

Office/Contact: Office of Human Resources

Source: SDBOR Policy 1:6 SDBOR Policy 4:39

Link: <https://www.sdbor.edu/policy/documents/1-6.pdf>; <https://www.sdbor.edu/policy/documents/4-39.pdf>

Forms: Request for Alternative Work Schedule and/or Remote Work Arrangement

---

## SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Remote Work and Alternative Work Schedules

NUMBER: 4:16

---

### 1. Purpose

This policy and its procedures implement protocols for alternative work schedules and remote work arrangements for University employees, in accordance with SDBOR Policy 4:39 and other applicable SDBOR and University policies.

### 2. Definitions

- a. **Alternative Work Schedule:** a work schedule that accommodates flexible working hours or a compressed work schedule.
  - i. **Compressed Work Schedule:** a work schedule that allows employees to condense a traditional workweek into an extended workday(s) based on the allotment of designated hours per week.
  - ii. **Flexible Working Hours:** a work schedule that deviates from the standard work schedule, which may include varying start and end time of the workday, or agreements to alter the standard break period durations.
- b. **Remote Work:** A work assignment that is performed in whole or in part at a location that is not the established Normal Work Station, as listed on the position description. Also known as telecommuting or telework.
- c. **Normal Work Station:** the physical location—office, work station, or building—where the employee’s position is primarily assigned to work by their supervisor as authorized in accordance with University Policy 4:15.
- d. **Remote Site:** the physical location where an employee’s supervisor has assigned the employee’s work station other than the Normal Work Station.

### 3. Policy

- a. The SDBOR has delegated to the University President, subject to limited exceptions under SDBOR Policy 1:6 and other corresponding SDBOR policies, the authority to appoint, terminate, manage, supervise, control, and determine compensation for University employees. The SDBOR, through SDBOR Policy 4:39, has also recognized

the potential need for flexibility in employment terms by allowing for Alternative Work Schedules, Compressed Work Schedules, Flexible Working Hours, or Remote Work. Alternative Work Schedules and Remote Work arrangements do not change the conditions of employment.

- b. The University will follow the parameters for Alternative Work Schedules and Remote Work as set forth in SDBOR Policy 4:39 in a non-discriminatory manner.
- c. ADA accommodation requests for Alternative Work Schedules and Remote Work are handled through the standard ADA Accommodation process.
- d. Once the threshold for consideration is met, the following issues, in no particular order, may be considered before approving a request for an Alternative Work Schedule and/or Remote Work arrangement:
  - i. The prior performance of the employee, particularly as would indicate their performance with diminished direct oversight;
  - ii. The ability to regularly monitor the employee's performance from a Remote Site given their job duties and the available technology;
  - iii. The importance of the employee being located at their Normal Work Station to achieving program goals of the department or unit;
  - iv. The importance of the employee being located at their Normal Work Station with regard to the employee's customer service;
  - v. The desires of the employee;
  - vi. Coverage of business necessities and the impact of approval on colleagues in the department or unit, including any workload shifting;
  - vii. The impact of approval on the career development of the employee;
  - viii. The suitability of the employee's proposed Remote Site; and
  - ix. The technology and equipment available for the employee to use from the proposed Remote Site.
- e. Initial and continued approval of requests for Alternative Work Schedules and/or Remote Work shall be conditioned upon compliance with all University and SDBOR policies and procedures and the following requirements:
  - i. Normal business hours for the department or unit shall be maintained except for exceptions that receive the express, prior written approval of the supervisor;
  - ii. All travel required by the employee's supervisor between the Normal Work Station and Remote Site—to include meetings, training, and other supervisor directives requiring the employee's physical presence at the Normal Work Station—and the expenses associated with the travel, shall be the responsibility

- of the employee;
- iii. The employee shall establish and maintain a work station in clean and working order, and in compliance with all applicable building codes, in their Remote Site that shall be approved by the supervisor prior to the start of the Remote Work, and shall only be substantially modified upon approval by the supervisor;
  - iv. The employee shall maintain regular, hourly communication availability through electronic devices with their supervisor and the Normal Work Station, including by phone and e-mail, unless such availability is unreasonable or is not possible;
  - v. The employee shall adhere to all SDBOR and University policies, in addition to all applicable laws, at their Remote Site and while on University business. The employee shall accurately report all hours worked as required;
  - vi. The employee shall maintain all confidential, trade secret, proprietary, and personally identifiable information as required;
  - vii. The employee is required to provide their own utility service to their work station, including but not limited to telephone service, high-speed internet service, electricity, and heat/cooling;
  - viii. The employee must allow University personnel to access the employee's Remote Site work station for business-related purposes, including set-up, servicing, and replacing University equipment, and for obtaining University property;
  - ix. Where the University does not provide its own equipment, software, and resources to set up and maintain the Remote Site work station, the employee will be responsible for paying for and obtaining the equipment deemed necessary by the employee's supervisor for the employee to carry out the essential functions of their position, with such equipment and its business use subject to all applicable SDBOR and University policies;
  - x. The employee must maintain a performance rating of "meets expectations" or equivalent in their performance evaluations while on an Alternative Work Schedule or Remote Work arrangement;
  - xi. Timekeeping policies and procedures shall be followed and supervisors will maintain oversight of employee's deployment of job duties;
  - xii. The employee is responsible and liable for the loss of state-owned equipment due to damage or theft while on a Remote Work arrangement; and
  - xiii. Alternative Work Schedules and Remote Work arrangements are prohibited from serving as a substitute for childcare, personal leave, as a means of facilitating outside employment, or other activities prohibited by federal, state, or local law or SDBOR or University policies while on University work time.

- f. Supervisors may approve brief intermittent or temporary Alternative Work Schedule or Remote Work arrangements. Before receiving consideration, the employee requesting such an arrangement must specify their proposed Remote Site schedule and job duties.
- g. Supervisors may work with employees jointly to create Alternative Work Schedules and Remote Work arrangements that best serve the interests of the University, under the terms of this policy.
- h. Supervisors retain full discretion on whether to initially approve or deny any requests for Alternative Work Schedules or Remote Work made by their direct reports, or to initiate work as remote. The department or unit head, the dean or supervisor equivalent, and a Small Committee comprised of Human Resources designee, Office of General Counsel designee, and the VP over the unit to which the employee reports, or their successors, must all approve requests for Alternative Work Schedules or Remote Work arrangements prior to their authorization. Payroll Services, IT, and Risk Management will be contacted for consideration of compliance issues related to the Remote Work request prior to authorizing the Remote Work request. Remote Work arrangements that result in a work location outside of the state of South Dakota must be approved by the SDBOR Director of Human Resources after supervisor and subsequent Small Committee approval.
- i. Once authorized, the employee's supervisor has the authority to revoke any approved Alternative Work Schedule or Remote Work for any reasonable employment, educational, programmatic, or other lawful reason, including but not limited to the considerations and requirements listed above. The department or unit head, the dean or supervisor equivalent, and a Small Committee comprised of Human Resources designee, Office of General Counsel designee, and the VP over the unit to which the employee reports, or their successors, must all approve extension, modification, or termination of requests for Alternative Work Schedules or Remote Work prior to their authorization. Reasonable effort will be made to provide 30 days' notice of such a change to accommodate commuting, childcare, and other problems that may arise from such a change.
- j. Non-essential personnel, as that term is defined in University Policy 10:7, may be directed to temporarily use a Remote Work arrangement. This directive does not require the completion of any forms or agreements, but requires supervisors to consult with the affected employees, Human Resources, and to provide written work expectations that are subject to supervisor modification during the Remote Work arrangement period directed by the President, or designee.

#### 4. Procedures

- a. The employee must complete the *Request for Alternative Work Schedule and/or Remote Work Arrangement* form (hereafter "Form") in order to have their request considered by their supervisor. The employee shall supplement the information provided on the Form as required by their supervisor, supervisors in the supervisory chain, or Small Committee.
- b. Upon receipt of the Form, the supervisor will consider whether the position and incumbent meet the eligibility requirements in this and referenced policies. If so, the

supervisor will consider the factors contained in these governing rules when determining whether to grant the request. If the supervisor plans to approve the request, the supervisor shall consult with Payroll Services, IT, and Risk Management for consideration of compliance issues related to Remote Work, submit the request to their department or unit head when applicable, and obtain the approval of the Small Committee. The Small Committee Human Resources representative will request the SDBOR Director of Human Resources approval for any Remote Work requests that result in a work location outside of the state of South Dakota.

- c. If the supervisor, department or unit head, Small Committee, or dean or supervisor equivalent, refuses to grant the employee's request for an Alternative Work Schedule or Remote Work arrangement, the supervisor shall provide to the employee a written response with the rationale(s) justifying the refusal. Accordingly, if not denied by the supervisor, the level of review that denies the request for an Alternative Work Schedule or Remote Work arrangement must provide their rationale to the supervisor and department or unit lead as applicable.
- d. The denial of a request for an Alternative Work Schedule or Remote Work arrangement does not provide an independent basis for a grievance.
- e. Where the Remote Site is out of state, Payroll Services must be notified of the location prior to commencing the Remote Work arrangement in order to set up the appropriate worker's compensation, unemployment and tax reporting requirements for the Remote Site.

#### 5. Responsible Administrator

The Director of Human Resources, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approving this policy.

SOURCE: Approved by President on 12/04/2019. Revised; Approved by President on 5/13/2020. Interim Revisions Approved by President on 10/24/2020. Revised; Approved by President on 02/02/2022.