

Although it is the board's desire for school employees' work to be performed at their regularly assigned place of work as a matter of course, the board recognizes that in certain limited circumstances it may be practical, efficient, or necessary to allow or require authorized employees of the school system to work from an alternative work location via electronic means ("teleworking"). This policy outlines the circumstances under which teleworking arrangements may be made.

The Board delegates the authority to the Superintendent to designate employees, in individual or group situations, to work at alternate work locations for all or part of the workweek. The Board has established these rules so that teleworking may be offered by the Superintendent as an alternative work arrangement as long as in the Superintendent's absolute and sole discretion, the conditions continue to exist that necessitate the use of teleworking as an alternative work assignment. Using the structure adopted by the Office of State Human Resources and the mandate contained in G.S. 126-1 the following rules shall apply.

A. DEFINITIONS

1. "Alternative work location" is defined as a worksite other than an employee's regularly assigned place of work.
2. "Eligible employee" is defined as an employee of the school system who has demonstrated satisfactory job performance, is in good standing, and can perform all of the employee's essential job duties at an alternative work location. In addition, to be an eligible employee, the employee must have an available and suitable designated workspace at the alternative work location and access to any computer and telecommunications equipment necessary for the completion of tasks.
3. "Telework/Teleworking" is defined as the performance of the essential functions of an employee's job description at an alternative work location, typically the employee's residence, via electronic means in accordance with the employee's usual expected standards of performance and other approved or agreed-upon terms.
4. "Teleworker" is defined as an employee engaged in teleworking on a temporary episodic or emergency basis.
5. "Teleworking agreement" is defined as a written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.

- B.** The Superintendent may establish Administrative Guidelines or other procedures that identify certain positions that are designated as telecommutable and shall identify the criteria for selecting employees who are eligible to engage in teleworking. As long as in the Superintendent's absolute and sole discretion, the conditions continue to exist and/or District business necessity dictates, the Superintendent, or designee may require an employee to telework or not to telework.

Offering the opportunity to work at home is an option of the Superintendent, or designee, in their sole discretion; teleworking is not a universal employee benefit. Any teleworking decision is at the sole discretion of Superintendent, or designee. Additionally, the Superintendent, or designee, may designate certain positions as either voluntary or required to be performed as a condition of continued employment.

Conditions of Employment

The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Teleworking assignments do not change the conditions of employment or required compliance with policies and rules.

Designation of Terms of Teleworking Arrangements

Absent exigent circumstances, all teleworking arrangements shall be written and include the responsibilities of the District and the employee. Each participant in a teleworking arrangement must sign the document that contains the terms of the teleworking arrangement. At a minimum, the document shall define the parameters of the teleworking arrangement and shall comply with the policy provisions below:

- **Compensation and Benefits:** An employee's compensation and benefits will not change when s/he teleworks.
- **Safety and Liability:** the District shall establish procedures that provide reasonable assurance that materials, equipment and furniture supplied the employee at the alternate work location, if any, comply with applicable safety standards.
- **Restricted-Access Materials:** The District, including Technology Services, shall grant permission for teleworkers to work on restricted-access information or materials at alternate work locations. Teleworkers shall agree to follow District approved security procedures in order to ensure confidentiality and security of data.
- **Work Hours:** The total number of hours that employees are expected to work will not change, whether they are worked at the central or at the alternate work location. This does not, however, restrict the use of alternative work schedules. Departments must ensure that procedures are in place to track the work hours of employees who telework and to document the hours worked by employees covered by the Fair Labor Standards Act. Employees shall apply themselves to their work during designated work hours and not engage in other activities that are not work-related.
- **Operation Costs:** The District will not be responsible for any operating costs, home maintenance, or any other cost(s) (e.g. utilities, internet access) that may be associated with the use of the employee's residence as the telework site, nor will the District be liable for any damages to the employee's personal or real property during telework.

Termination of Teleworking Arrangement

The Superintendent, or designee, may terminate the teleworking agreement at his/her discretion. Termination of a teleworking arrangement by the Superintendent, or designee, is not grievable to the Board.

C. EMPLOYEES WITH DISABILITIES

This policy does not apply to teleworking as an Americans with Disabilities Act (ADA) accommodation. If teleworking is considered a reasonable accommodation pursuant to the ADA, the school system and employee will follow the school system's ADA process with respect to such accommodation. In addition, employees with disabilities who are required or permitted to telework by the superintendent or board will be provided reasonable accommodations as necessary to fulfill their job duties while teleworking.

This policy and any eligibility criteria or procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to telework or to be assigned to a job position that is suitable for teleworking.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35

Cross References: ~~Prohibition Against Discrimination, Harassment, and Bullying (1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (1720/4015/7225)~~Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Confidential Information (2125/7315), Technology Responsible Use (3225/4312/7320), Use of Personal Technology to Conduct School Business (3228/7323), Use of Equipment, Materials, and Supplies (6520), Workday and Overtime (7500), Leave (7510), Permitted Salary Deductions for Absences and Discipline of Certain Exempt Employees (7560)

Adopted: September 1, 2020

Revised: