



# CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

## Office of Human Resources

### Telecommuting Policy and Guidelines *for Employees Not Represented by CSUEU*

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#### **I. PURPOSE**

The purpose of this policy is to define the telecommuting program for California State University, Bakersfield (the University) and the guidelines and rules under which it will operate. This policy applies to all telecommuting activities for employees of the University not represented by CSUEU and is authorized by California Government Code sections 14200-14203. All managers and telecommuters should be familiar with the contents of this policy.

The University supports the use of a telecommuting work option for home offices in positions whose job duties can be performed away from campus. This policy recognizes the benefits to the University available through a planned and managed telecommuting program.

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

Telecommuting opportunities are based upon program requirements as determined by the appropriate Cabinet Officer.

#### **II. EMPLOYEE SELECTION**

Telecommuting is only feasible for those job duties that can be performed away from the main office. Participation shall be based on specific, written, work related criteria established by the employee's appropriate administrator. The written Telecommuter's Agreement shall contain the work schedule, Work Performance Expectations, and duration of the agreement. Such selection criteria for telecommuting candidates may include such factors as; employee past work performance with a history of reliable and responsible discharge of work duties; employee ability to provide alternative work space and necessary, appropriate equipment; the feasibility to perform job duties in whole or in part, away from the campus office; and a full understanding of the operations of the organization. The appropriate Cabinet Officer must approve all proposed employee selections and work schedules. Employee participation in home office telecommuting is voluntary and at the discretion of the appropriate administrator with final approval of the area Cabinet Officer.

#### **III. PROCEDURES**

##### **a. Work Schedule**

Telecommuters shall maintain regular contact with supervisors and co-workers. Home office telecommuters may be required to spend a minimum number of days per week in the main office, except under unusual conditions approved in advance by the appropriate administrator.

University operational needs take precedence over telecommute schedules. The employee will forgo telecommuting if needed in the office or elsewhere on the regularly scheduled telecommute day. All telecommuting work schedules are discretionary to management and require prior management approval. The work schedule shall be consistent with the operational



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needs of the employee's work group and the provisions of the employee's collective bargaining agreement. As with any work schedule, temporary telecommuting assignments or changes in work schedules may be made at management's discretion to meet management needs or to accommodate employee's appropriate needs and in compliance with the appropriate collective bargaining agreement.

#### **b. Pay, Attendance, and Leave**

All pay and leave will be based on the employee's official CSUB position. The employee's time and attendance will be recorded as if performing official duties at the campus.

Employees must obtain supervisory approval before taking leave in accordance with established department procedures. The employee agrees to follow established procedures for requesting and obtaining approval of leave. If an employee is sick and unable to work in their telecommuting location, they are required to report those absences when they are unable to work as they would in a normal office setting.

For non-exempt employees: overtime shall be authorized in advance by management in accordance with the provisions of the employee's collective bargaining agreement. An employee working overtime approved in advance will be compensated in accordance with applicable laws and rules. The employee understands that failing to obtain proper approval for overtime work may result in the telecommuting agreement being canceled.

#### **c. Employee Requirements**

As with all State employees, telecommuters are expected to adhere to all the rules and regulations in the State Administrative Manual, and all University policies and procedures, including those pertaining to security and confidentiality for university infrastructure and documents on the computer, its data and information, and any other information handled in the course of work. Telecommuters shall comply with computer software licensing agreements, University policy and federal laws, including copyright and patent laws. Products, documents and other records used and/or developed while working under a telecommuting agreement will remain the property of, and be available to, the University.

#### **d. Equipment Needs and Cost Factors**

As appropriate, telecommuters will require a computer with a modem or similar means to communicate with people and access the information needed to perform their responsibilities. It is essential that the equipment used at the home office be compatible with the main office equipment. The use of a laptop computer may be considered. An employee's own equipment may be used. A telephone is also an essential requirement so that the employee may stay in contact with the University. Voice and data communications may be handled through the employee's residential phone, if volume is not heavy.

State provided equipment is to be used only by the telecommuting employee. The equipment must be protected against damage and may be used for University work only. University-owned equipment will be serviced and maintained by the University. Employees must have all state property that is removed from their University workplace documented in accordance with the University Equipment Checkout Policy.



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#### **e. Maintenance, Repair, and Replacement**

Maintenance and repair of State owned equipment issued to telecommuters, as described on the Equipment Checklist for Telecommuters” form, would be the responsibility of the University. Replacement of State owned equipment, which is stolen or destroyed, would be the responsibility of the telecommuter. Replacement cost will be the responsibility of the telecommuter. In the event of equipment malfunction, the telecommuter must notify his/her supervisor immediately. If repairs will take some time, the employee may be asked to report to the main office until the equipment is usable. Repairs to State equipment that result from employee negligence, recklessness or intent to damage, may be the responsibility of the employee. Repairs to telecommuter owned equipment would be the responsibility of the employee. The employee shall release the University from any and all liability resulting from the use of his/her own equipment.

#### **f. Health and Safety**

Telecommuting employees are responsible for designating one area in their house as the work site which shall be approved by their supervisor for ensuring that their home work site complies with health and safety requirements and must so certify as part of their “Telecommuter’s Agreement.” A “Telecommuter’s Safety Checklist” must be completed and signed by the employee before telecommuting privileges are granted. The University may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on safety considerations or the needs of the University at any time. If an employee incurs an injury while telecommuting, worker’s compensation law and rules apply. Employees must immediately notify their supervisors and complete all necessary and/or university-requested documents regarding the injury.

“Telecommuting” is defined as the actions directly related to working in the home approved work site, and does not include actions that the telecommuter may take during break periods from working. These non-covered actions would include all actions that the employee would not be able to perform in his/her regular office, or which are directly related to the operation of the home. Examples of such non-covered actions include caring for children, domestic tasks, yard work, checking mail, retrieving the newspaper, etc.

#### **g. Employee Rights**

If employees have questions or concerns regarding this program or their participation in this program, they may contact the Office of Human Resources.

#### **h. Performance Standards and Evaluation**

Performance standards and employee accountability for quantity and quality of their work will not change due to participation in the telecommuting program. As in "regular" office assignments, supervisors and employees must discuss and understand what is expected to be produced during telecommuting and when it is due. Supervisors and employees must also arrange when/how to make contact with each other on telecommuting day(s). The evaluation of the employee's job performance will be based on established standards. Performance must remain in the category of "Satisfactory" or above to remain in the Telecommuting Program.



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#### **IV. TERMINATION OF PARTICIPATION**

Because participation in telecommuting is a bilateral voluntary agreement, the University may change, alter, or terminate an individual employee's participation in the program without cause, at any time, for any reason. Notice will be provided in accordance with the appropriate contract provisions. Termination of the employees' participation for cause may be immediate and does not require advance written notice. The appropriate administrator will make arrangements for the employee to begin working at the main office as quickly as possible. The employee may also request to terminate participation. Upon termination of the telecommuting agreement, the employee agrees to immediately return all University property.

#### **V. TELECOMMUTER'S AGREEMENT AND SUPERVISOR'S CHECKLIST**

The Telecommuter's Agreement documents the mandatory policies in effect and supercedes any other agreements between the supervisor and the telecommuter. This must be signed by both parties prior to the start of telecommuting and must be reviewed and renewed at least annually to ensure that these guidelines for participating in the program are in compliance and well understood. This agreement, its attachments and any revisions are not contracts or promises of employment. Nothing in this Agreement guarantees employment for any specific term.

#### **VI. RENEWAL OF TELECOMMUTING AGREEMENTS**

Each telecommuter's agreement should be discussed and renewed annually, whenever there is a major job change, or whenever the telecommuter or manager changes positions. Because telecommuting was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and manager characteristics, a change in any one of these elements will also require a review of the telecommuting arrangement. Telecommuting is a work arrangement between an individual employee and his or her manager. The employee has no automatic right to telecommute nor continue participation in the program.

#### **VII. TAX/EXPENSE IMPLICATIONS**

Any and all tax implications of utilizing a home office deduction are the responsibility of the employee. The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities), associated with the use of the employee's residence. The employee will be reimbursed for authorized expenses incurred while conducting official duties at the Telecommuting location, including business calls, paper and other supplies.