

**NOTE:** Classified employees will follow Department of Human Resource Management (DHRM) Policy [1.61 – Teleworking](#). All classified employees seeking to initiate or to continue a telework arrangement must complete the [DHRM Standard Telework Agreement AND the cover sheet for justification and signatures](#). All telework forms are to be routed from the supervisor, to the Vice President, and lastly to Human Resources. HR will send signed forms to the President for his signature. Agreements of 2 or more days will be sent to the appropriate person in the Governor’s Office for final approval.

**Policy 1332  
Telework**

**Date of Current Revision: October 2022**

**Primary Responsible Officer: Director of Human Resources**

**1. PURPOSE**

The purpose of this policy is to comply with the Commonwealth of Virginia Department of Human Resources Management (DHRM), which permits agencies to designate employees to work at alternate work locations for a mutually agreed upon portion of their workweek. This policy also complies with the requirement of DHRM Policy [1.61](#) - Telework that agencies establish a telework policy.

**2. AUTHORITY**

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

**STATE OR FEDERAL STATUTE AND/OR REGULATION**

Code of Virginia section 2.2-2817.1

**3. DEFINITIONS**

**Alternate Work Locations**

Approved locations other than the employee’s central workplace where official business is performed. Such locations may include, but are not limited to, the home of an employee and satellite offices.

**Central Workplace**

An employer’s place of work where employees normally are located.

**Non-Exempt Employee**

An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and therefore must be paid at a rate of time and a half for every hour worked over 40 in a workweek.

**Reviewer**

The supervisor of an employee’s immediate supervisor, or another person designated to review an employee’s position description, performance plan, and performance rating, and to respond to appeals of performance ratings.

**Telework**

A work arrangement in which supervisors direct or permit employees to regularly perform their usual job duties away from their central workplace at least one day per week in accordance with a work agreement.

## **Tele-eligible Position**

A position that is deemed eligible to enter into an approved work agreement.

## **Work Agreement**

A written agreement between the supervisor and the employee that details the terms and conditions of the employee's work away from the central workplace. An approved work agreement is required to telework on a regular basis.

## **4. APPLICABILITY**

This policy applies to university positions that are designated as eligible for telework and employees that are considered eligible for telework within those positions.

## **5. POLICY**

5.1 Normally, work is performed on university premises.

5.2 There may be occasions when alternate work arrangements meet the needs of the university. Teleworking may be an appropriate alternative work arrangement when determined by the supervisor and approved by the reviewer.

5.3 The decision to begin, suspend, or discontinue a telework agreement is made by the supervisor and/or the reviewer.

5.4 Positions that may be best suited for telework are positions in which:

- Activities can be effectively performed outside the office;
- Contact with other employees and constituents is predictable and can be scheduled;
- Adequate security of data can be ensured for the work handled at an alternate work location;
- The technology needed to perform the job off-site is currently available;
- Cyclical work does not present a problem;
- Constituent contact can be adjusted to allow for telephone communications or virtual meetings, or such contact can be conducted when the employee is in the office;
- Phone calls can be returned and emails can be responded to on a timely basis;
- Phone messages can be monitored frequently; and
- The use of photocopiers, fax machines, scanners, printers, or other specialized equipment can be scheduled for days the employee is in the office.

5.5 Categories of positions that are ineligible for telework include the following:

- Positions whose job duties are required to be performed at the worksite such as housekeeping, landscaping, trades, public safety, etc.
- Any position that provides direct services to the public

5.6 Requests and approvals for telework arrangements will be made on a case-by-case basis. The determination that a position is tele-eligible does not mean that the individual in the position would be approved to telework. The position and the person within that position must be re-evaluated at least annually to determine if teleworking continues to best meet the department's needs. The [Tele-eligible Considerations Checklist](#) will aid in determining whether or not a position and the person within the position should be considered for telework. The checklist is retained in the department's files.

5.7 This policy also conforms to the campus environmental stewardship goals and campus Environmental Stewardship Action Plan (ESAP).

## 6. PROCEDURES

### 6.1 Working Conditions Under Telework Agreements

There are a variety of issues that must be discussed between the department and employee before an employee may telework. The department must complete the [Standard Telework Agreement](#) that incorporates the terms and conditions of telework and submit the agreement to Human Resources. Human Resources will provide guidance to the supervisor regarding the telework process including whether the agreement requires further review by Payroll Services, Risk Management or any other university department, e.g., requests to telework from outside the Commonwealth of Virginia.

#### a. Compliance with Policies

Employees must agree to comply with university rules, policies, and practices and understand that violation of such may result in the termination of the telework agreement and/or disciplinary action, up to and including termination of employment.

#### b. Security of Records

Supervisors must discuss with employees what records may or may not be taken from the central workplace and any procedures for removing and returning them. Employees who have access to core systems or use remote access are required to secure the systems and protect unauthorized access. Employees are responsible for the security of all documents, data, and records in their possession and must immediately report suspicions of a breach to their supervisor and to JMU Information Technology (IT).

#### c. Hours of Work

1. The total number of hours that employees are expected to work per pay period will not change, regardless of work location. The procedures for documenting the work hours ensuring compliance with the Fair Labor Standards Act, approval of overtime, and the approval and use of leave must also be included in the work agreement.
2. Non-exempt employees are responsible for reporting all hours worked each week. Failure to report hours worked and/or failure to obtain supervisor approval for overtime may result in the termination of the telework agreement and/or other disciplinary action. Supervisors should periodically remind employees of their responsibility to report hours worked and must promptly discuss with the employee any discrepancies that arise between the work performed and the hours reported.

#### d. Authorized University Closings

Work expectations during an authorized university closing must be discussed with the employee. The teleworking employee is expected to perform work, if practical, during an authorized university closing. Teleworking employees who work during an authorized university closing will not receive compensatory leave. See Policy [1309](#) – University Closings, Class Cancellations and Exam Postponements Due to Inclement Weather or Emergencies.

#### e. Role and Compensation

Employees' classification, compensation, and benefits will not change upon entering into a telework agreement for employees teleworking within the Commonwealth of Virginia. There may be some impacts to compensation or benefits for employees teleworking outside the Commonwealth of Virginia due to legal or other requirements as noted in 6.3.

#### f. Primary Care

Telework is not designed as a substitute for child or adult care. If children or adults in need of care are present at the alternate work location during regular business hours this should be discussed with the supervisor to determine what hours the employee will perform work duties.

g. Modifications to the Telework Agreement

Any changes to the teleworking arrangement require a new Standard Telework Agreement to be completed and submitted to Human Resources prior to implementing the changes.

h. Termination of the Telework Agreement

The supervisor reserves the right to end the telework agreement at any time. The employee may be required to return to the central workplace immediately upon violating the [Standards of Conduct](#), if deemed to have performance deficiency, or if the supervisor feels it is in the best interest of the university and/or the employee to end the telework agreement, either permanently or temporarily.

i. Expenses of the Home

The university will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the alternate work location.

j. Equipment

3. The supervisor and employee must agree on what equipment will be used for teleworking, e.g., photocopiers, fax machines, scanners, printers, or other specialized equipment. The employee will either use their own computer, or the department will provide one. Employees who have Remote Privileged Access or access to any core systems are required to use a university-configured computer.
4. Employees must agree to use equipment provided by the department and supplies for business purposes only and to notify the supervisor immediately of equipment malfunction in order to initiate repair or replacement. Employees who provide their own equipment are responsible for maintaining and servicing it. Employees are responsible for properly securing all equipment used in accordance with IT standards. Employees are responsible for protecting university-owned equipment from theft, damage, and unauthorized use. Any damage or theft of the equipment must immediately be reported to the supervisor.
5. All university equipment located at employees' alternate work locations is fully insured by the university. The department pays for equipment losses up to \$10,000. The university's Property Insurance Plan will cover the value of university equipment losses above the \$10,000 deductible.
6. Department owned or leased equipment that was issued to the employee must be returned to the department upon termination of the telework agreement.

k. Liability

1. The university assumes no responsibility for injuries occurring in employees' alternate work locations outside the agreed upon work hours, or for liability damages to employees' real or personal property resulting from participation in the telework agreement. JMU employees are covered by the Commonwealth Division of Risk Management Plan for their work-related activities.
2. Workers' compensation coverage is limited to the employee's central workplace and/or alternate work locations. Employees agree to practice the same safety habits they would use in the central workplace and to maintain safe conditions in their alternate work locations. Employees must follow the normal reporting procedures for reporting work-related illness or injury. See Policy [1312](#) – Workers' Compensation/Return to Work. Employees teleworking outside the Commonwealth of Virginia may be covered by their work location's Workers' Compensation regulations.

## 6.2 Work Location Safety

A Safety Checklist is part of the telework agreement to ensure alternate work locations are suitable and safe for performing work. By signing Section Two - Safety Checklist, the employee verifies that their alternate work locations are reasonably safe places to work.

### 6.3 Full-time telework outside the Commonwealth of Virginia

- a. Full-time, out-of-state telework must be supported by compelling critical skill-based or other substantial reasons. When considering full-time, out-of-state telework, supervisors and their employees, in conjunction with Human Resources, Payroll Services, Risk Management or any other university department, must consider the following in their decision-making process.
  1. Employment laws that may apply for the agency and employee in the remote work location. This may include but is not limited to other states' or localities' wage and hour laws, state or local family and medical leave laws, other leave entitlements such as required holiday observations, drug testing requirements and obligations, and employment poster law requirements.
  2. Health insurance and benefits impacts based on geographic location.
  3. Worker's Compensation requirements in the out-of-state remote work location and determination if reciprocal agreements apply.
  4. Unemployment insurance coverage and unemployment tax payment implications.
  5. State income tax requirements and obligations.
- b. Supervisors and their employees should agree upon expectations of frequency for travel to the central workplace, and in conjunction with Finance and Human Resources, determine responsibility for travel, lodging, and related expenses.
- c. See the Department of Human Resource Management's [Telework Considerations Outside the Commonwealth of Virginia](#) checklist.
- d. Telework outside of the United States will require additional considerations.

## 7. RESPONSIBILITIES

Directors and/or unit heads are responsible for oversight regarding any telework agreement in their respective area. They are also responsible for ensuring that employees are completing their work, working the required hours, avoiding overtime, and responding to phone calls and emails on a timely basis.

Supervisors are responsible for the accurate execution of this policy and for submitting the required [Standard Telework Agreement](#) to their HR Consultant in Human Resources. Supervisors are responsible for reviewing and updating telework agreements annually.

Supervisors and their employees who telework full-time outside the Commonwealth of Virginia are responsible for adherence to legal, financial, and other requirements found within the Department of Human Resources Management's Telework Considerations Outside of the Commonwealth of Virginia checklist.

Teleworkers working full-time outside the Commonwealth of Virginia are responsible for working with Human Resources, Payroll, Risk Management and other university personnel as needed to ensure compliance with telework location applicable laws, regulations, and requirements prior to implementing the telework agreement. Teleworkers working full-time outside the Commonwealth of Virginia are also responsible for understanding and complying with telework location requirements related to income taxes and benefits.

Information Technology will guide the supervisor and employee with technology needs and requirements regarding access from alternate work locations.

Human Resources will provide guidance to the supervisor and employee regarding the telework process.

All departments, offices, and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

## **8. SANCTIONS**

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

## **9. EXCLUSIONS**

The policy does not apply to instructional faculty members.

## **10. INTERPRETATION**

While the authority to interpret this policy is granted to the president it is generally delegated to the director of human resources.

**Previous version:** May 2021

**Approved by the President:** March 2008