

University Flexible Work Arrangement and Remote Work Regulation - Interim

Version 1

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| History | Approved to post as interim June 16, 2021. |
| Contact | University Human Resources (https://humanresources.ecu.edu/), Employee Relations employeerelations@ecu.edu (mailto:employeerelations@ecu.edu) |
| Related Policies | <p>UNC Policy Manual 300.8.6 Regulation on Flexible Work Arrangements and Remote Work (https://www.northcarolina.edu/apps/policy/doc.php?id=2622)</p> <p>UNC Policy Manual 300.2.15 Policy on UNC System Pandemic and Communicable Disease Emergency (https://www.northcarolina.edu/apps/policy/doc.php?id=107)</p> <p>Teleworking Program Policy, Office of State Human Resources (https://oshr.nc.gov/policies/teleworking-program-policy)</p> <p>University Student and Employee Computer Use Regulation (https://policy.ecu.edu/08/05/04)</p> |

**Additional
References**

Information Security Regulation (<https://policy.ecu.edu/08/05/08>)
ECU Data Governance Regulation (<https://policy.ecu.edu/01/15/06>)
HIPAA Policies and Standards (<https://hipaa.ecu.edu/>)
ECU Regulation on Social Security Numbers (SSN) and Personal Identifying Information (PII) (<https://ecu.teamdynamix.com/TDClient/1409/Portal/KB/ArticleDet?ID=67352>)
FERPA Policy (<https://policy.ecu.edu/02/40/01>)
Generic Telework Status Report Form (<https://humanresources.ecu.edu/forms/>)
Flexible Work Arrangement Agreement (<https://humanresources.ecu.edu/flexible-work/>)
University Continuity of Operations Plan (<https://oehs.ecu.edu/emergency-management/continuity-of-operations-plan-coop/>)
Mobile Computing Regulation (<https://policy.ecu.edu/08/05/12>)
University Export Control Compliance Regulation (<https://policy.ecu.edu/01/15/10>)
ECU Travel Approval and Reimbursement Regulation (<https://policy.ecu.edu/07/80/02>)
University Data Governance (<https://datagovernance.ecu.edu/sensitive-data-storage-and-transmission/>)
EH&S Ergonomics Webpage (<https://oehs.ecu.edu/workplace-safety/ergonomics/>)

1. Introduction

1.1. Policy Statement

1.1.1. East Carolina University typically requires that work be performed on University property, during normally scheduled work hours as determined by the supervisor. ECU may permit or direct designated employees to have Flexible Work Arrangements (FWAs) for all or part of the workweek for reasons including, but not limited to, those specified in 1.1.3. below. Flexible work arrangements, including telework and flexible work schedules, requires formalized agreements approved by authorized individuals as outlined in this regulation. Flexible work arrangements can vary from a part-time basis (with a predetermined number of hours per week) up to full-time.

1.1.2. Consistent with the UNC System Regulation on Flexible Work Arrangements and Remote Work, the University will principally employ individuals who reside within or live within a close proximity to the State of North Carolina to the greatest extent practicable and will avoid long term flexible work arrangements for employee who live outside a reasonable commuting distance.

1.1.3. Purpose of Policy: East Carolina University allows Flexible work arrangements to meet goals including, but not limited to, the following:

- improve job productivity and departmental efficiencies,
- promote the recruitment and/or retention of a highly qualified workforce,
- achieve administrative efficiencies,
- promote/achieve space efficiencies,
- promote sustainable environmental practices,
- ensure continuity of operations, and
- allow for competitive advantages.

1.2. Definition of Terms in Policy:

1.2.1. “Flexible work arrangements” (FWAs) are work structures that alter the time and/or place of work to accomplish work duties, either by employee request or at management’s direction. A flexible work arrangement may include:

1.2.1.1. Flexible Work Schedules. Flexibility in the scheduling of hours worked, such as alternative work schedules (e.g., flex time and compressed workweeks) and arrangements regarding shift and break schedules;

1.2.1.2. Flexible Work Hours. Flexibility in the number of hours worked, such as part-time work and job shares; and/or

1.2.1.3. Flexible Work Locations. Flexibility in the place of work, such as remote work from home or a designated satellite location.

1.2.2. Duty station: The employee’s designated on-site University work site.

1.2.3. Alternate Work Location: Approved work sites other than University property where official University business is performed during scheduled workhours.

1.2.4. Standard Hours of Work: The employee’s normally scheduled work hours as determined by the supervisor.

1.2.5. Telework/Remote work: Work duties that are performed at an alternate work location that is not an employee’s designated University work site (duty station).

1.2.6. Teleworker/Remote Worker: An employee engaged in teleworking.

1.2.7. Flexible Work Arrangement Agreement: A required, written and/or digitally, formally approved agreement between the University and an employee in which supervisors direct or permit employees to perform their usual job duties away from University property and details the terms and conditions of an employees work and/or flex their scheduled work hours.

1.2.8. Hybrid work schedule: A schedule where a portion of work duties are performed at the employee’s designated on-site University work site (duty station) and the other portion is performed via telework/remote work.

1.2.9. Full remote work: A schedule where all of an employee’s work duties are performed at an alternate work location that is not an employee’s designated University work site (duty station).

1.2.10. Reasonable Commuting Distance: A location that does not exceed a distance that can be traveled by automobile under average conditions of traffic, weather, and roads to employee’s assigned duty station. Reasonable commuting distance is measured from the employee’s home.

1.3. General Policy

1.3.1. This regulation is applicable to all ECU employees, both permanent and temporary.

1.3.2. Flexible work arrangements may be provided based upon the needs of the work unit as determined by school, college and/or department leadership. These arrangements may include hybrid, full telework/remote, and/or flexible work schedules.

1.3.2.2. Full telework/remote work requests will only be approved on a case-by-case basis in limited position-based situations based on industry standard and/or recruitment/retention of positions requiring unique and/or scarce skills. All full telework/remote work requests must have the written approval of the appropriate Vice Chancellor.

1.3.3. The nature of the employee's work and responsibilities must be conducive to a flexible work

arrangement without causing disruption to performance and/or service delivery. Management will determine allowable arrangements based on factors such as the nature of the work performed, employee productivity, employee conduct, task interdependence, federal and state laws, and operational constraints. Employees with a flexible work arrangement must be able to perform their duties free of external obligations and unreasonable interruptions. Certain University positions do not lend themselves to Flexible Work Arrangements and the University has sole discretion to make such determinations.

1.3.3.1. Flexible work arrangements will be determined separately from the accommodations process mandated by the ADA. Flexible work arrangements are not intended to substitute for reasonable accommodations resulting from an interactive process under the Americans with Disabilities Act (ADA) or to meet the University's ADA obligations.

1.3.4. The availability and terms of flexible work arrangements must be administered equitably based upon applicable factors and without regard to an employee's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.

1.3.5. Management must consider employee performance and conduct when granting or continuing a flexible work arrangement and any arrangement may be provided on a conditional or trial basis. For a flexible work arrangement to be considered and maintained, the employee is expected to meet all performance expectations and conduct requirements of their current role and consistently demonstrate the ability to complete tasks and assignments on a timely basis.

1.3.5.1. Employees who have active written warnings, disciplinary actions, or who received a "Does not meet expectations" on their most recent performance evaluation or other similar applicable documentation in their personnel files are generally not eligible for flexible work arrangements (unless given special approval by the Human Resources Department in consultation with departmental leadership).

1.3.6. Flexible Work Arrangements may be changed or revoked at any time by the University in its sole discretion, with notification to the appropriate Division Office/Vice Chancellor and the Director of Employee Relations. Reasons for changing or revoking flexible work arrangements can include, but are not limited to, changing business or operational needs or unsatisfactory employee performance or conduct.

1.3.7. Travel between an alternate work location to an assigned duty station should occur prior to the start of or at the end of the work day, if at all possible. In the event an employee has to travel from their alternate work location to an assigned duty station during the work day, that travel time is considered work time however the employee may not charge mileage for travel between their alternate work location and their assigned duty station. Supervisors may ask employees to adjust or change their scheduled remote work days in order to avoid travel from their alternative work location to an assigned duty station during the work day.

Employees traveling for business to a location other than their assigned duty station or another local on-campus location departing from their alternate work location will be reimbursed for mileage the distance between their on-site duty station and the work destination, consistent with existing state policies.

1.3.8. Employees approved for flexible work locations are expected to be able to report to their regular on-site duty station within a reasonable period of time when directed due to operational needs and/or due to changes to or revocation of their flexible work arrangements. The University may provide limited exceptions to the reasonable commuting distance based on operational needs. These exceptions to the reasonable commuting distance may include but are not limited to:

1.3.8.1. recruitment of those with unique or scarce skills;

1.3.8.2. arrangements for faculty who teach exclusively in distance education programs; or

1.3.8.3. arrival or departure of employees for a transitional period of relocation.

1.3.8.3.1. Out-of-state flexible work arrangements, including teleworking, introduce tax withholding and reporting, unemployment insurance, and workers compensation requirements in the employee's state of residence, among other considerations. Employees with remote work arrangements outside of North Carolina may only be approved following specific review by institutional experts, including Human Resources, Financial Services, Division Personnel Office and Office of University Counsel, as any such arrangements may be subject to the laws and regulations of other states or countries with respect to the employee/employer relationship. Additionally, institutional policies on export controls may also be applicable for international requests (even for short-term or temporary flexible work arrangements).

1.3.8.3.2. All such exceptions must have the written approval of the appropriate Vice Chancellor in consultation with the Chief Human Resources Officer, if applicable.

1.3.9. The employee may not engage in a Flexible Work Arrangements prior to receipt of formal approval from their supervisor.

1.3.10. Flexible Work Arrangements Agreements must be formally discussed and approved at least annually and revised if/as appropriate.

1.3.11. Each unit will have its own documented Flexible Work Arrangements standard operating procedures to complement, while remaining fully compliant with, this Regulation. Any such standard operating procedures must be reviewed and approved by the respective Division Office/Vice Chancellor in collaboration with the Director of Employee Relations. No employee shall be approved for a Flexible Work Arrangement unless/until the unit to which the employee is assigned has received a formal review of its standard operating procedures as indicated above.

1.3.12. Employees working under a flexible work arrangement are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. When the alternate work location is in the employee's home, however, workers' compensation does not cover injuries that are not job-related.

1.3.13. The Employee Relations Unit within the Human Resources Department will maintain a roster of all University employees who have current Flexible Work Arrangements agreements and provide this information to the Office of State Human Resources and/or UNC System Office, as requested.

1.3.14. Nothing in this policy shall preclude employees from the responsibility to adhere to other University policies, procedures, and expectations of employees.

2. Responsibilities/Obligations

2.1. The responsibilities and obligations of the Supervisor/Unit include, but are not limited to, the following:

2.1.1. To meet goals indicated in 1.1.3 above.

2.1.2. Comply with any and all applicable local, state, and federal laws, rules and regulations, as well as with any East Carolina University, Office of State Human Resources and UNC System policies, regulations, rules and guidelines, and Standard Operating Procedures.

2.1.3. Ensure that the necessary approvals have been obtained as required by this Regulation for the establishment of a Flexible Work Arrangement as well as for the termination of any Flexible Work Arrangement.

2.1.4. Submit approved Flexible Work Arrangement Agreements to the Employee Relations Unit in the Human Resources Department.

2.1.5. Ensure there is appropriate and sufficient documentation of the work completed and hours worked as required by the Division/unit's Flexible Work Arrangement Standard Operating Procedure.

2.1.6. Actively manage and communicate with employees who are working remotely as supervisors are to be responsible and accountable for all remote work activities performed by employees reporting to them.

2.2. The responsibilities and obligations of Employees include, but are not limited to, the following:

2.2.1. Be able to provide an appropriate Alternate Work Location that meets or exceeds any and all applicable University standards including, but not limited to, the Division/unit's Flexible Work Arrangements Standard Operating Procedure.

2.2.2. Agree to and abide by the formally approved Flexible Work Arrangement Agreement with the University.

2.2.3. Attend any work-related obligations that occur on University property during scheduled teleworking periods, such as meetings and trainings, as directed by the employee's supervisor/unit.

2.2.4. Comply with any and all applicable local, state, and federal laws, rules and regulations, as well as with any East Carolina University, Office of State Human Resources and UNC System Office policies, regulations, rules and guidelines.

2.2.5. Agree to make the Alternate Work Location available for inspection, if/as necessary, to conduct accident or other investigations of matters occurring during work or to inspect, repair or retrieve University property. The University will strive to give reasonable notice of any work location inspections for these purposes.

2.2.6. Accept full responsibility for their safety within the Alternate Work Location.

2.2.7. If subject to overtime, must honor the established work hours approved in the Flexible Work Arrangement Agreement.

2.3. University Human Resources and/or Division Personnel/HR Office responsibilities and obligations include, but are not limited to, the following:

2.3.1. Provide guidance regarding eligible University positions, as well as specific employees eligible for Flexible Work Arrangements.

2.3.2. Provide training and guidance, as needed, to supervisors/managers to effectively manage employees with flexible work arrangements.

2.3.3. Report flexible work arrangements, including remote work, activities to the Office of State Human Resources and to UNC System Office, as requested.

3. Information and Data Security:

3.1. Sensitive information/data, defined as level 3 and level 4 data classifications in accordance with University data governance, must not be processed or stored on a personally owned computer or device, but instead must be processed on institutionally owned systems, stored in approved, secure remote storage, and accessed only by secure network access technologies (utilizing VPN or other multifactor authentication).

3.2. Ensure all Sensitive University Information stored on Covered Devices, as defined in the Mobile Computing Regulation, is encrypted, and the Covered Devices are secured in accordance with University policies, the ECU Information Security Standards, and applicable regulations, laws and contractual requirements.

3.3. The employee and their supervisor will comply with all applicable local, state, and federal laws, rules and regulations, as well as with East Carolina University, Office of State Human Resources, and UNC System Office policies, regulations, rules, guidelines, and training requirements involving sensitive/confidential information. Employee and supervisor will ensure any and all appropriate safeguards are in place to secure all confidential data and information as specified in the Flexible Work Arrangement Agreement.

3.4. All confidential hard copy data will remain on University property and shall not be taken to the Alternate

Work Location as required by University Regulations regarding Protecting Sensitive Data unless prior written approval is sought and obtained by the employee's Department and the appropriate data steward(s) responsible for the types of data and records being used.

4. Equipment and Supplies:

4.1. The University, in its sole discretion, may provide needed equipment and supplies at the Alternate Work Location, with the appropriate security measures in place. Equipment and supplies purchased with University funds is not permitted to be shipped to an employee's alternate work location. Employees must come to campus to pick up any equipment or supplies. Departments are responsible for fixed assets at alternate work locations and proper documentation must be on file as assets are inventoried annually.

4.2. Any and all University property used at the Alternate Work Location will remain the property of the University and must be returned to the University immediately upon the termination of the Flexible Work Arrangement Agreement, and/or the University's request.

4.3. Any and all University property must be returned to the University for repair or maintenance, if/as needed, by the employee.

4.4. The employee is fully responsible for the security of all items furnished by the University.

5. Costs Associated with Flexible Work Arrangements and/or Remote Work:

5.1. All costs associated with remote work will be the responsibility of the employee (e.g., long distance phone calls; internet, maintenance, repair and operation of personal equipment not provided by the University) at the alternate work location.

6. Failure to Comply:

6.1. Failure to comply with the provisions of this Regulation, the applicable unit's Flexible Work Arrangements standard operating procedures, and/or the Flexible Work Agreement may result in the immediate termination of the Flexible Work Agreement and/or disciplinary action against the employee and/or the supervisor up to and including dismissal/discharge from employment with the University and/or any and all other legal and equitable remedies available to the University under applicable law, if/as appropriate.

7. Special Circumstances

7.1. In the event of a catastrophic weather event, an outbreak of a communicable disease or pandemic, or other such significant emergencies, flexible work arrangements, including remote work, may be implemented by the Chancellor or designee on a widespread basis. In such cases, employees may be required to work from alternate work locations in order to ensure the continuity of the business and operational needs of the University.

7.2. The Chancellor or Chancellor's designee has authority to determine whether special circumstances exist and implement remote work on a required and/or more widespread basis. The decision will be communicated to those impacted.

7.3. Mandatory employees will be designated accordingly by management during a special circumstance, notified of their status and be provided with information necessary to accomplish their tasks. This designation is subject to change at the discretion of management. Employees under this designation will be identified by management for areas as deemed essential to sustain University operations under a special circumstance and may be expected to report in part or in whole to the central workplace.

7.4. The duration of a special circumstance may vary and the University will set the requirements for renewal decisions about continuation of required telework on a case-by-case basis given the nature of the special circumstance. The reason for such a stipulation is to give both the University and impacted employees a reasonable expectation of the temporary nature of this provision and need for flexibility on setting duration.

7.5. While the implementation of flexible work arrangements under special circumstances does not always require flexible work arrangement agreements, the University or individual managers/supervisors may require flexible work arrangement agreements or other documentation in order to confirm agreed upon work expectations during a special circumstance. Any procedures established during special circumstances will supersede the procedures set forth in this Regulation.

East Carolina University

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