



south carolina STATE LIBRARY

South Carolina State Library Telecommuting Policy

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Policy Statement:

The South Carolina State Library (SCSL) Director 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 Division of State Human Resources (DSHR). South Carolina law states that agencies may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings. 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.

This Policy defines SCSL's telecommuting program and the rules under which it will operate. SCSL will only allow the use of telecommuting where it is a viable and beneficial work option as determined by management. The Agency recognizes the benefits of such work options for employees. Participation is generally voluntary and subject to approval by appropriate management staff. Participation is not an employee right or benefit and may be discontinued at any time. Telecommuting may not be appropriate for all areas of the agency, especially those having limited staff. SCSL will not be responsible for creating an office setting in the telecommuting employee's home.

This Policy sets forth the parameters for regular, recurring telecommuting established as set forth herein. It also establishes rules for periodic, intermittent, and temporary or emergency telecommuting.

Definitions:

Telecommuting: a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, subject to the Rules set forth in this Policy and the Telecommuting Terms.

Primary Workplace: The telecommuter's usual and customary agency workplace. For employees who work in the field, or who are full-time telecommuters, the primary work location should still be the agency office.

Alternate Workplace: A workplace other than the employee's usual and customary workplace (Primary Workplace), from which the employee telecommutes. This 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 Terms: The signed document that outlines the understanding between the agency and the employee regarding the telecommuting arrangement.

Telecommuter: An employee who has an agreed-upon schedule during which they are expected to work at their designated and approved Alternate Workplace 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.

Rules:

A. Employee Eligibility

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. 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 their designee. The agency head or their designee may, however, designate a position as telecommuting only. In this case, telecommuting would not be voluntary.

To be eligible for telecommuting, an employee must have completed one year of satisfactory employment with the agency unless the position has been designated as a telecommuting position. Employees on a warning of substandard performance or those who were subject to disciplinary action within the past year of the Telecommuting Application are not eligible for telecommuting. These requirements may be waived at the discretion of Department Director and Human Resources, as approved by the Agency Director.

Telecommuting is not a substitute for childcare, dependent care, or other personal responsibilities. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities.

B. Application and Employee Approval

An eligible employee must complete a Telecommuting Application and submit the request to their supervisor for review and final approval by Senior Management (Executive Leadership Member or their designee). The Application shall include the minimum requirements in the State Employee Telecommuting Guidelines. The supervisor must review the Application to ensure it accurately reflects the employee's job. Management may request additional information as deemed necessary to consider the telecommuting request. Upon approval by management, the Application must be submitted to the Telecommuting Coordinator in Human Resources. The Telecommuting Coordinator will review the Application for completeness and to ensure consistency in the application process.

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 successful telecommuter and if the duties, or a portion of the duties, of the employee's position can be adequately performed while telecommuting. Some of the characteristics of employees and positions suitable for telecommuting include the following:

- Responsibilities are arranged so there is no difference in the level of service provided to the customer;
- The position has minimal requirements for direct supervision or customer contact and requires minimum in-person 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 does not require materials accessible only from the office;
- There are safeguards to ensure confidential information is protected as required by state and federal law and applicable program policies;
- The employee is self-motivated, self-disciplined, and able to work independently;
- The employee can complete projects in a timely manner with minimal supervision and feedback;
- The employee has strong organizational and time-management skills;
- The employee has a documented history of good performance;
- 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 has effective working relationships with co-workers and will be able to maintain communications with co-workers while telecommuting;
- The employee is knowledgeable about the agency's policies and procedures and has been on the job long enough to know how to work in accordance with those policies;
- The employee has the necessary safe workspace with equipment and appropriate level of security required by the agency.

Selection of employees shall not be arbitrary nor based on seniority but shall be based on specific work-related criteria. SCSL must approve the request before the employee begins telecommuting.

C. Telecommuting Terms

Upon approval, the employee must agree to follow all requirements of this Policy and any additional requirements agreed upon by the agency and the employee as set forth in the Telecommuting Terms. The Telecommuting Terms should not exceed one year at a time and must be considered for renewal annually. The Telecommuting Terms should be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the employee's telecommuting arrangement change. Telecommuting Terms are not transferable from one position to another.

Management's decision on whether or not to grant a request to telecommute is final. The signed, approved Telecommuting Terms must be sent to the Telecommuting Coordinator in Human Resources to be placed in the employee's office personnel file.

D. Telecommuting Employee's Conditions of Employment

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the employee's Primary Workplace. The employee's supervisor may, however, assign additional duties related to communication, work progress, and productivity. 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.

The employee will continue to comply with all Federal laws, State laws, and agency policies and procedures while working at the Alternate Workplace. 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 payment for time worked and overtime compensation.

E. Hours of Work

Work hours, compensatory time, and leave benefits will not change as a result of telecommuting.

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). The supervisor will establish parameters for the time and location of all work to be performed, which will be specified in the Telecommuting Terms. The employee must be accessible at all times during the specified work hours. The agency and the employee agree that, at the agency's discretion, the employee may perform assigned work for SCSL at a location other than the Primary Workplace. Supervisors should attempt to provide advance notice of any deviation to an established telecommuting schedule; however, such notice is not a requirement.

Regardless of the telecommuting schedule, an employee can be required to report to the Primary Workplace at any time. An employee must forego telecommuting if needed in the

Primary Workplace during a designated telecommuting day. Regular communication through weekly or monthly meetings, teleconferencing, or in-office days is required. Employees will attend in-person called meetings through the workweek as instructed by the manager or supervisor. The manager or supervisor should provide reasonable notice whenever necessary and possible, but the employee may be directed to report to the Primary Workplace without advance notice as needed.

The same performance expectations for employees working in the office shall be applied to employees who telecommute. Performance will be monitored and reviewed under the same process as employees working in the office. Telecommuting activities shall be clearly defined and include measurable deliverables, productivity metrics, and an agreed-upon method of managing performance expectations. Employees applying for telecommuting will generally be expected to propose measurable deliverables, and productivity metrics as part of the application process. The supervisor will evaluate this proposal as part of the process of considering whether telecommuting should be approved. Deliverables and metrics are determined by the Agency, and the employee's proposal may be modified before the application is approved.

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.

F. 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.

G. Leave and Overtime

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 works at the employee's Primary Workplace. A telecommuting employee shall not work overtime unless authorized in advance by their supervisor or as otherwise authorized by the agency's Overtime Policy. Telecommuting hours are regular work hours and, therefore, employee 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.

H. 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 telecommuting arrangement 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 advance notice, upon request of SCSL.

If an employee is unable to work at the Alternate Workplace due to equipment or power failure or other unforeseen reason, they must immediately notify their supervisor and either take leave, make up time missed, or report to work at the Primary Workplace. A telecommuting employee whose Primary Workplace is closed due to hazardous weather or other reasons will be required to work by telecommuting at the Alternative Workplace, even if the employee was scheduled to work from the Primary Workplace at the time that office is closed.

Generally, the Alternate Workplace should be in South Carolina. If SCSL 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.

I. Designation of Alternate Workplace and Workplace Safety

The employee must agree to designate a separate workspace in the Alternate Workplace for the purposes of telecommuting and maintain this area in a safe condition, free from hazards and other dangers to the employee, the agency's equipment, and confidential information. The employee must identify the workplace to the supervisor through submitting the Telecommuting Workplace Safety Checklist. The Checklist should be reviewed by the supervisor and sent to the Telecommuting Coordinator to place in the employee's official personnel file.

The employee must promptly notify and receive written approval from the supervisor prior to any material changes impacting the Alternate Workplace including, but not limited to, relocation during the telecommuting arrangement. It is the employee's obligation to ensure the safety of the Alternate Workplace and compliance with all health, safety, and confidentiality requirements. The employee agrees that the Agency shall have reasonable access to the designated Alternate Workplace for all reasonable purposes including but not limited to inspection of the space and retrieval of agency-owned property and information. No employee engaged in telecommuting will be allowed to conduct in-person, SCSL-related business with non-agency personnel at the Alternate Workplace. The Agency will not be responsible for injuries or damages in the Alternate Workplace to the person or property of third parties or any members of the employee's family. The employee agrees to indemnify the Agency for any such claims. If the Alternate Workplace is in the employee's home, the employee is responsible for reviewing their homeowners' 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.

The employee understands that the Agency will not reimburse the cost of Alternate Workplace expenses including, but not limited to, phone, internet services, heat, water, electricity, and insurance.

J. Workers' Compensation

The Alternate Workplace, as approved, is considered an extension of the employee's Primary Workplace; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined Alternate Workplace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately, and the employee must complete the required documents regarding the injury.

K. State-Owned Equipment

SCSL may provide all or part of the equipment necessary to accomplish work assignments. Support, maintenance, repair, and replacement of state-owned equipment issued to telecommuters are the responsibility of the agency. In the event of equipment malfunction, the telecommuter must notify the supervisor immediately. If repairs will take some time, the telecommuter may be directed to report to the Primary Workplace until the equipment is usable.

All equipment, supplies, materials and/or other property will be immediately returned to SCSL upon request, termination of participation in Telecommuting, and/or termination of employment. Employees are responsible for any damaged or non-returned SCSL issued equipment. Employees may also be required to reimburse SCSL for equipment damaged or lost as a result of the employee's negligence to the extent permitted by State and Federal law.

L. Employee-Owned Equipment

Use of an employee-owned computer is the decision of the telecommuter and supervisor in accordance with the Telecommuting Application and SCSL Telecommuting Terms, with the understanding that no on-site or telephonic support will be provided from any agency resource. Additionally, the purchase of software and installation and configuration on employee-owned equipment are the responsibility of the telecommuter. All support will be the responsibility of the telecommuter. Configuration, maintenance, and repairs to personally owned equipment will be the responsibility of the employee. In addition, the employee is responsible for ensuring an employee-owned computer is compatible with any government-owned systems the employee needs to access/utilize as part of their duties.

M. Security and Privacy Requirements

The Agency's established security and privacy controls and conditions for use of state-owned equipment and information, as well as SCSL Retention Schedules, for the Primary Workplace will also apply to the Alternate Workplace. All official Agency records, files, and documents must be protected from unauthorized viewing, access, disclosure, or damage, and returned safely to the Primary Workplace whenever requested by the Agency. The employee will return all Agency equipment, files, documents, and supplies to the Agency immediately upon request or termination of telecommuting or of the employee's employment.

The employee agrees to abide by all Information Security policies and procedures set forth by the agency concerning the use of computer equipment (including protecting the employee's home personal computer and network, if used for work, against computer "viruses" or malware), and understands that these rules may be changed at any time. The employee agrees to follow the agency's procedure for network access and to take all necessary steps to protect the integrity of systems including by not limited to passwords:

- a. not making passwords available to anyone else;
- b. not allowing others to see passwords when the employee is working;
- c. not posting passwords where others can see them; and
- d. not leaving the password-accessed systems "live" when leaving the work area.

The employee must follow all SCSL Confidentiality and HIPAA policies and procedures related to information security and privacy in the Alternate Workplace to the same extent as required in the Primary Workplace. The employee must also comply with SCSL's Agency Records Management Policy with regard to the preservation, maintenance and retention of public records utilized in the Alternate Workplace. All agency records, files and documents must be preserved and protected from unauthorized viewing, access, disclosure or damage, and must be returned safely to the Primary Workplace. Under no circumstances shall a telecommuting employee be permitted to retain possession of any information not also accessible by an authorized individual in the Primary Workplace. A telecommuting employee must immediately notify their supervisor of any actual or expected security issue or privacy breach that arises during work at the Alternate Workplace. The Supervisor will immediately contact the SCSL Information Security Officer and/or Privacy/Compliance Officer. The employee and supervisor will cooperate fully with the SCSL Information Security Officer and Privacy/Compliance Officer in any subsequent investigation or action related to the incident.

Employees should be aware there is 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 to adhere to applicable privacy and security requirements may result in disciplinary action up to and including termination of employment.

N. Termination of Participation

SCSL may terminate an employee's participation in the telecommuting program at any time with or without cause. This termination is final in terms of administrative review. The agency will give two-week notice of termination, if possible. However, the availability of telecommuting for employees can be discontinued at any time at the agency's discretion. The employee must also request and receive approval in a timely manner from the Supervisor and Human Resources prior to relocating during the telecommuting arrangement. Such request may result in termination or reconsideration of the current telecommuting arrangement.

By participating in a telecommuting arrangement, the employee agrees that termination of telecommuting will not constitute an involuntary reassignment under the State Employee Grievance Procedure Act.

O. 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, management should

contact SCSL Human Resources to 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. The employee and the agency should enter into a Telecommuting Agreement based upon the agreed-upon terms.

Telecommuting as part of an accommodation under the American 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 will be maintained by Human Resources. 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.

P. Reporting Requirements

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

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.

Supervisors and management will be responsible for identifying cost savings, efficiencies and benefits of the telecommuting plan and a positive ROI. The performance and productivity measures that will be used to monitor the performance and productivity of employees should be developed in cooperation between the employee and the supervisor. The Telecommuting Coordinator will be responsible for formulating the Report for DSHR based upon the information submitted to Human Resources.

In addition, the agency 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. Both FLSA exempt and non-exempt employees will be required to enter their telecommuting time.

Q. Other Types of Telecommuting

- Periodic, intermittent, telecommuting arrangements may be allowed such as when an employee is assigned a project with a short timeframe. This level of telecommuting does not require formal Telecommuting Terms and is not subject to the approval process or reporting requirements set forth above. However, management should document the approval of the periodic, intermittent telecommuting arrangements in writing to the employee.
- Temporary or emergency telecommuting may be used during short-term illness, transportation emergency due to weather, a natural disaster, pandemic or epidemic health crisis, or other similar unplanned emergency event. This level of telecommuting does not require formal Telecommuting Terms and is not subject to the approval process or reporting requirements set forth above. However, 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 emergency event. Management should receive approval from SCSL Human Resources for temporary telecommuting during the short-term illness, and may need to verify the employee has been released from their healthcare provider to perform work. An extended situation of temporary or emergency telecommuting during illness should be handled as regular Telecommuting subject to the requirements of this Policy. Before agreeing to temporary or emergency telecommuting for short-term illness, supervisor should consult Human Resources to determine whether the employee’s situation may be appropriately addressed by taking leave or other accommodation under the ADA or FMLA.

Responsibility

Responsibility	Action
Employee:	Request permission from Supervisor to telecommute by filling out the Telecommuting Application. Upon approval, sign the Telecommuting Terms and comply with applicable provisions of the Terms and this Policy. Complete the Workplace Safety Checklist and submit to the employee’s supervisor. Immediately notify supervisor of any actual or suspected breach of privacy or security and cooperate fully with agency management. Enter telecommuting time in SCEIS using the Telecommuting Attendance Code. Immediately notify supervisor of equipment or power failure. Immediately notify supervisor of a change in telecommuting location (Alternate Workplace) and/or contact information.
Supervisor:	Complete Telecommuting Application with employee and Telecommuting Terms if approved. Review and sign the Employee’s Workplace Safety Checklist and submit to the Telecommuting Coordinator. Perform required performance monitoring and assist management with annual reporting

	requirements. Immediately notify the Information Security Officer and/or Privacy/Compliance Officer of any known or suspected breach of security or confidentiality and assist as requested. Approve employee's telecommuting time in SCEIS.
Management:	Approve or disapprove telecommuting request based upon the provisions of this Policy and established in the Division of State Human Resources Guidelines. Responsible for ensuring a signed copy of the Telecommuting Terms is sent to the Telecommuting Coordinator. Prepare necessary information for required annual reporting to the State Division of Human Resources.
Human Resources:	File the appropriate telecommuting forms in the employee's official personnel file. The Telecommuting Coordinator will assist agency employees and management with preparation of the required forms; answer questions from employees and management; assist in preparation of required annual reporting to DSHR; monitor telecommuting time entered in SCEIS; and train employees on Telecommuting requirements.

Program Contact:

SCSL Human Resources, Department of Program Evaluation and Management

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