

UConn Health Telecommuting Guidelines

FINAL 5/2017

STATUTORY AUTHORITY:

The statutory authority for telecommuting can be found at [CGS Sec. 5-248-I Telecommuting and Work-at-home programs.](#)

I. PROCESSING REQUESTS TO TELECOMMUTE:

The employee must submit a proposal by completing **PART 1 of Appendix A**, through their supervisor and manager to Human Resources/Labor Relations for review. Human Resources shall coordinate review of the proposal with labor representatives as necessary, IT representatives, the employee's Department and the agency head or his/her designee and a decision will be made. At the Union's request, the Vice President of Human Resources will review a denial of a telecommuting request.

A. REVIEWING THE POSITION

After a request to telecommute is received, UConn Health will first determine whether the position is appropriate for telecommuting by analyzing the duties of the position and how the work is performed. An employee's duties will not normally be eliminated or reassigned for the sole purposes of making a position (or a specific employee) more conducive to telecommuting. Generally, positions that have the following attributes **may** be appropriate for telecommuting:

- Require independent work with minimal supervision for the portion of time to be spent telecommuting;
- Require little face-to-face interaction with co-workers, clients, customers, patients, etc.;
- Result in specific, measurable work products;
- Require materials (documents, data, etc.) that are easily and safely transportable to and from the workplace; and
- Does not require printing or storing of confidential data (for example, HIPAA or FERPA protected data) at the remote work site.

B. REVIEWING THE EMPLOYEE

Next, UConn Health will determine whether the requesting employee demonstrates the qualities necessary to telecommute successfully. Generally, employees who are successful in telecommuting exhibit the following characteristics:

- Able to work productively on their own;
- Are self-motivated and responsible;
- Possess good time management and organizational skills;
- Are knowledgeable about agency policies and procedures;
- Have good communication skills; and
- Are successful in current position in meeting goals, objectives and deadlines, including meeting attendance requirements.

C. REVIEWING THE PROPOSAL

Finally, UConn Health will analyze the proposal according to the following criteria:

1. Can the following questions generally be answered "Yes"?

- Will allowing the employee to telecommute have a positive effect on his/her efficiency and productivity?
- Will the efficiency and productivity of the work group remain constant or improve as a result of the approved telecommuting arrangement?
- Will allowing the employee to telecommute benefit the environment and/or reduce traffic congestion, and/or result in cost savings to the UConn Health?
- Can the employee, over the course of the work week and in compliance with all applicable policies, regulations and laws, perform the full range of his/her duties, either at the telecommuting location or in the official duty station?
- Does UConn Health have the supervisory and/or electronic capabilities to monitor the work performance and availability of the telecommuter at the telecommuting location if it determines that is necessary?
- Is the amount of work it takes for someone to schedule, document, and evaluate the work product of a telecommuter offset by the level of improved productivity and efficiency of the telecommuter's work while telecommuting?
- Has the employee's work performance been recognized as satisfactory or better in the most recent performance evaluation?
- Can any confidential information (including but not limited to personal health information or financial information) managed or processed by the telecommuter be adequately safeguarded and protected in a manner required by state and federal law, including HIPAA?
- Can UConn Health, within available resources, provide the employee with the necessary computer equipment (e.g., laptop, monitors, etc.), remote network access and software to enable the employee to perform his/her job duties from the telecommuting location?
 - Alternatively, does the employee meet one of the following exceptions:
 - The telecommuter does not need a computer to perform his/her work;
 - The telecommuter only uses his/her personal computer to access his/her state email messages and/or to access a web based application that provides for secure connectivity and secure transport of data; or
 - In rare circumstances, specific authorization from Information Technology is obtained to allow the telecommuter to use his/her personal computer.
- Does the employee have a suitable place in his/her telecommuting location to ensure that a safe, confidential and appropriate work environment is maintained?
- Does the employee have reliable telephone and internet access in place at his/her telecommuting location in order to be available to his/her agency and to perform necessary work functions?

2. Can all of the following questions generally be answered "No"?

- Will allowing the employee to telecommute impair the efficiency and productivity of the work group?
- Does the employee intend to use telecommuting in order to supply childcare,

- eldercare or fulfill other personal responsibilities during the work day?
- Does the employee intend to use telecommuting in lieu of sick leave, state or family medical leave, Workers' Compensation leave or other accrued leave?
- Is the employee responsible for the health, safety, or well-being of employees/patients/clients/inmates during normal work hours at the official work site?
- Does the employee have outside employment or outside income such that the telecommuting will enable or create the appearance of enabling the employee to commingle UConn Health and outside work during established work hours?
- Is the employee in a job classification or position that requires leading or supervising staff? (If "yes", more information must be provided for telecommuting to be considered, including how all supervisory responsibilities will be met.)
- Is the employee in a working test period (initial or promotional)?
- Is the employee in a junior level or training class?
- Has the employee been subject to discipline in the past six (6) months?

3. Compliance with Terms and Conditions of Telecommuting Arrangements and the Business Needs of UConn Health

If the critical questions in subsections (C)(1) and (C)(2) can be answered accordingly, the final step is a review to ensure compliance with the terms and conditions set forth below and the operating needs of UConn Health.

II. TERMS AND CONDITIONS OF TELECOMMUTING ARRANGEMENTS:

A. STANDARDS OF CONDUCT

While telecommuting, the employee is bound by all state and agency policies and procedures as if he/she was working at the official duty station.

B. COMPENSATION AND BENEFITS

Telecommuters are regular employees, not independent contractors. A telecommuting arrangement is not a basis for changing the employee's salary or benefits. The telecommuter's salary, work hours and benefits will remain subject to the rules governing the appropriate collective bargaining unit contract or existing State statutes and regulations.

Except as provided in these Guidelines and the written document memorializing the telecommuting arrangement, employee rights provided for in the employee's collective bargaining agreement are not affected by participation in a telecommuting program.

None of the rights or benefits provided under an employee's collective bargaining agreement between UConn Health, the State and the employee unions are enhanced or abridged by the implementation of telecommuting programs. Employees retain the right to grieve in accordance with the provisions of their collective bargaining agreements regarding compensation and benefits under those agreements but shall not have the right to grieve denials or terminations of telecommuting arrangements.

In no event shall an employee be eligible for any additional compensation as a result of the telecommuting arrangement including, but not limited to, home office premiums or shift differential. Telecommuting arrangements do not change the employee's official duty station; the telecommuter's official duty station remains as that work location assigned prior to the telecommuting arrangement.

C. WORK PERFORMANCE

The telecommuter is responsible for maintaining availability, appropriate levels of production and quality of work while telecommuting.

Each UConn Health Department shall establish methods and standards for measuring the work performance, specifically including productivity and efficiency, of the telecommuting employee and the other employees in his/her work group. The telecommuting arrangement can be suspended and/or terminated immediately if performance issues arise with the telecommuting employee or if the telecommuting arrangement causes a decrease in the productivity and efficiency of the work group as a whole.

D. SCHEDULE

A telecommuting schedule must be defined for the telecommuting employee. In setting the schedule, UConn Health's needs take precedence over the employee's needs.

The schedule must identify telecommuting days in whole-day or part-day increments; an employee may not leave his/her official duty station part way through the day to telecommute for the remainder of the day unless that has been agreed to with UConn Health.

If UConn Health's business needs permit, an employee on an alternate work schedule or reduced schedule may be permitted to enter into a telecommuting arrangement.

The hours of work while telecommuting shall normally match the hours that would be worked at the official duty station. Telecommuting employees must adhere to their approved work schedules, including pre-established lunch schedules, unless a schedule change has been approved by UConn Health. Overtime work must be approved in advance by the supervisor/manager. Compensatory time cannot be received for work performed at the telecommuting location. Any changes to the above must be approved in advance. Telecommuters are subject to the same rules as non-telecommuting employees for using sick leave, vacation, personal leave and other leave. If the telecommuting employee is unable to work any portion of his/her telecommuting day, the employee will be required to use applicable personal leave, earned compensatory time, or accrued vacation or sick leave for the hours not worked, subject to standard UConn Health rules and procedures regarding such leave.

Any change(s) to the scheduled telecommuting day must be preapproved in writing by

UConn Health. If the change is intended to be ongoing, then the new arrangement must be memorialized in accordance with Section III. Documentation of such changes will be maintained by UConn Health for audit purposes.

E. DURATION

An employee's participation in a telecommuting arrangement may be terminated by UConn Health or the employee without cause, with reasonable notice. If the employee is in a position that was posted with a telecommuting schedule, and the employee cannot or does not wish to continue, the parties agree to meet and discuss before any changes are made.

If a performance, disciplinary, safety or information security issue arises, UConn Health may suspend or terminate the telecommuting arrangement immediately.

Additionally, if a telecommuter is promoted or otherwise moved into a new job classification requiring a working test period or assumes duties inconsistent with telecommuting, the telecommuting arrangement must be terminated effective the date of the job change, unless UConn Health approves its continuation.

By statute, telecommuting arrangements are intended to be temporary; therefore, the maximum duration of a telecommuting arrangement is one year. Telecommuting arrangements will be reviewed at least yearly on a fiscal year schedule.

Cancellation or non-renewal of the telecommuting arrangement is not subject to the grievance process.

F. TELECOMMUTING LOCATION

The telecommuter is responsible for maintaining a designated workspace in a safe, healthy, professional and secure manner. The workspace must have the necessary environment and furnishings (for example a private work space, desk, chair and telephone) to enable the employee to accomplish his/her assigned duties.

The telecommuter must have reliable phone and internet services in place at the telecommuting location in order to be available to their supervisor/manager and to conduct their work duties. The telecommuter is required to provide UConn Health with the phone numbers where they can be reached on telecommuting days. Telecommuters are not authorized to perform work at any site other than the approved telecommuting location for the duration of the telecommuting shift.

UConn Health retains the right to make visits to the telecommuting location during normal business hours.

G. AVAILABILITY TO REPORT TO THE OFFICIAL DUTY STATION

Telecommuters shall report to the official duty station when directed, based on management priorities, such as for meetings, training or other work-related requirements. Business

meetings, meetings with customers or regularly scheduled meetings with co-workers shall not be held at the telecommuting duty station.

The telecommuting employee shall not be reimbursed for mileage if he/she reports to the official duty station but remains eligible for reimbursement for travel to other locations in accordance with the applicable collective bargaining agreement and/or the standard State Travel Regulations.

H. FAMILY RESPONSIBILITIES

Telecommuting shall not be used to provide family care. The telecommuter shall make arrangements to have dependent children or elders cared for by other individuals and shall be required to provide proof of such arrangements if requested.

If there are any changes in the telecommuter's family responsibilities or child-care or elder-care arrangements, the telecommuter must promptly notify UConn Health and provide updated proof of the childcare or elder-care arrangements if requested.

I. EQUIPMENT AND SUPPLIES

Because of state and federal laws and policies regarding computer security and encryption, confidentiality of data, and software licensing, as well as the technical requirements of UConn Health's Information Security, telecommuters must use state-issued hardware (e.g., computer, docking station, monitor, etc.), remote network access as approved by UConn Health's IT Security group, and software to perform all computer-based work from home unless one of the following exceptions applies:

- The telecommuter does not need a computer to perform his/her work;
- The telecommuter only uses his/her personal computer to access his/her state email messages using secure web access to email and/or to access a web-based application that provides for secure connectivity and secure transport of data; or
- In limited circumstances, the telecommuter's department obtains specific authorization from Information Technology to allow the telecommuter to use his/her personal computer.
- His/her personal computer will be subject to any/all UConn Health IT Security requirements

UConn Health is under no obligation to purchase equipment simply to enable an employee to telecommute. Any equipment and supplies purchased by UConn Health remain UConn Health property and must be returned at the conclusion of a telecommuting arrangement or when requested by UConn Health management. The telecommuter must obtain authorization from UConn Health before bringing any agency-owned equipment or supplies to the telecommuting location. Telecommuters will be required to complete the following Form: [IC-5 Loan Form](#).

UConn Health owned equipment and supplies shall be used only for UConn Health business. Personal use of these materials is prohibited, even during non-working hours. See [Acceptable Use of State Systems Policy](#).

If the telecommuter is approved to use their own equipment, they shall be responsible for equipment repair and maintenance. UConn Health will not be liable for damages or wear to an employee's personal or real property.

UConn Health assumes no responsibility for any operating costs associated with the employee using his/her personal residence as a telecommuting duty station, including home maintenance, insurance, utilities, telephone service or internet service. Similarly, out-of-pocket expenses for supplies normally available through UConn Health will not be reimbursed.

J. SECURITY OF EQUIPMENT AND MATERIALS

Telecommuters are responsible for the physical security of UConn Health equipment, supplies and information in their possession while telecommuting. The telecommuting employee will be liable for any loss or damage to UConn Health equipment or supplies due to the employee's negligence or misconduct.

Materials, documents, etc., that the telecommuter transports to and from the official workstation to the telecommuting location are his/her responsibility and must be kept confidential and secure. The employee must protect UConn Health records from unauthorized disclosure or damage and must comply with all state-wide and agency policies and procedures regarding such matters, including but not limited to the following:

- [Policy #2019-01 UConn Health Acceptable Use](#)
- [Policy #2008-03 Mobile Computing Device \(MCD\) Security](#)

Breaches of information security while telecommuting - whether by accident or design - may be grounds to immediately terminate the telecommuting arrangement and may be cause for disciplinary action.

Telecommuters using UConn Health issued software must adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. In particular, the installation, use and removal of software must comply with the Software Vendor's License Agreement, the UConn Health Software Management Policy and other applicable UConn Health policies.

Certificates of the telecommuter's homeowners or renters insurance must be kept on file with the employee's approved telecommuting arrangement form, if requested.

K. LIABILITY FOR INJURIES

The state will continue to provide workers' compensation benefits and coverage to the telecommuting employee as governed by the Connecticut General Statutes and the applicable collective bargaining agreement provided the alternate work location has been

approved in the telecommuting arrangement.

An injury must arise strictly out of and within the course of employment in order to be considered as a workers' compensation liability, wherein all standard workers' compensation regulations would apply. Accidents at the telecommuting employee's home to persons who are not on-duty employees of UConn Health are the responsibility of the employee. A telecommuter must contact his/her supervisor as soon as an injury occurs, whether covered by workers' compensation or not.

The telecommuter must understand that it is not certain how the legal requirement that an injury must "arise out of and within the course of employment" in order to be covered by workers' compensation will be applied to injuries in the telecommuter's home.

L. INABILITY TO WORK AT TELECOMMUTING LOCATION

The telecommuting employee must notify UConn Health immediately of any situations that interfere with his/her ability to perform his/her job: equipment malfunction; loss of power at home; unexpected need to care for child/family member; etc. Depending on the particular circumstances, UConn Health may allow the telecommuter to use accrued leave or compensatory time, if applicable, or require the employee to report for work at the official duty station.

If the employee knows in advance of a situation that would preclude working at the telecommuting location, the employee must request the use of leave time, arrange for an approved change in work schedule, or work at his/her official duty station.

M. LATE OPENING, EARLY DISMISSAL, AGENCY CLOSURES

If a situation arises at the telecommuter's official duty station that interferes with the ability of non-telecommuting employees to work at the official duty station (e.g. power failure, weather conditions, lack of heat in the office building; etc.) while the telecommuter is working at his/her telecommuting location, the telecommuter is not excused from duty for this period of time as he/she would not be affected by these conditions. If UConn Health closes its operations for a day or more and the telecommuting employee would be excused from duty if they were stationed at their official work location, the telecommuter is also excused from duty.

N. MEDICAL ISSUES

Telecommuting may not be used in lieu of sick leave, state or federal family and medical leave, workers' compensation leave or any other type of leave.

On a case-by-case basis, UConn Health may consider whether telecommuting is a reasonable accommodation under state or federal disability law. In making this determination, it must be remembered that the purpose of a reasonable accommodation is to enable the employee to perform the essential functions of his/her job. Even when the telecommuting arrangement is entered into under the auspices of state or federal

disability law, the employee and UConn Health must memorialize the telecommuting arrangement in writing using the form set forth in Appendix A.

O. LOCAL ZONING ORDINANCES

It is the telecommuting employee's responsibility to ensure compliance with any local zoning ordinances related to working at home or maintaining a home office.

P. TAX IMPLICATIONS

The tax implications of telecommuting are entirely the responsibility of the telecommuter. Telecommuters are encouraged to seek professional advice in this area.

III. MEMORIALIZING THE TELECOMMUTING ARRANGEMENT IN WRITING:

A. The Telecommuting Request and Decision form parts 1 and 2 must be completed including all approval signatures.

B. If a telecommuting arrangement is modified in any way (such as duration, schedule, duties performed etc.), the new arrangement must be memorialized using the form set forth in **Appendix A** as well.

QUESTIONS CONCERNING THESE GUIDELINES SHOULD BE DIRECTED AS FOLLOWS:

Employees should direct questions concerning these guidelines to UConn Health Human Resources/Labor Relations at 860-679-8067.