

ADMINISTRATIVE GUIDELINES FOR IMPLEMENTING TELEWORK POLICY

Waunakee Community School District

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(This sample rule has been written to coordinate with PRG 535.4 Sample Policy 1. School districts adopting this sample rule must also ensure that the rule is consistent with any related provisions found in the district's employee handbook.)

Telework Arrangements

Telework arrangements may be structured to be short-term or long-term, may be full-time or part-time, and may be voluntary (by mutual agreement) or involuntary (District required) at the discretion of the District.

Telework may have an established/estimated end date (e.g., end of semester or school year) or may be created in anticipation that the arrangement will continue indefinitely. In either case, the District maintains discretion to end or modify a telework arrangement at any time.

Although some considerations and requirements addressed in this rule may also be relevant in other contexts, this rule does not directly address or apply to:

1. Telework that is approved as part of the District's workers compensation program or as an accommodation for an employee with a disability under the Americans with Disabilities Act (ADA) or under any other state or federal law that provides for such disability-related accommodations.
2. Incidental and ad hoc telework, such as incidental and ad hoc work that an exempt employee completes from a non-District location outside of regular working hours or while taking short-term authorized leave (such as a vacation day or sick day). Non-exempt employees are not authorized to engage in such incidental, ad hoc telework without advance permission.

Eligible Employees

Voluntary telework requests may be made by employees who work in job classifications that are amenable to telework. ~~Insert if desired: "In addition, the employee must meet the following criteria:~~

1. ~~The employee must not be on a "plan of assistance" or other performance improvement plan;~~
2. ~~The employee must have worked for the District for at least [insert time period] prior to being considered for an employee-initiated telework arrangement."~~

Editor's Note: Include the optional list of eligibility requirements, above, if the district knows that it wants to establish such minimum criteria. However, an alternative to specifying minimum eligibility criteria would be to evaluate the same criteria as part of the review and approval of a request (see below), which may offer greater flexibility. The sample criteria listed above are intended only as examples that may or may not reflect a district's needs/preferences.

¹ You might choose to include here some of the eligibility requirements on pages 1 to 2 of your current policy.

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Examples of job classifications that may be appropriate for telework include jobs that have minimal face-to-face interaction or supervisory responsibility, primarily involve data entry, or have measurable objectives, completion points, and performance standards that can be assessed while the employee is located at an alternate work location.

Examples of job classifications that are generally not amenable to telework include those that require preparation of food for students, transportation of students, custodial/maintenance of facilities and grounds, need to provide on-site customer service or have access to confidential materials, or the direct supervision of students who are physically present at school. In addition, in certain situations, the District may determine, as a matter of managerial discretion, that telework is not the preferred approach for the performance of certain roles and duties.

Telework Requests

Employees who satisfy the eligibility requirements and are interested in any regular or semi-regular schedule of telework (whether on a full-time or part-time basis) shall submit a written or email telework request to ~~insert the position(s) to whom requests should be submitted – e.g., "their immediate supervisor" or "the Director of Human Resources or the applicable school principal"~~.

Telework requests should be submitted as far in advance as practical of the proposed/intended start date for the arrangement. For example, if an employee wishes for the District to consider a telework arrangement for an upcoming school year, it generally would be reasonable to submit the proposal during the preceding spring.

Evaluation of Voluntary Telework Proposals²

Approval or denial of voluntary telework requests will be based on the District's discretionary evaluation of any information that the District considers relevant to the decision. This includes, for example, the telework requirements listed in this rule (below), as well as all of the following additional factors:

~~Editor's Note: All items in the list below are provided solely as possible examples of potentially relevant factors. A school district may modify the list at its discretion.~~

1. The ability of the District to sufficiently evaluate and plan for the possible implementation of the proposed telework arrangement.
2. The employee's past job performance, including but not limited to the extent to which the employee has demonstrated the ability to work with minimal direct oversight.
3. Equitable considerations, such as the impact of the arrangement on co-workers and the practical ability of the District to consider similar arrangements for other similarly situated employees.

² You might include the three month trial period in your current policy at an appropriate place under this heading.

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4. Projected or potential costs to the District associated with the arrangement, including both direct costs and indirect costs.
5. Whether any similar telework arrangement attempted in the past was successful or not successful, recognizing any relevant differences in the situations and recognizing that a prior successful telework arrangement in no way obligates the District to approve any additional arrangement(s).

6. ~~Insert any additional factors that are not already covered in this rule.~~

The ~~insert relevant position(s) – e.g., the District Administrator or the Director of Human Resources~~ must approve any voluntary telework arrangement. Any other administrator or other supervisor who intends to deny a telework request initiated by an employee is expected to consult with ~~insert relevant position(s) – e.g., the District Administrator or the Director of Human Resources~~ prior to denying the request.

Even if there appears to be a reasonable probability that an employee could effectively perform his/her job under a telework arrangement, a subjective supervisory/administrative preference for the employee to work from his/her normal District-specified location can be a sufficient reason to deny a telework proposal provided that the decision is not discriminatory or otherwise unlawful.

Telework Requirements

Telework requirements include all requirements specified in any applicable School Board policy and the general categories of alternate work location, technology, job responsibilities, and schedule, as further detailed below. An employee's inability to satisfy telework requirements prior to the start date of a telework arrangement or the District's decision that an employee is unlikely to be able to satisfy telework requirements during a telework arrangement will result in the modification, revocation, or denial of a voluntary telework arrangement.

1. Alternate Work Location

Employees will maintain a designated working space at their alternate work location, which will be safe, free from hazards or other dangers, and ergonomically sound in order to minimize the risk of injury to the employee.

The alternate work location must provide the employee with the ability to engage in appropriately professional interactions/communications and the ability, as needed, to maintain confidentiality and secure confidential information. In situations where an employee's alternate work location is shared with other individuals (e.g., members of the employee's family or roommates), employees may need to take additional steps in order to establish an appropriate setting for their work and maintain confidentiality, such as:

- a. Establishing/creating a secure area within the alternate work location where the employee will be able to receive and discuss confidential information via telephone or video call;

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- b. Establishing/creating a secure area within the alternate work location where confidential paper documents may be stored in order to prevent unauthorized access (e.g., secure file cabinet or room/office space); and
- c. Establishing/creating a secure area within the alternate work location where any District property (e.g., laptop, computer, monitor, tablet, cell phone, printer, etc.) will be free from damage, theft, or unauthorized use.

Unless otherwise agreed to by the District or required by law, an employee who is approved for a telework arrangement will be responsible for providing a suitable workspace, suitable workspace furniture, appropriate storage solutions (e.g., filing cabinets), lighting, and reliable internet and telephone service. Similarly, unless expressly approved by the District or required by law, the District will not be responsible for costs that may be associated with the creation, maintenance, or operation of an alternate work location (such as remodeling, repairing, or modifying a location to create an office space) or for any charges for other incidental expenses such as electricity, lighting, heating/cooling, water, etc. that may be associated with using the alternate work location.

The District reserves the right to have a supervisor inspect a telework employee's alternate work location to ensure it is appropriate for telework. At the discretion of the supervisor, inspection may be conducted in person, through the submission of photographs, or, if possible, virtually via video conferencing tools.

Employees will not hold in-person, work-related meetings at their alternate work location without the prior approval of their supervisor.

An employee may only change their alternate telework location, whether temporarily or permanently, with the approval of their supervisor and only if the new telework location meets the District's telework requirements and any additional requirements that have been specified in connection with an employee's individual telework arrangement.

2. Technology

The District will determine the technology needs of each position and will provide employees with technology/devices according to the job responsibilities for their respective position. For example, in situations where the use of a computer is required to complete an employee's job responsibilities during a telework arrangement, the District will provide the employee with a District-issued computer (laptop or desktop/monitor). At the discretion of the District, additional technology/devices or related equipment may be provided (e.g., printer, scanner, iPad/tablet, additional monitor(s), cellular phone, surge protector, etc.) according to the needs of an individual employee.

During telework, the use of District provided technology equipment, software, and supplies is limited to the telework employee or other authorized individuals. Telework employees must exercise reasonable care for District issued equipment and should take appropriate steps to protect items from damage, unauthorized use, or theft. Use will be limited to purposes relating to the completion of the employee's work or the performance of the employee's

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job responsibilities/duties, except to the same extent that incidental personal use of District equipment while working is permitted at in-District work locations.

The District will establish the requirements for network connectivity, which, at a minimum, shall be through a secured home network. The District may require the use of a virtual private network (VPN) at its discretion. Employees who have a need to electronically access confidential District information/records or who connect to District networks (including file drives) from a remote location must do so only on a District-issued device, unless otherwise expressly authorized by the District. This will help to ensure appropriate file/record storage (including backups) and ensure the appropriate use of other security measures (e.g., firewalls, internet filters, passwords, or anti-virus software), as required by the District's Information Technology department.

No employee working from an alternate work location may compromise the security of District technology resources or confidential data/records/information by leaving equipment unattended in a state (e.g., logged in) such that another person could use the equipment without authorization.

3. Job Responsibilities

With the exception of any procedures outlined in this rule, the performance expectations, job duties, and employment terms and conditions contained within an employee's job description, Employment Handbook, Board policies and rules, and individual employment contract (where applicable) are not affected by an employee entering into a voluntary or involuntary teleworking arrangement.

Employees will be productive and reasonably available during their scheduled work hours and, to the extent applicable, will take reasonable steps to minimize distractions and avoid conflicting responsibilities during their scheduled work hours (e.g., by securing appropriate childcare). Unless otherwise approved by a supervisor, employees will only complete personal tasks (e.g., housework, exercise, personal entertainment, dog walking, etc.) or "run errands" away from their telework location during a scheduled break or lunch period. This provision does not preclude an employee from briefly addressing a personal issue in a manner that does not materially interfere with their productivity and availability to the same extent that employees working at in-District work locations may occasionally need to address a personal matter during their workday.

Employees will respond to communications in a timely manner and will adhere to the same District expectations concerning the timeliness of responses to emails and telephone or other inquiries that exist for non-telework employees.

Employees will communicate and interact with supervisors and colleagues on a regular basis, which is generally defined to be each day the employee is scheduled to work. Communication/interaction can include emails, individual telephone calls, submission of completed work assignments, text messaging, participation in professional development, or participation in group video or telephone calls/meetings.

4. Schedule

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Employees who telework will follow the schedule provided by their supervisor. This may include the days worked during each workweek, daily start and end times, and any scheduled breaks and lunch periods where applicable. Adjustments to the established schedule will require advance approval from the employee's supervisor.

As applied to most telework arrangements, the District's productivity and availability expectations during scheduled working hours will preclude the simultaneous performance of non-District roles. Therefore, employees may be required to certify that they do not have primary responsibility for providing childcare or dependent care during scheduled work time and/or that they are not engaging in any other form of employment or other similar non-District work/tasks during their scheduled telework hours. In an emergency telework situation where, as a result of school or childcare closures, a telework employee's childcare or dependent care needs conflict with the schedule provided by their supervisor, the supervisor and employee will attempt to develop a flexible schedule, with the final schedule being established at the discretion of the District.

A telework schedule may include instances where the employee will be required (whether regularly or irregularly) to be present at an onsite location (e.g., a school) for meetings, professional development, or events, to perform specific work responsibilities, or for other situations deemed necessary by the employee's supervisor(s). Accordingly, the District may require, or there may otherwise be a need for, an employee who is teleworking to travel between the employee's alternate work location and a District-designated non-alternate work location. Whether any such travel will be treated as (1) compensable "hours worked" (for a non-exempt employee), and/or (2) covered by worker's compensation shall be determined by applicable law under the specific circumstances. Any non-exempt employee who has questions about whether such travel time should be counted and reported as paid "hours worked" should contact the District's Business Office/District's Human Resource office. ~~Insert the district's approach to providing mileage reimbursement for work-related travel by telework employees to/from their alternate work location, based on the district's expense reimbursement policy, or state that, when an employee uses a personal vehicle for such travel, any mileage reimbursement shall be as determined under the District's expense reimbursement policies.~~ ~~Editor's Note: The need to establish consistent reimbursement rules for such mileage may require an amendment to the district's current policy on mileage reimbursement that specifically addresses telework situations. The following is an example of such a policy statement: "When an employee who has been authorized or required to telework engages in work-related travel to/from their alternate work location using their personal vehicle, mileage reimbursement for such travel will be provided (1) when the travel time would constitute compensable "hours worked" if the employee were (or actually is) non-exempt; (2) as otherwise approved in writing (including by electronic communication) by the District's Business Office or the District Administrator, the District's Human Resource office for particular intra-workday travel; or (3) as otherwise specified by the District in writing in the telework arrangement or directive that applies to the employee. Unless otherwise approved by the School Board, any such mileage reimbursement shall be paid for the lesser of the actual miles driven or no more than 30 miles in each direction (i.e., not more than 60 miles round-trip, if applicable)."~~

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Telework employees who are exempt (salaried) will sometimes work additional hours outside of their normal schedule to respond to emails or phone calls, attend meetings, or perform other responsibilities in order to complete required job responsibilities.

Telework employees who are non-exempt (hourly) may not work beyond the hours/minutes scheduled by their supervisor or more than 40 hours during their workweek (overtime) except as required by their supervisor or except as approved in advance by a supervisor. Working such non-approved overtime or other additional hours as a non-exempt employee may result in discipline, although the District will also pay wages for any such compensable time worked to the extent required by law.

Telework Injuries

Telework employees will notify the District as soon as practicable (e.g., same day or the following day for injuries that happen after business hours) of any work-related injuries sustained while at their alternate work location as required by the District's worker's compensation procedures. Injuries sustained by family members, roommates, or other individuals (non-work-related) will be the responsibility of the telework employee and should be submitted to the employee's personal liability (e.g., homeowner or rental insurance) carrier.

Emergency Telework

Emergency telework may be required in response to a serious or unexpected event or situation (e.g., District, local, statewide, or national emergency) requiring the immediate need for employee telework.

In situations where an employee is required to quickly transition from onsite work to emergency telework, the District may waive or individual employees may request that the District waive certain telework requirements that would otherwise be applicable to employees in a voluntary or involuntary telework arrangement. Waivers may be granted at the discretion of the District.

Cross References:

WASB PRG 535.4 Sample Rule 1

Adoption Date: