidelines

*General Statements*

1. Telecommuting is a management option and not a universal employee benefit. Telecommuting may not be suitable for all employees and/or positions. The decision to allow an employee to telecommute is solely at the discretion of the agency. The agency may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.
2. An employee's participation in the agency's telecommuting program is generally voluntary. The agency head or his/her designee may, however, designate a position as telecommuting only. In this case, telecommuting would not be voluntary.
3. The agency head or designee should select a staff member to be the Telecommuting Coordinator.
4. The Division of State Human Resources (DSHR) shall develop a Telecommuting Model Policy to assist agencies in their policy development. DSHR must review and approve each agency’s Telecommuting Policy prior to the implementation of a telecommuting program.

*Telecommuting Plan Approvals*

If more than 10% of an agency’s employees will be eligible to telecommute, the plan must be approved by the Division of State Human Resources. The plan must include the following information:

* 1. The department or division that will be allowed to telecommute (if applicable).
  2. The number of employees who will be eligible to telecommute.
  3. The telecommuting arrangement (full-time or part-time). If the arrangement is part-time, a description of the telecommuting schedule should be submitted.
  4. The cost and benefits of implementing the telecommuting plan demonstrating a positive Return on Investment (ROI) with documentation of how this will be measured.
  5. Performance and productivity measures that will be used to monitor the performance and productivity of telecommuting employees.

This information must be submitted and the plan approved prior to implementing the telecommuting plan.

*Eligibility Requirements for Telecommuting*

1. The agency should identify the job classes or positions with duties considered appropriate for telecommuting. If only some duties are appropriate for telecommuting, a schedule where the employee works part of their time out of the office may be an option. It is not necessary that every employee in these job classes or position be allowed to telecommute. This decision will be based on various factors.
2. To be eligible to apply for telecommuting, an employee should have completed one year of satisfactory employment with the agency. This requirement may be waived at the discretion of the agency head or designee if the position has been designated as a telecommuting position or for any reasons deemed appropriate by the agency head. The agency may identify a list of skills and characteristics deemed necessary for the employee to be a successful telecommuter.
3. Employees in a warning period of substandard performance are not eligible for telecommuting. In addition, employees with recent disciplinary actions should generally be prohibited from telecommuting. These requirements can be waived by the agency head or his/her designee if the position is one in which telecommuting is required or for any other reason deemed appropriate by the agency head.

*Application for Telecommuting*

1. An eligible employee shall complete an Application for Telecommuting and submit the request to his supervisor for review and final approval by the agency head or his/her designee. The Application for Telecommuting shall include the minimum requirements in the State Employee Telecommuting Guidelines.
2. Requests for telecommuting will be considered on a case-by-case basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the duties, or a portion of the duties, of the employee's position can be adequately performed while telecommuting.
3. The agency must approve the request before the employee beginning to telecommute. Upon approval, the employee agrees to follow all requirements of the agency's Telecommuting Policy and any additional requirements agreed upon by the agency and employee.

*Conditions of Telecommuting*

1. The employee's duties, responsibilities, and conditions of employment remain the same as if the employee was working at the agency's primary work location. The employee will continue to comply with federal and state laws and regulations, as well as agency policies and procedures, while working at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.
2. Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, overtime, and travel entitlement as if all duties were being performed at the employee's primary workplace.
3. Work hours, overtime compensation (for non-exempt employees), compensatory time, and leave benefits will not change as a result of telecommuting. Requests to work overtime or use sick, annual, or other leave must be approved by the agency in the same manner as when the employee is working at the employee's primary work location. **An employee shall not work overtime unless authorized in advance by the agency or as otherwise authorized by the agency's overtime policy.**
4. The employee agrees to designate a separate workspace in the alternate work site for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and the agency's equipment. To ensure the safety of the workspace, the employee agrees to complete and return to the agency a Telecommuting Workplace Safety Checklist which will certify the employee's alternate work location complies with health and safety requirements. The employee must submit this checklist to the agency before he or she may begin to telecommute. The employee agrees that the agency shall have reasonable access to the alternate work location for the purposes of inspection of the site and retrieval of agency-owned property. The employee will notify the agency of any changes to their alternate workplace prior to the move occurring. **Generally, the alternate work location should be in South Carolina. If an agency deems it necessary to allow an employee to designate an alternate work location outside of South Carolina, the agency should research tax, workers compensation and other implications of having employees who perform work in another state. Telecommuting from locations outside of the United States is strictly prohibited. For questions regarding an employee’s ability to work overseas at a military base or other requirements please contact the Division of State Human Resources or consult with your counsel.**
5. Telecommuters are expected to be working and focused on the performance of their job duties during all work hours. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. The employee understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace. Telecommuters are required to use accrued leave when necessary, to provide dependent care of when addressing other personal responsibilities. This includes time spent caring for an ill household member or other person.
6. Working hours cannot coincide or overlap with any other type of employment.
7. Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.
8. The alternate workplace is considered an extension of the employee's usual work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined workplace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately.
9. The agency may provide all or part of the equipment necessary to accomplish work assignments.
10. The agency will cover the cost of installation, repair or maintenance of state-owned equipment at the alternate work location; however, the agency typically should not cover the cost of repair or maintenance of the employee's personal equipment.
11. The agency's security controls and conditions for use of state-owned equipment at the primary workplace will also apply to alternate work locations. All official agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the official work location. The employee will return all agency equipment, files, and documents to the agency immediately upon termination of telecommuting or of the employee's employment. **Agencies should review their applicable Data Privacy and Security, Acceptable Use of Network Services, Mobile Communication Device Usage Policies, and other relevant policies to determine if changes should be made to address telecommuting issues. Specifically, employees should be made aware through these policies that there should be no expectation of privacy when using state equipment or conducting agency business using personal devices, including cell phones.**
12. No employee engaged in telecommuting will be allowed to conduct face-to-face, agency related business at his or her home office. An employee understands that he or she will be liable for injuries or damages to the person or property of third parties, or members of the employee's family, in the alternate workplace.

*Termination of Telecommuting*

The agency may terminate the telecommuting arrangement at any time with or without cause, and this determination is final in terms of administrative review. By participating in a telecommuting arrangement, the employee agrees that any termination of telecommuting will not constitute an involuntary reassignment under the State Employee Grievance Procedure Act.

*Reporting Requirements*

The agency will provide an annual report to the Division of State Human Resources on the agency's utilization of telecommuting. This report will include:

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1. The department or division that will be allowed to telecommute (if applicable).
2. The number of employees who will be eligible to telecommute.
3. The telecommuting arrangement (full-time or part-time). If the arrangement is part-time, a description of the telecommuting schedule should be submitted.
4. The cost and benefits of implementing the telecommuting plan demonstrating a positive Return on Investment (ROI) with documentation of how this will be measured.
5. Performance and productivity measures that will be used to monitor the performance and productivity of telecommuting employees.

In addition, agencies will record telecommuting as appropriate in SCEIS. Employees eligible for telecommuting will be identified through an indicator flag in SCEIS. Individuals will also be required to enter the time they telecommute in SCEIS using the Telecommuting Attendance Code. Managers will need to approve this time. Note that both FLSA exempt and non-exempt employees will be required to enter their telecommuting time. For additional information please refer to the training material on the SCEIS website. The requirement to update SCEIS does not apply to institutions of higher learning but the employees and associated telecommuting hours should be recorded and available upon request by DSHR or other interested parties. This information will need to be reported annually.

## Possible Telecommuting Arrangements

There are very few jobs where it would be practical to telecommute every workday. As a result, most employees who telecommute do not work at the alternate workplace during all work hours. Below are examples of possible telecommuting arrangements. It is important to remember that any arrangement should benefit the agency and support business needs.

* The employee may telecommute on pre-determined days (for example Monday, Wednesday and Friday) and work in the office the rest of the week (Tuesday and Thursday). This arrangement allows for many of the benefits of telecommuting while also providing the opportunity for employees to complete tasks that require presence in the office or to meet in person with other employees or customers. Savings for space can be realized if employees are placed on different schedules so that all employees are not in the office at the same time.
* The employee may telecommute for parts of the workday and work in the office for the remainder of the day. For example, an employee may work in the alternate workplace for 8:30 a.m.–noon, and then in the primary workplace from 1–5 p.m. This arrangement allows the employee to avoid peak commute time reducing the time spent in traffic. This arrangement may also be beneficial for an employee who, due to a disability, is unable to report to the primary work location for part of the day.
* The employee may telecommute full time but be expected to report to the office in person for pre-scheduled meetings such as quarterly staff meetings, and as needed.
* The employee may perform most of their work outside of an office location (i.e., in the field) and complete some or all of the work generally done in the primary workplace (for example: an agency office) at the alternate workplace. These employees would be considered to be telecommuting during any work time spent at the alternate workplace. These employees may not work at an alternate workplace that is not approved by the agency in advance. For example, an employee who performs on-site inspections may not perform “office” work at a library, restaurant, etc. between inspections. The employee would be required to return to the alternate or primary workplace during time not spent conducting inspections or traveling to and from inspection locations. This does not prohibit the employee from completing necessary documentation or other work before leaving the inspection location or upon arrival at the new inspection cite.

Supervisors will establish parameters for the time and location of all work to be performed. Supervisors should attempt to provide advance notice of any deviations to an established telecommuting schedule; however, such notice is not a requirement. Regardless of the telecommuting arrangement, an employee can be required to report to the office location at any time. It is required that employees are advised of this requirement.

The agency may, at its discretion, allow employees who are telecommuting to work a flexible or compressed work schedule.

## Selecting Telecommute Participants

When selecting employees who will be allowed to telecommute, agencies should evaluate (1) the employee’s position to determine if the job functions can be effectively performed in the alternate workplace; and (2) the employee to determine if they possess the characteristics necessary to be successful working away from the office.

*Characteristics of Appropriate Telecommuting Positions*

* The position responsibilities are arranged so that there is no difference in the level of service provided to the customer regardless of work location.
* The position has minimal requirements for direct supervision or customer contact.
* The position requires minimal face-to-face communication.
* Communication can be managed primarily through telephone, email, virtual meetings, etc.
* The position has minimal requirements for special equipment.
* The position has job tasks and work products with measurable work activities and objectives.
* The position allows for control over and scheduling of workflow.
* The position does not require materials that are accessible only from the office.
* There are safeguards to ensure confidential information is protected as required by state and federal law, and applicable agency policies.

It is important to remember that even if a particular classification or job can be performed successfully through telecommuting, that does not necessarily mean that every employee in that classification or performing that job should be allowed to telecommute. The likelihood the employee will be successful telecommuting should also be carefully evaluated.

*Characteristics of Successful Telecommuting Employees*

* The employee can develop regular routines and is able to set and meet deadlines.
* The employee is self-motivated, self-disciplined and able to work independently.
* The employee is capable of completing projects on time with minimal supervision and feedback.
* The employee is capable of being productive when no one is checking in or watching the employee at work.
* The employee has strong organizational and time-management skills.
* The employee is results-oriented.
* The employee will remain focused on work while telecommuting and not be distracted by television, housework, visiting neighbors, etc.
* The employee will manage their time and workload well, solve many of their own problems and find satisfaction in completing tasks on their own.
* The employee is comfortable setting priorities and deadlines.
* The employee focuses on results.
* The employee is comfortable working alone and can adjust to the relative isolation of working at home.
* The employee can set a comfortable and productive pace while working at home.
* The employee has a good understanding of the organization’s culture and environment.
* The employee is knowledgeable about the agency’s procedures and policies and has been on the job long enough to know how to do their job in accordance with those policies.
* The employee has effective working relationships with co-workers and will be able to maintain communications with their co-workers while telecommuting.
* The employee is adaptable to changing routines and environments and has demonstrated an ability to be flexible about work.
* The employee is an effective communicator, has demonstrated effective communication between supervisors and co-workers, and is comfortable using various methods of communication.
* The employee has a documented history of good performance.
* The employee has a safe and comfortable workspace where it is easy to concentrate on work.
* The alternate workplace has the appropriate level of security required by the agency.
* The employee has the necessary office equipment and software to meet agency standards. *This equipment and software may be provided by the agency or the employee.*
* The employee has a telephone, with separate home office line if required, voicemail, and sufficient internet speed to perform the functions of the job (where applicable).
* The employee has household members who will understand they are working and will not disturb their work. The employee understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace.

It is important to remember that telecommuting is not a good option for all employees and the decision to allow an employee to telecommute should be based on a careful review of the position and the employee. The decision to allow some employees to telecommute and not allow other employees to telecommute is within the agency’s discretion. The decision not to allow a particular employee to telecommute, should be based on documented, observed, behaviors or requirements.

If there is concern about the ability of an employee to successfully perform their job while telecommuting, the request to telecommute can be approved on a trial basis. In this situation, the employee should be advised that the approval is being provided on a trial basis and will be evaluated after a period of time, for example after three months, to determine if the employee will be allowed to continue telecommuting.

## Managing Employee Performance

Regardless of the telecommuting arrangement, it is crucial that employee performance be regularly monitored, and performance deficiencies addressed immediately.  The same principles of performance management apply to employees regardless of where they work but managing a remote workforce, and managing employee performance as a leader working remotely, does present some challenges. Leaders must focus not on the hours spent in the office but on the quality and quantity of work produced. Telecommuting work activities must be clearly defined, and should include measurable deliverables, productivity metrics, and an agreed upon method of managing performance expectations.  Ideally, this would be the approach for employees who work in the office or who telecommute.

The Employee Performance Management System (EPMS) policy established by the agency applies to all covered employees regardless of work location. The process starts by establishing concrete and measurable performance expectations for each employee specific to their job duties. Job duties for a position should not be eliminated to accommodate a telecommuting arrangement.

*Establishing Performance Expectations*

The same performance expectations for employees working in the office can and should be applied to employees who telecommute. Performance expectations should be established using the S.M.A.R.T. goal method. Goals should be:

* **S**pecific: Able to be clearly stated and direct.
* **M**easurable: Able to tell when completed.
* **A**ttainable: Appears realistic to the employee.
* **R**elevant: Has a bearing on the overall direction of the unit or organization.
* **T**ime bound: Have a sense of the scope and likely timeframe for completion.

All goals should be accompanied by suitable performance measures which can be monitored by leadership and, ideally, by the employee. These performance measures should be tied to outcomes that support the mission of the agency.

*Monitoring Performance*

Providing constructive feedback to employees concerning their performance is vital to the success of the employee and the agency. While frequent feedback is important for all employees it is particularly important for remote employees. These conversations improve employee engagement and foster connections between the employee and the work group.

The frequency of performance discussions will vary based on the needs of the work group. Best practice is to meet at least monthly with an employee to specifically discuss performance in relation to goals set during the EPMS planning stage. These conversations should be documented. An agency may also request that employees complete a Telecommuting Activities Form or Report to document work done while telecommuting.

If an employee who is telecommuting exhibits poor performance the same coaching and substandard performance process should be applied as used for employees working in the office. This may also be a good time to evaluate if the employee should be permitted to continue telecommuting.

*Performance Review*

Employees who telecommute should participate in the same performance review process as employees working in the office. If the performance of similarly situated non-telecommuting employees exhibits better performance than telecommuting employees, careful consideration should be given to whether employees should be permitted to telecommute.

## The Alternate Workplace, Data and Equipment

The ability to maintain secure storage and transmission of agency data is critical to the ability to implement a telecommuting arrangement. The agency’s IT, security and privacy divisions should all be involved in evaluating the safeguards in place to protect agency information in electronic and physical (ex: printed documentation, files) formats. Under no circumstances should a telecommuting employee be permitted to retain possession of any information not also accessible by someone in the office. The telecommuter is responsible for the security and confidentiality of agency information, customer information and the protection of all state-provided equipment. This includes ensuring agency equipment or equipment containing agency data (laptops, mobile phones, computers, flash drives, etc.) is secure. Employees should take efforts to protect their laptop or computer screen from being inadvertently viewed by unauthorized individuals when performing agency work. Agency data security and privacy policies are applicable to work done in the alternate workstation. **Agencies should review their applicable Data Privacy and Security, Acceptable Use of Network Services, Mobile Communication Device Usage Policies, and other relevant policies to determine if changes should be made to address telecommuting issues. Specifically, employees should be made aware through these policies that there should be no expectation of privacy when using state equipment or conducting agency business using personal devices, including cell phones.****The agency reserves the right to monitor and log, without notice, all telecommuting activity, including email.**

Failure by the employee to adhere to applicable privacy and security requirements may result in disciplinary action up to and including termination.

Employees who telecommute agree to designate a separate workspace in the alternative workplace where work is performed. The agency is not responsible for operating costs, home maintenance, or any other incidental costs (ex: electricity, cellphone or internet service) associated with the alternate workplace.

All equipment, supplies, materials and/or other property will be immediately returned to the agency upon request, termination of participation in the Telecommuting Program and/or termination of employment.

## Telecommuting as an ADA Accommodation

Telecommuting may be considered a reasonable accommodation under the Americans with Disabilities Act (ADA). When notified of a need for an accommodation, appropriate agency personnel shall initiate the interactive process with the employee to determine the type of accommodation needed. To determine if any or all job duties can be performed at an alternate workplace, the manager must ensure that essential functions of the position have been identified and consideration given to the feasibility of telecommuting on a full-time, part-time, or intermittent basis. The agency may waive certain telecommuting eligibility requirements, modify the telecommuting policy, or waive or modify other workplace policies to allow an employee with a disability to work from home as a means of reasonable accommodation. Employees should not be permitted to telecommute as an accommodation if telecommuting prevents the employee from performing the essential job functions or causes undue hardship to the agency.

Telecommuting permitted as part of an accommodation under the Americans with Disabilities Act should not be included in DSHR required telecommuting reporting and approval by DSHR is not required in these circumstances. Documentation reflecting the certification of the disability and the associated interactive process should, however, be maintained by the respective agency. Telecommuting permitted as an ADA accommodation does not need to be tracked in SCEIS

While telecommuting may be a possible accommodation, an agency is not required to allow telecommuting just because this is a possible accommodation. If another reasonable accommodation is appropriate and effective the agency may deny the request to work from home even if this is the accommodation preferred by the employee.

Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

## Frequently Asked Questions

**If an employee is unable to work at the alternate workplace due to equipment failure, loss of electricity, loss of internet or other unforeseen reason, are they required to use leave?**

* An employee unable to work at the alternate workplace is required to take leave, make up the time missed or may be required to report to the primary workplace.

**Does Workers’ Compensation coverage extend to the alternate workplace?**

* The alternate workplace is considered an extension of the employee's usual work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined workspace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately.

**Who is liable for injuries or damages to the person and property of third parties, including members of the employee’s family, which occur in the alternate workplace if the alternate workplace is the employee’s home?**

* The employee is liable for injuries and damages to third parties in these circumstances. Injuries to the employee may be covered by Workers’ Compensation Insurance. See previous answer.

**Who is responsible for tax implications related to telecommuting?**

* The tax implications of telecommuting beyond normal payroll deductions are entirely the responsibility of the telecommuter. Telecommuters are encouraged to seek professional advice regarding these issues particularly concerning any tax implications of working from home. For additional information contact the South Carolina Comptroller General’s Office and the Internal Revenue Service.

**Are employees required to take leave for time they are scheduled to telecommute, but no work is performed?**

* Yes. Requests to use sick, annual, or any other leave must be approved by the agency in the same manner as when working at the agency’s primary workplace. Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours. Telecommuters are expected to follow agency leave policies and procedures to request time off from telecommuting to engage in non-work activities.

**Is travel time between the employee’s alternate workplace and the primary workplace (or other agency location) considered work time?**

* It depends. Agencies are expected to adhere to the requirements of the Fair Labor Standards Act regarding compensable time. Generally, normal commute time between a telecommuting workplace and the primary workplace is not work time. If occurring during the telecommuter’s normally scheduled work hours, travel time between the telecommuting workstation and the primary workplace is considered work time. For example, if a telecommuter begins work at the telecommuting location at 8 a.m., and then travels to another agency location beginning at 10 a.m. for work-related purposes, travel time would be considered work time. Travel home from the permanent/principal work location is not work time unless the telecommuter continues to perform work activity from the telecommuting workstation after returning from the primary work location. Mileage between the telecommuting workstation and the primary workplace before or after the workday is commuting mileage and is not subject to reimbursement.

**Who is responsible for purchasing supplies used by the telecommuter for work activities?**

* Before purchasing any supplies, the telecommuters should notify their supervisor to determine if the supplies will be provided by the agency or if the expense will be reimbursed. For additional information the agency should refer to the applicable procurement rules and the Comptroller General’s Office.

**Is an employee who can telecommute required to do so if the primary agency location is closed due to hazardous weather or other reason?**

* Yes. If an employee has entered into a telecommuting agreement and their primary workplace is closed due to hazardous weather or other reason, the employee will be required to work by telecommuting even if they were scheduled to work from the primary workplace during the time the office is closed.

## Implementing a Pilot Program

Implementing a telecommuting program successfully takes time and careful planning. It is highly recommended that any agency considering implementing a telecommuting program begin by conducting a pilot program. A pilot program should only be implemented after a telecommuting program is designed, all associated documents and processes created, and all necessary approvals from DSHR obtained. Required documents include:

* + Telecommuting Policy (DSHR Approval Required)
  + Telecommuting Plan (DSHR Approval May Be Required — See Page 6 of the Telecommuting Guide)
  + Telecommuting Application
  + Telecommuting Agreement
  + Telecommuting Workplace Checklist
  + Telecommuting Activities Form (optional)

Depending on the number of employees included in the pilot telecommuting plan, DSHR approval of the telecommuting plan may be needed before implementing a pilot telecommuting program.

In a pilot program, a limited number of employees are allowed to telecommute for a designated period of time before implementing a long-term or large-scale program. The employees who take part in a pilot program can be a single department or division or a subset of employees within a department or division. When implementing a pilot program an agency should:

* Identify which employees will be allowed to telecommute. The selection process must be non-discriminatory and based on expected benefits for the agency and the employees. The supervisor or manager of the identified employees should be supportive of the telecommuting process and capable of providing results-focused management to telecommuting employees.
* Measure and document the performance of the identified employees before announcing the pilot program. This will provide a baseline measurement to use as a comparison to performance data gathered during the pilot program.
* Follow the established telecommuting application approval and agreement process for the identified employees.
* Notify employees that the telecommuting arrangement is being implemented as a pilot and is not guaranteed to extend beyond the established end date of the telecommuting pilot.
* Appropriately communicate to all employees that a telecommuting pilot is being implemented and clearly explain how participating employees were selected. Employees should be notified that telecommuting is not guaranteed to continue beyond the end date for the pilot. Finally, expectations about telecommuting should be clearly explained to employees. If there is a possibility that telecommuting may be made more widely available if the pilot is successful, employees should be provided with a general timeframe for this expansion.
* Measure and document performance during the pilot program.
* At the conclusion of the pilot program:
  + Compare telecommuter performance to performance of in-office workers.
  + Compare costs associated with telecommuting with actual or anticipated savings as a result of implementing telecommuting.
  + Survey supervisors to identify things that worked well and challenges that arose.
  + Survey employees to identify things that worked well and gather any suggestions for improvement.
  + Determine if, based on the information gathered, the employees who were telecommuting will be required to return to in office or will be permitted to continue to telecommute as part of a long-term telecommuting arrangement. If the employees will be required to return to the office, sufficient notice (ex.: two weeks) should be given if possible.
  + The telecommuting process, policy and associated materials should be reviewed and updated based on the lessons learned during the pilot program.

Following a pilot program, the agency can determine if, based on employee performance, cost and savings, telecommuting will be allowed beyond the employees involved the pilot program. If an agency decides to implement a long-term telecommuting program, the rollout should be done carefully with appropriate training for both employees and leaders. The performance, cost and benefit measures should also be in place.

## Implementing a Long-Term Telecommuting Program

Following a successful telecommuting program pilot, agencies may decide to make telecommuting available to more employees and to additional departments or divisions. DSHR approval of the telecommuting plan may be required. See Page 6 of the Telecommuting Toolkit for additional information.

Agencies may approach implementation of a telecommuting program in two ways.

*Approach One*

Agencies may allow any employee to apply for telecommuting. With this approach the employee’s position is evaluated individually to determine if it is appropriate for telecommuting. The employee’s application is then evaluated to determine if the employee has the characteristics to be a successful telecommuter. An employee should only be permitted to telecommute if, based on this review, the position is appropriate for telecommuting, the employee exhibits the needed characteristics to telecommute successfully, and a suitable alternate workplace is identified. The decision to allow telecommuting is at the discretion of the agency and is not an entitlement or right even if all criteria are met.

*Approach Two*

Alternatively, the agency may decide to review the positions in the agency and identify those that may be appropriate for telecommuting. These eligible positions can be identified by classification, department/division, location, or any other attribute that differentiates a position. Once these positions have been identified only employees in the applicable positions are allowed to apply to take part in telecommuting. The employee applications are then evaluated to determine if each employee has the characteristics to be a successful telecommuter. An employee should only be permitted to telecommute if, based on this review, the employee exhibits the needed characteristics to telecommute successfully and a suitable alternate workplace is be identified.

If an employee within the applicable classification, department/division, location or other identified attribute will not be permitted to telecommute, justification for the exclusion should be based on non-discriminatory, job-related, criteria and should be documented. The decision to allow an employee to telecommute should be made on a case-by-case basis based on a review of the suitability of the position for telecommuting and the likelihood the employee would be successful telecommuting.

To facilitate a review of positions for telecommuting suitability, the following information should be gathered:

* Area/Department/Division Name
* Job Classification(s)
* Included Employees
* Excluded Employee (include explanation)
* Telecommuting Model (Partially Telecommuting, Fully Telecommuting, etc.)
* Are there employees in the area/department/division who will not be able to telecommute? How will these employees be impacted by the telecommuting arrangement?
* Describe the job functions of the applicable positions (gather applicable position descriptions).
* Is on-site interaction with customers required? If so, how will this be accomplished with telecommuting.
* Is access to on-site equipment or information required? If so, how will this be accomplished with telecommuting.
* Do any of the employees in the proposed telecommuting group supervise employees? Are these employees also telecommuting?
* How will productivity of telecommuting employees be measured? Be specific.
* How will telecommuting employees connect with each other and co-workers working in the office? Be specific.
* Will customer response time be impacted? If so, how?
* What cost savings (space, equipment, etc.) will result from allowing telecommuting? Be specific.
* Describe the plan for ensuring strong engagement within the telecommuting employees and their co-workers. Include a plan for communication between on-site and telecommuting employees. How will engagement be measured?

Agencies may use either approach, or a combination approach, where groups of potential telecommuting employees are proactively identified, and other employees are permitted to submit applications individually. Regardless of the process used by an agency, the same criteria covered earlier should be used to identify positions and employees appropriate for telecommuting.

Supporting Materials and Documents

## Agency Telecommuting Checklist

* Review Telecommuting Toolkit provided by the South Carolina Department of Administration’s Division of State Human Resources.
* Create and obtain approval of a telecommuting policy.
* Identify cost savings or efficiencies that may be gained through telecommuting and have a plan in place to measure these savings and efficiencies.
* Assemble a business case documenting the benefits to be realized through telecommuting and any costs associated with implementing a telecommuting program.
* Address security, information technology, and privacy issues and risk.
* Develop the following documents:
* Telecommuting Policy
* Telecommuting Application
* Telecommuting Agreement
* Telecommuting Workplace Checklist
* Telecommuting Activities Form (optional)
* Develop performance measures to monitor the performance of telecommuting employees. These measures should focus on quality and productivity (results) rather than hours worked.
* Develop a communication plan to notify employees of the agency telecommuting program.
* Provide training to employees and supervisors/managers on successfully telecommuting.
* Conduct a pilot program.
  + If more than 10% of an agency’s employees will be eligible to telecommute, the plan must be approved by the Division of State Human Resources (DSHR). See the Telecommuting Approvals section of the guidelines included in this toolkit.
* If the pilot program is successful, develop criteria to identify other telecommuting opportunities and a plan to roll out a long-term telecommuting program. If necessary, obtain DSHR approval of the telecommuting plan.
* Develop a process to review the performance of telecommuting employees and the telecommuting program on a regular basis.

## Model Telecommuting Policy

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*Purpose*

Section 8-11-15(B) of the South Carolina Code of Laws says that state agencies “may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.” Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for the agency and the taxpayers.

The purpose of this policy is to define the agency’s telecommuting program and the rules under which it will operate. This policy is designed to help supervisors and employees understand telecommuting. This policy does not address informal, intermittent, temporary or emergency remote work.

*Authority*

The agency head has the authority to establish a telecommuting program within the agency, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting Guidelines established by the South Carolina Department of Administration’s (Admin) Division of State Human Resources. The agency head or his designee has the ability to set the work schedule and work location for agency employees. Each telecommuting program should be implemented following the Telecommuting Guidelines published by Admin’s Division of State Human Resources (DSHR) and all other appropriate federal and state laws, as well as agency regulations and policies.

Before implementing a telecommuting program an agency must be able to demonstrate through quantifiable measures that telecommuting provides a benefit to the agency and, by extension, the taxpayers. Agencies may be asked to provide this information to legislators, the public or other interested parties. Plans that require DSHR approval must include an actual or predicted positive return on investment (ROI) for the telecommuting program. See the DSHR Telecommuting Guidelines for additional information.

*Definitions*

**Telecommuting/Teleworking —** a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with telecommuting agreements.  May also be referred to as remote work. Three main categories of telecommuting exist:

* Regular, recurring telecommuting. May be full-time or part-time, such as one or two days a week or parts of each workday (to avoid peak commuting hours). This level of telecommuting requires a formal agreement between the employee and the agency, and the time telecommuting must be tracked in SCEIS or as required for non-SCEIS agencies.
* Periodic, intermittent, telecommuting arrangements such as when an employee is assigned a project with a short timeframe or one that requires uninterrupted time to complete. This level of telecommuting does not require the formal agreement or checklist process. While it is not required that employees in these arrangements sign a telecommuting agreement, it is advised that the agency document the approval of the periodic, intermittent telecommuting arrangement in writing with the employee.
* Temporary or emergency telecommuting may be used during short-term illness, transportation emergency due to weather, a natural disaster, pandemic health crises, or other similar unplanned emergent events. This level of telecommuting does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the agency. These arrangements should be limited to the duration of the short-term illness, transportation emergency due to weather, natural disaster, pandemic health crisis, or other similar unplanned emergency event.

**Primary Workplace:** The telecommuter’s usual and customary agency workplace. This primary workplace may include time spent by the employee at the Agency’s other office locations (e.g., satellite or county offices). For employees who primarily work in the field, or who are full-time telecommuters, the primary work location should still be an agency office.

**Alternate Workplace:** A workplace other than the employee’s usual and customary workplace (primary workplace) and may include the employee’s home. The alternate workplace is not an agency office.

**Telecommuting Application:** The document used by supervisors and employees to evaluate the employee’s ability to successfully telecommute.

**Telecommuting Agreement**: The signed document that outlines the understanding between the agency and the employee regarding the telecommuting arrangement. A telecommuting agreement should be renewed at least annually. The telecommuting agreement should be reviewed and updated if there is a permanent change to the employee’s job duties or if the provisions of the telecommuting agreement change. Telecommuting agreements are not transferable from one position to another.

**Telecommuter or Teleworker:** An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location rather than the Agency’s primary location.

**Telecommuting Coordinator:** The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program.

**Child Care and Dependent Care —** Telecommuting workers may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Telecommuting is not a substitute for child care, dependent care or other personal responsibilities. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

*Eligibility Requirements for Telecommuting:*

Telecommuting is a management option and not a universal employee benefit. Telecommuting may not be suitable for all employees and/or positions. **The decision to allow an employee to telecommute is solely at the discretion of the agency. The agency may revoke the approval of any employee to telecommute at anytime, with or without notice and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act**.

Generally, an employee’s participation in the agency’s telecommuting program is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the agency head or his/her designee. The agency head or his/her designee may, however, designate a position as telecommuting only. In this case, telecommuting would not be voluntary.

To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with the agency. This requirement may be waived at the discretion of the agency head or designee if the position has been designated as a telecommuting position or for any reason deemed appropriate by the agency head. Employees in a warning period of substandard performance or those who were recently subject to disciplinary action are not eligible for telecommuting. These requirements can be waived by the agency head or his designee if the position is one in which telecommuting is required or for any other reason deemed appropriate by the agency head.

The supervisor and employee should complete a “Telecommuting Application” to determine if the employee will be permitted to participate in a telecommuting arrangement.

*Conditions of Employment*

The employee’s duties, responsibilities, and conditions of employment remain the same as if the employee were working at the agency’s primary workplace. The telecommuter’s supervisor may, however, assign additional duties related to communication, work progress and productivity. The employee will continue to comply with federal and state law, and agency policies and procedures while working at an alternate place. The employee shall remain subject to all agency disciplinary policies and procedures while performing work at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.

*Work Hours*

Work hours and location are specified as part of the telecommuting agreement. The employee must be accessible during the specified work hours. The agency and the employee agree that, at the agency’s discretion, the employee may perform assigned work for the Agency at a location other than the Agency’s on-site office as a “telecommuter.”

Telecommuters are expected to be working and focused on the performance of their job duties during all work hours. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for an ill household member or other person.

Working hours cannot coincide or overlap with any other type of employment.

*Pay and Attendance*

The employee’s salary and benefits remain the same as if the employee were working at the agency’s primary workplace. If the employee works less than the employee’s normal workweek, salary and benefits must be adjusted accordingly.

Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

*Advancement*

Telecommuting will not adversely affect an employee’s eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, and overtime (for non-exempt employees) as if all duties were being performed at the employee’s primary workplace.

*Leave and Overtime*

Requests to work overtime and use sick, annual or any other leave must be approved by the agency in the same manner as when working at the agency’s primary workplace. **An employee shall not work overtime unless authorized in advance by the agency or as otherwise authorized by the agency's overtime policy.** Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours. The employee agrees that telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care requirements, must make arrangements for someone else to provide dependent care services during the agreed upon work hours. Telecommuters are expected to follow agency leave policies and procedures to request time off from telecommuting to engage in non-work activities.

*Office and Telecommuting Location*

The employee will work at the primary workplace or the approved alternate workplace, and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement, and other appropriate disciplinary action. The agency will establish agreed upon expectations relative to the time the employee would need to spend in the primary workplace and to give adequate notice when these expectations are subject to change, when possible. However, the employee may be required to report to the primary workplace without advanced notice, upon request by the agency.

Generally, the alternate workplace should be in South Carolina. If an agency deems it necessary to allow an employee to designate an alternate workplace outside of South Carolina, the agency should research tax, workers’ compensation and other implications of having employees who perform work in another state. Employee requests to designate an alternate work location outside of South Carolina may be denied. **Under no circumstances may an employee conduct work from a location outside of the state of South Carolina unless specific approval is received from their supervisor and human resources. No work may be performed at a location outside of the United States.**

If the alternate workplace is in the employee’s home, the employee is responsible for reviewing their home or rental insurance to ensure there is no prohibition against a home office and any relevant zoning requirements to ensure a home office is permitted.

*Workspace Safety*

The employee agrees to designate a separate workspace in the alternate workplace for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and the agency’s equipment. To ensure the safety of the workspace, the employee agrees to complete and return to the agency a Telecommuting Safety Checklist which will certify the employee’s alternate workplace complies with health and safety requirements. The employee must submit this checklist to the agency before he or she may begin telecommuting. The employee agrees that the agency shall have reasonable access to the alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that he or she will be liable for injuries or damages to the person or property of third parties or any members of the employee’s family in the alternate workplace if it is in the employee’s home. The employee agrees to consult with the agency before moving any heavy equipment or furniture in the alternate workplace.

## Sample Telecommuting Application

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The decision to telecommute should be based on the ability of an employee to work in a setting that may be in his or her home or other approved area, without on-site supervision. The following tool can be used by an employee as a basis for discussing the option of telecommuting with a supervisor. The employee should submit the application to a supervisor for evaluation and final approval by the Agency head or his designee. The decision whether to approve or deny a Telecommuting Application is at the discretion of the Agency. **There is no right or entitlement to telecommute regardless of the responses to the application.**

Please answer the following questions rating your abilities, using the following scale:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 – Always | 4 – Usually | 3 – Sometime | 2 – Rarely | 1 – Never |

1. I can develop regular routines and am able to set and meet deadlines. I am self-motivated, self-disciplined and able to work independently, completing projects on time with minimal supervision and feedback. I am capable of being productive when no one is checking in or watching at work.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I have strong organizational and time-management skills and am results-oriented. I will remain focused on work while telecommuting and not be distracted by television, housework, visiting neighbors, etc. I will manage my time and workload well, solve many of my own problems and find satisfaction in completing tasks on my own. I am comfortable setting priorities and deadlines and can keep my sight on results.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I am comfortable working alone, can adjust to the relative isolation of working at home, and can set a comfortable and productive pace while working at home.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I have a good understanding of the organization’s culture and environment. I am knowledgeable about the organization’s procedures and policies and have been on the job long enough to know how to do my job in accordance with those policies.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I have effective working relationships with co-workers and will be able to maintain such communications while telecommuting.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I am adaptable to changing routines and environments and have demonstrated an ability to be flexible about work.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I am an effective communicator. I have demonstrated effective communication between supervisors and co-workers, and I am comfortable using various methods of communication.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. I am in good standing with the agency on my previous and current performance reviews and have no recent disciplinary actions.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee Rating |  |  | Supervisor Rating |  |

1. Is my job appropriate for telecommuting? (Check those that apply.)

* My job responsibilities are arranged so that there is no difference in the level of service provided to the customer regardless of work location.
* My job has minimal requirements for on-site supervision or contact with the customer.
* My job requires low face-to-face communication, and I have the ability to arrange days when communication can be handled by telephone, email or other electronic means.
* My job has minimal requirements for special equipment.
* I am able to define tasks and work products with measurable work activities and objectives.
* I am able to control and schedule workflow.

10. Is my alternate workplace an appropriate environment for telecommuting? (Check those that apply.)

* I have a safe, comfortable workspace where it is easy to concentrate on work.
* I have the appropriate level of security required by the agency.
* I have the necessary office equipment and software that meet agency standards.
* I have a telephone, with separate home office line if required, an answering machine or voicemail, and sufficient internet access and speed.
* I have household members who will understand I am working and will not disturb my work.
* I understand that I am prohibited from providing dependent care (either to a child or an adult) during work hours. I understand that all personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., must be done only during established break times, lunch time and before and after work hours.
* I understand and agree that I must use accrued leave when providing dependent care of when addressing other personal responsibilities during work hours. This includes time spent caring for an ill household member or other person.
* I certify that my home or rental insurance does not prohibit a home office.
* I have reviewed the relevant zoning requirements to ensure a home office is permitted.

## Sample Telecommuting Agreement

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This is an agreement between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Agency) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (employee) and shall cover the period from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This agreement establishes the terms and conditions of telecommuting. The employee agrees to participate in the telecommuting program and to follow the applicable guidelines and policies. The Agency agrees with the employee's participation. The employee’s signature on this agreement constitutes acceptance of the terms listed throughout the Agency Telecommuting Policy.

**Notice of Intent to Collect Private Information**

As part of this telecommuting agreement, the employee shall provide the address of telecommuting location and any contact information for that location, including home phone and/or personal cellphone. If such information changes, the employee has an affirmative duty to inform their supervisor of the updated telecommuting address and phone number before the move. Failure to provide this information initially and after any change will result in the employee being unable to telecommute. This contact information may be shared with human resources, executive leadership, agency safety staff, agency supervisors, and any other agency or state employee with a business need to access this information.

**Designation of Alternate Workplace and Hours**

The following are the working hours and locations agreed to by both parties:

|  |  |  |  |
| --- | --- | --- | --- |
| **General Work Hours** | | | |
| **Day** | **Hours** | | **Location P-Primary Workplace A-Alternate Workplace** |
|  | **From** | **To** |  |
| **Monday** |  |  |  |
| **Tuesday** |  |  |  |
| **Wednesday** |  |  |  |
| **Thursday** |  |  |  |
| **Friday** |  |  |  |
| **Saturday** |  |  |  |
| **Sunday** |  |  |  |

Primary Workplace: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Alternate Workplace: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fax (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cellphone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Equipment Used in Alternate Workplace**

The following table lists the agency or state equipment that will be used at the alternate workplace (attach additional documentation if needed):

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Inventory Number** | **Date Out** | **Date Returned** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Special Conditions or Additional Agreements (List if applicable):**

I have read and received a copy of the Telecommuting Policy and fully understand issues regarding: pay, attendance, advancement, leave, overtime, office location, liability, workers compensation, operating costs, safety, evaluation, termination of agreement, and equipment maintenance.

*(Employee)* My supervisor has reviewed my performance expectations with me, and these expectations are documented in my EPMS planning stage.

*(Employee)* I agree that I am responsible for attending all required meetings, unless my supervisor approves otherwise.

*(Employee)* I agree to be available and accessible during the telecommuting scheduled hours for customers, co-workers, and supervisors/managers. Regardless of my telecommuting arrangement, I can be required to report to the office location at any time with or without advance notice.

*(Employee)* I understand that all personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. I understand and agree that I am prohibited from providing dependent care (either to a child or an adult) while working at the alternate work location.

*(Employee)* I understand that telecommuting agreements are not transferable from one position to another and this agreement is valid only for my position at the time the agreement is signed.

*(Employee)* I agree to return all agency equipment, supplies, material and/or other property immediately upon request, termination of participation in the Telecommuting program and/or termination of employment.

*(Employee)* I agree to inform my manager or supervisor any time there is an actual or suspected security issue that arises during my work at an alternate workplace.

*(Employee)* I understand that the agency is not liable for any damages to my personal or real property while I am performing official duties my alternate workplace.

(Employee) I agree that I will not conduct any face-to-face agency business at my telework location.

*(Employee)* I agree to immediately report to my manager or supervisor any work-related injuries that occur while in the Telecommuting arrangement.

*(Employee)* I agree to provide certificates of my homeowners’ or renters’ insurance and to submit any renewal or changes as needed, if requested.

*(Employee)* I agree that it is my responsibility to ensure compliance with any local zoning ordinances related to working at home or maintaining a home office.

*(Employee)* I agree that any tax implications of telecommuting are entirely my responsibility as the telecommuter. *Telecommuters are encouraged to seek professional advice in this area.*

We agree to abide by the terms and conditions of this agreement.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Agency Head or Designee Date

## Sample Telecommuting Workplace Safety Checklist

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

Success of a telecommuting arrangement depends, in part, on a realistic assessment of the overall safety of an employee’s alternate workplace. The checklist is necessary to make the employee aware of the need for a safe workplace that is conducive to productive work. The telecommuter should read and complete the checklist regarding the designated alternate workplace, discuss any concerns, and always report accidents or injuries immediately to his supervisor.

The completed form should be provided to the employee’s supervisor.

**General Environment**

* The workspace area has adequate lighting and ventilation.
* The workspace is reasonably quiet and free of distractions.
* Aisles, doorways and corners are free from obstructions to permit movement.

**Electricity / Equipment**

* There are enough electrical outlets in the alternate workplace to support the required equipment. All electrical equipment is free of recognized hazards that would cause physical harm (e.g., frayed wires, bare conductors, loose or exposed wires). If necessary, consult with an electrician or power utility company on capacity questions.
* Necessary electrical outlets are three-pronged (grounded).
* Computer equipment is connected to a surge protector. The equipment is placed at a comfortable height for viewing and will be powered down after the workday is over.
* Computer equipment is on a sturdy, level, well-maintained piece of furniture and the keyboard and mouse are at a height that does not cause wrist strain.

**Safety and Security**

* There is a fire extinguisher in the alternate workplace and a developed fire evacuation plan in the event of an emergency.
* There is a working smoke detector in the alternate workplace.
* Phone lines, electrical cords, and extension wires are secured underneath a desk or along baseboards.
* There are security controls in place to protect passwords, agency-owned software and files from unauthorized disclosure.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, understand it is my responsibility to maintain the safety and appropriate arrangement of my alternate workplace, if it is my home. I certify that my responses to the checklist are true and completed to the best of my knowledge. I understand that any erroneous, misleading, or fraudulent information is sufficient grounds for my preclusion from telecommuting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor Signature Date

## Sample Telecommuting Activities Form

|  |  |
| --- | --- |
| Personnel Number: |  |
| Employee Name: |  |
| Division: |  |
| Supervisor Name: |  |
| Work Activities for the Week of: |  |

|  |  |  |
| --- | --- | --- |
| **Date** | **Hours Worked** | **Activities** |
| *(Ex: 1/1/2021)* | *8:30 – 12:30; 1:30 – 5:00* | *Completed file review and drafted findings report.* |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

## Suggested Space Guidelines for Telecommuting Employees

Upon approval of remote work, the following space guidelines will apply for employees authorized for remote work, dependent on their classification. Existing employees do have the ability to forgo the approved remote working classification. **While space will be available for employees who elect to remain working in office, it is important to note that it may not be their current space.**

|  |  |  |  |
| --- | --- | --- | --- |
| Employee Classification | Remote Time Per Week | | Space Allotted |
| In Office | Less than 1 day per week remote | 0-20% | Dedicated Workspace |
| Partially Remote | 1 - 2 days per week remote | 20-40% | Dedicated Workspace |
| Mostly Remote | 3 - 4 days per week remote | 40-80% | Shared Space |
| Fully Remote | 5 days per week remote | 80-100% | No Space |

**Important Notes:**

* Meeting space, such as conference rooms or huddle rooms, will be provided to teams. Appropriate scheduling will be required. Conference rooms should not be utilized as a shared workspace.
* Employees should not have more than one dedicated workspace.
* Existing employees who have been approved for telecommuting will need to work with their supervisor to develop a plan for vacating their existing space.

## Business Case for Telecommuting

The business case for implementing a telecommuting program should include the cost and savings associated with the program as well as establish performance and productivity measures to ensure telecommuting does not adversely affect the quantity or quality of work produced by employees.

The savings realized by an agency following the implementation of a telecommuting program will depend on the agency and the functions that the telecommuting employees perform. Some examples of possible savings include:

* Facility Savings (Leases, parking subsidies, utility costs, furniture and equipment).
* Lower overtime and staffing costs from resulting improved employee performance.
* Lower training and recruitment costs resulting from reduced turnover.
* Lower recruitment costs resulting from increased applicants and shorter time to fill positions.

Similarly, the costs incurred by an agency as the result of the implementation of a telecommuting program will be dependent upon the agency and the functions that the telecommuting employees perform. Some examples of possible costs include:

* IT Infrastructure and Support
* Equipment Costs (laptops, phones, etc.)

For assistance measuring facility cost savings please contact the South Carolina Department of Administration’s Division of Facilities Management and Property Services (DFMPS). Admin’s Program Management Office can also assist agencies that participate in the state’s IT Shared Services Initiative in determining costs associated with telecommuting.

The Division of State Human Resources can also provide assistance in determining cost savings related to decreased turnover and improved employee performance. Additionally, DSHR can assist in identifying appropriate employee performance and productivity measures.

Refer to the sample business case spreadsheet provided by DSHR.

**Note:** Agencies may be asked to provide documentation supporting both projected and actual costs, savings, and employee productivity and performance.

## Telecommuting Tracking Spreadsheet

*This form can be used until SCEIS is updated to include the telecommuting attendance code or for agencies that do not record information in SCEIS.*

Page One



Page Two

