



## **USM Office Policy and Procedure on Telework**

*Approved by Chancellor July 11, 2021*

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### **I. POLICY STATEMENT**

The USMO recognizes that Telework can benefit the System Office when the job, employee, and the work unit are suited to such an arrangement.

To realize the benefits Telework can provide the University System of Maryland Office, USMO aspires to optimize the number of Eligible Employees participating in some form of Telework. To the extent practical, supervisors are encouraged to consider Telework arrangements for Eligible Employees that foster productivity and allow for alternative methods of collaboration. An Eligible Employee's Telework arrangement should not inequitably increase other employees' workloads, and Teleworkers should not be inequitably excluded from work activities available at the physical worksite (e.g., meetings).

Telework is not an entitlement or USM Office-wide benefit and, as a system of higher education, USMO is committed to having employees physically present to engage with our community. However, teleworking under appropriate circumstances should provide advantages to both the employee and the USMO.

### **II. PURPOSE**

The purpose of this Telework Policy is to define requirements and guidelines by which supervisors may allow employees to Telework and to create flexible work environments. Consistent with the requirements and guidelines set forth in this Policy, supervisors may consider a variety of work arrangements that blend in-person work and Telework for individual employees or groups of employees.

### **III. APPLICABILITY**

This Policy applies to all USMO employees.

### **IV. DEFINITIONS**

- A. Telework: work performed at a location, approved by USMO, other than a physical USMO worksite.
- B. Eligible Employee: any full- or part-time staff employee whose job functions, as determined by the employee's supervisor, can be performed effectively from a location other than a physical USMO worksite and whose productivity can be measured and maintained or improved through Telework.
- C. Teleworker: an Eligible Employee who is approved to regularly Telework pursuant to this Policy.
- D. Episodic Telework Event: a nonrecurring situation ordinarily of no more than 2 pay periods in duration in which an employee may Telework due to extraordinary personal or work

circumstances that will benefit the operations of the employee's organization. Examples include: (1) An employee's temporary medical condition precludes the employee from traveling to the workplace but does not hamper the employee's ability to perform eligible work from an offsite location on a temporary basis. (2) An intense or demanding critical work assignment can best be performed from an offsite location where the distractions of a normal office environment are reduced. (3) A physical worksite experiences a planned or unplanned, temporary closure (e.g., planned construction or unplanned water main break) where employees are able to temporarily perform certain functions remotely until conditions causing the closure are resolved.

- E. Remote Worksite: a worksite other than the employee's physical worksite that has been approved for use in Telework. Most commonly, a Remote Worksite is an employee's home.
- F. Ad Hoc Telework Arrangement: a frequent, but not predictable Telework schedule where a supervisor permits an Eligible Employee to Telework as needed.

## V. REQUIREMENTS AND GUIDELINES FOR APPROVAL OF TELEWORK

- A. The decision to permit an employee to Telework ordinarily rests with an employee's supervisor. However, the decision to allow an Eligible Employee to Telework more than two days per week or to allow a Contingent Category I employee to telework additionally requires permission from the appropriate Vice Chancellor (or designee).
- B. Employees are not authorized to regularly Telework from a Remote Worksite that is located in a state other than Maryland for more than two days per week except where the arrangement has been approved in advance by the appropriate Vice Chancellor and USMO Human Resources.
- C. Telework should only be approved for job functions that are conducive to effective Telework and for employees who can be productive during a period of Telework.
  - 1. Jobs that require interaction with the public, coworkers, and/or regents or USM institution personnel may not be conducive to Telework or may only justify periodic Telework (e.g., one day every other week).
  - 2. The confidentiality or security protocols required of a position may impact whether the position is appropriate for Telework or the amount of Telework available (e.g., positions requiring access to documents or items that should not be removed from USMO).
- D. To be approved for Telework, an employee must have a performance rating of at least "meets standards," and a track record of performing work accurately and efficiently without the need for close supervision. Having a "meets standards" rating does not guarantee an employee the option of Telework as some jobs and some employees are more productive and effective when work is performed in person.

New employees who do not have any performance rating may be considered for Telework at the discretion of the supervisor.
- E. To be approved for Telework, an Eligible Employee must have and agree to work from a suitable designated Remote Worksite and must use USM-issued computing devices (laptop, tablet, etc.) when one is provided. If a USM computing device has not been issued to an employee, they may use their personal device provided it meets the requirements in the USM

Personal Use Device Checklist created by USMO-IT. Other peripheral computing equipment (e.g., monitor, mouse, keyboard, docking station, printers, etc.) and other telecommunications/networking equipment necessary to effectively Telework, including reliable and secure internet service, are to be provided by the employee at their expense.

1. Employees are responsible for the cost of maintenance, repair and operation of their Remote Worksite, personal equipment, furniture, necessary utilities, and internet service.
  2. Where required by an employee's work duties, the designated Remote Worksite must allow for confidentiality.
  3. Supervisors should take appropriate steps to verify the suitability of a Remote Worksite (e.g., via video conferencing or photographs).
  4. Equipment provided to a Teleworker remains the property of USMO and must be returned on termination of the employee's Telework arrangement or employment.
  5. The use of equipment, software, data, supplies and furniture, if provided by USMO, is limited to use by the Teleworker and for purposes related to USMO business only.
- G. The Teleworker is responsible for the safekeeping of all items furnished by USMO.
- H. Where an employee requests to Telework two days per week, a supervisor may reject the request but should be able to articulate a valid reason for denying the request based on the nature of the job, the effectiveness of the employee, or any of the guidelines listed in this Policy. An employee's request to Telework three or more days per week may be denied solely at the discretion of the supervisor.
- I. Telework privileges may be revoked at the sole discretion of the supervisor or USMO. Telework arrangements may be revoked or changed by a supervisor, with or without cause, by providing an employee with a reasonable amount of notice (ordinarily two weeks).

## VII. TELEWORK SCHEDULES

- A. At the supervisor's discretion, an employee may be permitted to work a Telework schedule that differs from the hours worked during the employee's regular in-person workdays provided that the employee continues to fulfill the appropriate work effort (e.g., 1.0 FTE).
1. An alternative or flexible work schedule may be appropriate, and should be considered, to allow an employee to attend to elder or dependent care issues during certain hours so that the employee's attention can be devoted entirely to Telework during Telework hours.
  2. An alternative or flexible work schedule may not be approved for a non-exempt employee unless the employee strictly adheres to their set work schedule and acknowledges that overtime must be approved by the employee's supervisor in advance.
- B. The schedule must be agreed upon in writing by the supervisor.

- C. A Teleworker may be required to give up office space and utilize a hoteling office or shared office space as a condition of Telework. An employee's Telework schedule should be created with these considerations included.
- D. Telework days should be treated as regular work days. A Teleworker is expected to attend meetings virtually and to fully engage in work activities on scheduled Telework days.
- E. For operational or safety reasons, USMO may direct certain groups of Teleworking employees to temporarily increase the number of Telework days per week or to engage in Episodic Telework.
- F. At the discretion of the supervisor, an Eligible Employee may be permitted to work an Ad Hoc Telework Arrangement. A supervisor may impose conditions of advanced notification for the privilege of an Ad Hoc Telework Arrangement. A Teleworker working an Ad Hoc Telework Arrangement must meet all the underlying requirements and obligations of this Policy.

### **VIII. DEPENDENT CARE, REQUIRED ATTENDANCE, AND LEAVE CONSIDERATIONS**

- A. Employees are not prohibited from Teleworking while dependents are present, but Telework should not be considered a substitute for dependent care. If dependent care requirements would prevent an employee from devoting full attention to Telework, the employee is expected to make alternative dependent care arrangements or to propose an alternative Telework schedule agreeable to the employee's supervisor.
- B. Attendance at an employee's primary workplace for on-site meetings, conferences, training sessions and similar activities may be required on scheduled Telework days at the sole discretion of the supervisor. Where practical, a supervisor should give an employee two weeks' notice of required on-site activities.
- C. Teleworking employees are required to obtain supervisory approval for the use of leave during Telework hours in the same manner as required for in-person work hours. Teleworking employees are expected to request and take leave and to use holiday hours when an employee is on vacation or when the University is closed to observe a holiday on days that fall on the employee's regular Telework schedule.
- D. In the event an employee's physical USMO worksite is closed due to inclement weather or similar emergency conditions on a day the employee is approved to Telework, the employee is expected to continue to Telework or to take leave.
  - 1. Supervisors may not unreasonably deny a Teleworker's request to take leave during an emergency closure if the emergency condition also means the employee has unexpected dependent care obligations (e.g., where local schools are closed due to weather conditions).
  - 2. Pursuant to VII(E) above, certain emergency conditions may trigger Episodic Telework.

### **IX. TELEWORK AGREEMENT**

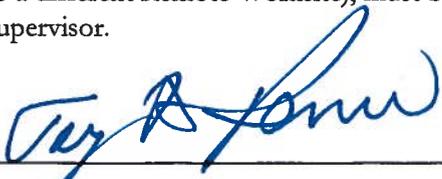
- A. Once a supervisor has agreed that an employee and the employee's job function are suitable for Telework, the supervisor and employee are required to complete a Telework Agreement and to submit the Agreement to the Vice Chancellor (or designee) for approval. Human Resources will provide a model Telework Agreement.
- B. Supervisors should periodically review each employee's Telework Agreement and schedule to make sure any changes are appropriately documented. This should happen at least once per year.

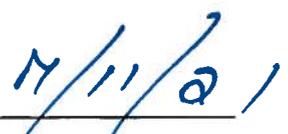
**X. LIABILITIES FOR INJURIES**

- A. Teleworkers are covered under the State's Workers' Compensation Law for injuries occurring in the course of the actual performance of official duties at the employee's Remote Worksite.
- B. The Teleworker or someone acting on the Teleworker's behalf is required to immediately notify the Teleworker's supervisor of any accident or injury that occurs at the employee's Remote Worksite.
- C. USMO will follow required procedures regarding the reporting of injuries for employees injured while at work.
- D. USMO is not liable for damages to the Teleworker's personal or real property while the Teleworker is working at the Remote Worksite, except to the extent required under Maryland law.

**XI. TELEWORKER RESPONSIBILITIES**

- A. Teleworkers are expected to adhere to all requirements set forth in this Policy and the scheduling expectations set forth in the employee's executed Telework Agreement.
- B. Teleworkers are subject to the same conditions of employment, policies, and performance expectations that apply to employees who do not Telework.
- C. Remote access to USMO confidential data or sensitive information must be done through USMO-approved secure connections (e.g., VPN, etc.) and can only be transferred to computing devices as defined in section V.E.
- D. Teleworkers should consult USMO IT policies for information on Remote Access, Acceptable Use, Anti-Virus, and IT Security.
- E. A Teleworker who is issued USMO equipment is required to comply with all rules applicable to the use and maintenance of USMO property and may be required to sign an additional acknowledgement related to this responsibility.
- F. Any changes to the conditions of an employee's Telework Agreement (including a relocation to a different Remote Worksite), must be disclosed to and approved by the employee's supervisor.

  
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Jay A. Perman, Chancellor

  
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