FRANCIS MARION UNIVERSITY

SUBJECT: University Telecommuting Policy

POLICY Contact: Human Resources Office Revised: 10/06/25

FRANCIS MARION UNIVERSITY TELECOMMUTING POLICY

No Regular Commuting

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE

The purpose of this policy is to define the situations in which an employee may be permitted to telecommute.

Permitted Telecommuting

FMU does not permit employees to telecommute on a regular basis. However, temporary or emergency telecommuting may be used during short-term illness or other unplanned emergent events. These arrangements should be limited to the duration of the short-term illness or other unplanned emergency events. *These telecommuting arrangements must be reported to FMU's human resources office*.

Primary Workplace: The usual and customary workplace for all faculty and staff; it includes the main campus and all off-campus sites where faculty are housed or teach.

Alternate Workplace: A workplace other than the employee's usual and customary workplace (primary workplace) and may include the employee's home. The alternate workplace is not an agency office.

Child Care and Dependent Care: Telecommuting workers may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Telecommuting is not a substitute for childcare, dependent care or other personal responsibilities. Telecommuters are

required to use accrued leave, when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

Eligibility Requirements for Telecommuting

Telecommuting is a management option and not a universal employee benefit. Telecommuting may not be suitable for all employees and/or positions. **The decision to allow an employee to telecommute is solely at the discretion of the agency head. FMU may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the ability to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.**

Conditions of Employment

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the agency's primary workplace. The employee will continue to comply with federal and state law, and agency policies and procedures while working at an alternate workplace. The employee shall remain subject to all agency disciplinary policies and procedures while performing work at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.

Work Hours

The employee must be accessible during the specified work hours while telecommuting.

Employees who are telecommuting are expected to be working and focused on the performance of their job duties during all work hours. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours.

Working hours cannot coincide or overlap with any other type of employment.

Pay and Attendance

The employee's salary and benefits remain the same as if the employee were working at the agency's primary workplace. If the employee works less than the employee's normal workweek, salary and benefits must be adjusted accordingly.

Employees who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

An employee will be compensated for all pay, leave, and overtime (for non-exempt employees) as if all duties were being performed at the employee's primary workplace.

Advancement

Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.

Leave and Overtime

Requests to work overtime and use sick, annual or any other leave must be approved by the agency in the same manner as when working at the agency's primary workplace. **An employee shall not work overtime unless authorized in advance by the agency or as otherwise authorized by the agency's overtime policy.**

Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours.

Office and Telecommuting Location

Generally, the alternate workplace should be in South Carolina. If an agency deems it necessary to allow an employee to designate an alternate workplace outside of South Carolina, the agency should research tax, workers' compensation and other implications of having employees who perform work in another state. Employee requests to work at a location outside of South Carolina may be denied. Under no circumstances may an employee conduct work from a location outside of the state of South Carolina unless specific approval is received from their supervisor, human resources and the agency head or designer. No work may be performed at a location outside of the United States.

If the work is performed in the employee's home, the employee is responsible for reviewing their home or rental insurance to ensure there is no prohibition against a home office and any relevant zoning requirements to ensure a home office is permitted.

Workspace Safety

An employee understands that he or she will be liable for injuries or damages to the person or property of third parties or any members of the employee's family in the alternate workplace if it is in the employee's home.

Workers' Compensation

The alternate workplace is considered an extension of the employee's primary workplace; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the alternate workplace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately. The employee understands that he remains liable for injuries or damage to the person or property of third parties or members of his family on the premises and agrees to indemnify and hold the agency harmless from any and all claims for losses, costs, or expenses asserted against the agency by such third parties or members of the employee's family.

Reporting Requirements

Each division or office is required to provide a weekly report to the office of human resources documenting any telecommuting.

FMU PROCEDURES

FMU does not permit employees to telecommute on a regular basis; FMU does, however, allow telecommuting to occur under the following circumstances as long as staff are accessible during the specified work hours:

1. short-term illness – The primary medical care provider must (1) document that a medical condition exists, which prevents the staff member from working at the worksite and (2) estimate the duration of the medical condition.
2. unplanned events that prevent one or more employees from performing his/her duties at the FMU worksite – the supervisor of the affected employee will submit a written description of the event for submission to the Vice President for his/her department
3. Faculty teach on-line or distance education courses[1]-Student evaluations are collected for all courses taught by FMU full or part-time faculty.

When Conditions 1 or 2 exist the Vice President of the affected department should be notified of the need to implement a temporary *Telecommuting Work Plan*. If approved by the Vice President, the supervisor of the affected staff member and the staff member will review the *Position Description* and list (1) the duties that can be performed from home and (2) how productivity will be measured. The Human Resources Manager (HRM) will coordinate the keeping of all attendance and leave records.

When the duties that can be performed away from the work site are identified the supervisor will present the *Telecommuting Work Plan (TWP)* and the number of telecommuting hours that the staff member can perform per week to the HRM. The HRM will discuss any concerns about the *TWP* and the assigned telecommuting hours with the immediate supervisor and the Vice President for Administration.

The President, or his designee, will make the final decision concerning the *TWP*. The HRM will put the *TWP*, signed by the staff member, the supervisor, and the Vice President for Administration, in a notebook that contains all approved plans. The Telecommuting period will not exceed the duration of the medical condition or the event that prevents the staff members from accessing the workplace.

If, during any week, the staff member's actual schedule differs from the Telecommuting schedule the supervisor of the office is required to provide a weekly report to the agency Leave Coordinator in the Human Resources office documenting such deviation. The Leave Coordinator will copy the monthly time sheets for Telecommuting staff members and place them with the *TWP* of the staff member.

When the conditions that prompted the Telecommuting arrangement end, the supervisor will notify the HRM that the employee has returned to the primary workplace.

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[1] Faculty at four-year institutions of higher learning are excluded from the requirements of the *SC State Government Telecommuting and Remote Work Policies and Procedures* except those related to review and tracking systems.