

Bates College Policy on Telecommuting

Definition:

Telecommuting refers to an arrangement where an employee works from home or from another non-College location off-campus through telecommunications technology. Depending on the details of the arrangement, telecommuting constitutes either a portion of the employee's work schedule or all of it.

Purpose: The intent of this policy is to specify the relationship between Bates College and the employee when a telecommuting relationship has been determined to be appropriate. The policy also provides basic guidance on the types of positions that may be eligible for telecommuting. However, the final decision on position eligibility lies with the college. This policy applies to employees classified as staff and does not apply to faculty.

Telecommuting is designed to support a strategy that maximizes productivity and performance, regardless of the work location, when the duties of the position allow. The College encourages and allows the use of telecommuting arrangements and flexible scheduling within the bounds of good public practice, business operations, and resource limitations.

Some benefits of telecommuting include:

- Maintaining an organizational culture that supports employee flexibility and mobility.
- Promoting a positive life/work balance.
- Reducing our impact on the environment and energy consumption.
- Promoting continuity of operations during worksite disruptions, including modified and suspended operations, such as during a weather emergency or a pandemic.
- Providing a supportive and productive work environment that attracts and retains employees.
- Decreasing on-campus office space and parking needs.
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The College decides, in its sole discretion, whether a telecommuting arrangement is a viable option, based on several factors, including:

- The College's needs;
- The employee's circumstances including the location where the employee will be performing the work;
- The employee's ability to define goals, organize tasks, and work independently to achieve them;
- The employee's past and present level of job performance; and
- The nature of the job, including whether successful performance requires the employee to be physically present, whether it can be assessed in terms of identifiable outcome measures, and other job-specific factors.

Approval of a telecommuting arrangement is granted at the discretion of the direct supervisor, department head, and Human Resources. The determination of whether an employee is eligible to participate and is approved for telecommuting, will be made in accordance with this policy and the department's business needs.

Types of Telecommuting

There are three types of telecommuting arrangements in telework eligible positions:

- **Occasional telecommuting:** Occasional telecommuting arrangements are approved on a case-by-case basis, are infrequent, de minimis hours, and not regularly scheduled. Occasional telecommuting does not require a telecommuting agreement; however, approval must be documented, which can be done by email.
- **Hybrid telecommuting:** A hybrid telecommuting arrangement is one where the employee has both an ongoing, regular telecommuting arrangement and also reports onsite. A hybrid telecommuting arrangement must be supported by a telecommuting agreement that specifies the requirements and details of the arrangement. The arrangement can last for a defined period or can continue indefinitely with an annual review. The employee's supervisor, department head, and Human Resources are responsible for considering proposals objectively and fairly, but are not obligated to approve. Dedicated on-campus office space may or may not be provided in such an arrangement.
- **Fully remote:** A fully remote working arrangement is rare and one where the employee works fully off-site in a regular, ongoing arrangement, and only reports to campus on an occasional basis for a required on-campus event (e.g., department team-building event, project kick-off meeting). A fully remote working arrangement must be supported by a telecommuting agreement that specifies the requirements and details of the arrangement. The arrangement can last for a defined period or can continue indefinitely with an annual review. The employee's supervisor, department head, and Human Resources are responsible for considering proposals objectively and fairly, but are not obligated to approve. Dedicated on-campus office space will not be provided in such an arrangement.

Occasional, hybrid, and fully remote telecommuting arrangements are not appropriate as a substitute for sick time off or family care and should not be used when the employee's own or a family member's illness or injury interferes with the employee's ability to perform their work.

Position Eligibility

A position's suitability for telecommuting is based on operational needs and the duties and responsibilities of the position as defined in the employee's position description. The responsibilities of the position under consideration must be accomplished in just as effective, or more effective, manner by utilization of a teleworking arrangement. The telecommuting arrangement must not create challenges for the students, faculty, and/or staff whom the position supports.

Positions whose job functions require them to physically be on campus or that rely upon specific equipment or supplies that are only available on-site will be excluded from consideration for telecommuting arrangements.

Employee Eligibility

Once it has been determined that a position is eligible for telecommuting, supervisors, in collaboration with department heads and Human Resources, have discretion to decide whether the employee in that position is a candidate for telework. Supervisors should consider specific position requirements, impact on a team, employee performance concerns, and whether the employee can effectively perform the job duties of the position while telecommuting. Additionally, departments must also determine that the proposed telecommuting arrangement follows applicable policies.

A telecommuting employee's conditions of employment are the same as those of non-telecommuting employees, including compliance with all policies and rules of the College and state while telecommuting.

Requirements for in-person attendance can override regular telecommute work schedules. Supervisors should discuss such instances with the employee (e.g., hands-on training, in-person department meetings).

Expectations for timely completion of work to established standards, attendance at meetings, responsiveness, and other performance criteria are the same for telecommuting and non-telecommuting employees. Departments should apply the same performance standards to employees regardless of work location.

Employees are expected to have both electricity and a high-speed internet connection in their remote work location. If either of these is unavailable during the course of a workday, the employee must record those hours as vacation time since they are unable to work during this period.

Employee readiness for telecommuting

Some employees may be better prepared than others to manage the unique requirements of telecommuting. When evaluating a telecommuting request, supervisors should consider whether the employee has a record of satisfactory performance in the workplace and has demonstrated the ability to:

- Prioritize work to meet deadlines
- Accomplish job duties with minimal supervision
- Understand their role and expectations
- Be organized, highly disciplined, and self-motivated
- Communicate effectively with supervisor, campus stakeholders, and team members
- Manage time effectively

Establishing position-based eligibility and criteria for employee readiness for telecommuting helps maximize equity by giving employees in telecommuting-eligible positions the same access to telework based on their specific job requirements. It is important that departments establish fair and equitable processes to determine whether an employee is successful in using telework.

If there is uncertainty about the potential effectiveness of a proposed telecommuting arrangement, the manager may consider allowing the employee to telework on a pilot basis. A review period should be established, after which a decision can be made about regular telecommuting.

Manager and team readiness for telecommuting

Before approving a telecommuting request, managers will consider any changes needed to ensure the team continues to meet its objectives. Managers must be able to certify that the employee and work product will be as effectively managed as their on-site colleagues.

Telecommuting as a disability accommodation

Employee requests to telecommute as a disability accommodation or a pregnancy accommodation are handled through the accommodation process as described in the [Employee Handbook](#). Employees should discuss requests for accommodation-related telecommuting with [Human Resources](#).

Telecommuting Request Process

Employees with an interest in telecommuting should discuss the potential for such an arrangement with their direct manager. In preparation for that discussion, an employee should put into writing why their position would be eligible for telecommuting, how the employee has demonstrated their readiness for such an arrangement, what their telecommuting schedule would be and how the college would benefit from the arrangement. The direct manager will need to discuss the request with their supervisor and with HR to ensure consistency and equity of decisions across the department and college.

There may be circumstances in which a request for telecommuting cannot be approved. In those cases, the direct supervisor and/or department head should explain the reasons for denying the request, with the denial

based upon policy, position responsibilities, impact on department/campus operations, and/or the employee's past performance.

Document the telecommuting arrangement

If the College agrees to a telecommuting arrangement, the employee must sign a Telecommuting Agreement which will detail the terms and conditions for the arrangement. The telecommuting agreement is used to create transparent expectations and provides role structure in a remote environment. The desired outcome is to help ensure a positive, successful, and safe working environment for all involved.

Approval of the telecommuting arrangement is conditioned upon working in a particular location that has been approved by the College and memorialized in the telecommuting agreement. An employee who seeks to relocate during employment under a telecommuting agreement is required to obtain advance approval from their manager to telecommute from a different location. Failure to do so may jeopardize employment with the College. The College reserves the right to deny a request for continued telecommuting following a relocation based on business and/or operational needs.

Telecommuting agreements are meant to be responsive to the changing needs of the workplace, and should be reviewed and updated both as needs change and, at a minimum, annually.

Telecommuting-related Policies and Practices

Fully remote workers will be provided with:

1. a College-owned laptop computer, a docking station, external mouse and keyboard and an external monitor. This equipment will be replaced by the College when it becomes obsolete, following the same procedures used for on-campus workers. This equipment must be returned to the College when the individual leaves employment. If an individual's machine requires repair, they will need to bring it to the campus and pick up a replacement.
2. a College phone number that is answered via Zoom
3. an evaluation of the ergonomics of their work environment by the Office of Environmental Health and Safety. Employees are required to correct any deficiencies that are observed during this evaluation and to maintain the work environment moving forward in accordance with all recommendations.

There is an expectation that the fully remote worker will return to the Bates campus occasionally. During those times, they are expected to bring their laptop computer with them for use when they are on campus. An appropriate office space will be provided for their on-campus use during this time.

Hybrid telecommuting workers will need to decide, in consultation with their direct supervisor and documented within the Telecommuting Agreement, the on-campus and off-campus office arrangement. College-provided office equipment and furniture will not be duplicated in both locations, so the location where the employee spends the majority of their office time (>50%) will be designated as the primary location.

Hybrid telecommuting workers will be provided with:

1. a College-owned laptop computer, a docking station, external mouse and keyboard and an external monitor for their primary office location. They will be expected to use this same laptop computer when they are working in their secondary office location. This equipment must be returned to the College when the individual leaves employment.

2. a College phone number that is answered via Zoom.
3. an evaluation of the ergonomics of their work environment by the Office of Environmental Health and Safety. Employees are required to correct any deficiencies that are observed during this evaluation and to maintain the work environment moving forward in accordance with all recommendations.

Telecommuters are expected to ensure that the expectations for [information security](#) that College property is secured. The College assumes no responsibility for the telecommuter's expenses related to internet service, phone, heating, electricity, water, security, insurance, and usage of personal residence. Replacement of College property that is lost or damaged when in an individual's home is the responsibility of the employee.

Office supplies

Basic office supplies, such as pens, highlighters, sticky notes, paper, notebooks, and small computer accessories such as a mouse, keyboard, and batteries for a wireless mouse are generally approved for purchase as a College expense. Office supplies should be ordered and paid for through the department's designated purchasing procedures and vendors.

Work schedules and timekeeping

Employees and managers are required to comply with all timekeeping and overtime regulations defined by state or federal law (e.g., the Fair Labor Standards Act), and College policy. Hourly paid telecommuting staff must record the total number of hours worked remotely each day as "Regular" on their timesheet. Employees may not work more than their usually scheduled number of hours without their manager's prior approval. Managers must ensure accurate recording of hours worked.

Working with family members at home

Telecommuting arrangements are not to be used to provide active care for any family member or dependent. Employees are expected to have regular dependent care arrangements for any dependent during their work hours. However, during extraordinary circumstances (e.g. pandemic), or as communicated by senior leadership, working at home while providing dependent care may be approved, provided norms and expectations are outlined in an employee's telecommuting agreement for regular telework, or in email for occasional telework.

Out-of-State Remote Work

Teleworking out-of-state has additional considerations related to taxation, reporting, and applicability of local jurisdiction employment laws. While employment at Bates College occurs primarily at the Lewiston, Maine campus, the College, in its sole discretion, may approve an employee to work remotely from a location outside Maine in extremely rare circumstances.

Approval

Employees may have a work location outside of Maine when they are hired to perform their job duties out-of-state or when current telecommuting eligible employees receive advance approval to work remotely from out-of-state. Approval for out-of-state hiring or for current employees to become remote must be approved by the department's Vice President, Vice President for Finance and Administration, and the Assistant Vice President of Human Resources.

Employee responsibilities

Employees working remotely in a state other than Maine are responsible for verifying that their home address is accurately reflected in the HR and payroll systems. Taxes, payroll deductions, and the applicability of other labor and employment laws may be different depending on the state where the work is performed.

Whether an individual is subject to income tax in a particular state is typically driven by tax residence. Unfortunately, there is no uniform threshold after which employees working out-of-state become subject to tax in that location. Each state's income tax and withholding requirements vary significantly, and may be based on both personal residence and/or work location. In many cases, whether an employee is domiciled or maintains a residence in the state and is "present" in that state for the majority of the tax year may make the individual a resident for tax purposes. Employees should familiarize themselves with the residency requirements and tax laws of any proposed out-of-state work location. Guidelines for determining residency status in a state may be found on their state tax authority website.

Out-of-state remote workers must comply with all departmental and institutional policies including, but not limited to policies addressing appropriate use of College resources.

Considerations

When employees work out-of-state, in addition to other teleworking considerations, employees and managers should consider the following compliance-related impacts:

- **Workers' compensation** – Remote employees are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. However, employees who work outside of Maine are not covered by the [Maine Workers' Compensation Board](#). Workers' compensation insurance is set up in the state the employee works. Remote employees must report any work-related illness or injury to their supervisor immediately. For instructions on how to file a claim in another state, contact [Human Resources](#). The claim filing process will be specific to the state in which the injury occurred.
- **Maine Family and Medical Leave Act** – Employees who work outside of Maine are not covered by the [Maine Family and Medical Leave Act](#). Employees who work in a state outside of Maine may be covered by a similar program in the state in which they work as well as the federal Family and Medical Leave Act.
- **Unemployment insurance** – Remote employees who work outside of Maine are not covered by [Maine unemployment insurance](#) unless there is a reciprocal coverage arrangement in place with that state. Employees who work in a state outside of Maine may be covered by an unemployment insurance program in the state in which they work.
- **Out-of-state Tax withholding** – Both the employee's work location and the location of the employee's residence may trigger state withholding, depending on state law.
- **Compensation and Exemption from Overtime** – Compensation for out-of-state remote employees follows the same compensation policies and guidelines as established by College policy, regardless of the employee's work location. This includes applying Maine minimum wage except where a specific state or local law exceeds. Exemption from overtime follows the rules of the Maine Department of Labor, regardless of the remote employee's work location.
- **Travel between locations** – The costs of voluntary travel to and from the campus worksite for out-of-state remote workers is the responsibility of the individual employee. The employee's department is responsible for travel reimbursement for official business travel between the employee's official work location and campus. All other business related travel shall be reimbursed in accordance with the College's policy for [Transportation Expenses](#).

Related Policy Considerations

Telecommuting staff must adhere to all departmental and institutional policies including, but not limited to, policies regarding confidentiality of information, work schedules, work hours, use of equipment, ethics, performance, leave use and tracking of work hours. All time off and leave provisions under applicable policy continue to apply under a telecommuting agreement.

Key policies include, but are not limited to:

- **College Acceptable Use Policy** – Telecommuting employees must take reasonable steps to ensure they follow the guidelines for responsible and respectful use of IT resources.
- **Computer Purchase and Replacement** – Telecommuting employees are subject to ILS policy governing computer equipment, maintenance, and replacement.
- **Workers' Compensation** – Work-related injuries at the remote worksite, during agreed-upon working hours, are covered by Workers' Compensation. Employees are required to report any work-related illness or injury to their supervisor immediately. Employees and their supervisor are required to fill out an injury/incident report as an internal record of the incident within 24 hours of the event or claim.
- **Transportation Expenses** describes travel reimbursement for employees traveling on behalf of the College to conduct Bates business.