



## Ohio Administrative Code Rule 3341-5-42 Telecommuting.

Effective: January 6, 2021

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### (A) Policy statement and purpose

Bowling Green state university wishes to maintain an efficient and effective work environment that provides flexibility and meets the needs of attracting and retaining a diverse and talented workforce. When appropriate, telecommuting can further those goals. The purpose of this policy is to identify positions that are appropriate for telecommuting and establish procedures for evaluation of telecommuting requests and proposals. Faculty - see paragraph G of this policy. To the extent specified, this policy also applies to telecommuting that is required by the university.

### (B) Policy scope

Employee-requested telecommuting may apply to any university employment position unless the office of human resources, in consultation with the employing department or unit, has identified the position as not eligible for telecommuting.

University-required telecommuting may apply to any university employment position.

### (C) Definitions and expectations

Telecommuting refers to an arrangement where an employee works from home, or from another location away from campus, as the employees assigned workplace location. Depending on the details of the arrangement, telecommuting constitutes a temporary or permanent reassignment for either a portion of the employees work time or all of it. An employees job classification, compensation, and benefits will not change if the employee is approved for telecommuting. Any associated costs due to telecommuting are the responsibility of the employee unless documented in writing with their department or unit (e.g., reimbursement for printer ink, office supplies, etc.); also see paragraph (F) of this policy.



The job duties and responsibilities of a telecommuting employee remain the same as if the employee were working at a BGSU campus work location. The employee will be required to adhere to the BGSU-specified performance standards for their position and will continue to comply with federal, state, and local laws, regulations, and BGSU policies and procedures while telecommuting.

Work hours and leave benefits do not change as a result of telecommuting. Requests to use leave must be approved by BGSU in the same manner as when working at a BGSU campus work location. Unless otherwise specified in writing by the employees supervisor, and except as noted in paragraph (G)(1) of this policy, telecommuting work hours are eight a.m. to five p.m. EST Monday through Friday, except for BGSU-observed holidays and hours of approved leave.

A telecommuting employee may be requested to attend meetings, project reviews, or other business purposes. If necessary, BGSU will seek to designate certain times or events when the employee is expected to be on campus and give adequate notice if those expectations change. Nonetheless, the employees supervisor may require the employee to report to their BGSU campus work location during normal business hours with reasonable notice.

A telecommuting employee accepts responsibility for maintaining the security, condition, and confidentiality, if required, of all work-related data, documents, and other materials kept at their off-campus workplace or stored on electronic equipment. Work-related data, documents, or other materials should not be stored on personal electronic equipment. Please note: any documents or items, including electronic records, created or received by university employees - which serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the university - are subject to disclosure under Ohio public records law.

At the end of the telecommuting arrangement, or if the employee ceases employment with BGSU, the employee must return all BGSU equipment, supplies, and work-related data, documents, and other materials that are property of BGSU to BGSU within three working days unless otherwise specified in writing by BGSU and excepting those faculty materials that are traditionally retained by the faculty member and/or are not the property of BGSU.

(D) Confidential information



While telecommuting, an employee may receive work-related data, documents, or other materials protected by the Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley Act (GLBA), the Health Insurance Portability and Accountability Act (HIPAA), or other state or federal privacy laws or regulations. Those items will be considered confidential information for purposes of this policy.

(1) The employee will hold all confidential information in strict confidence. The employee will not use or disclose confidential information except as required to perform their job duties.

(2) The employee will protect all confidential information according to commercially reasonable standards and use appropriate administrative, technical, and physical security measures to preserve the confidentiality, integrity and availability of all confidential information. Specific standards and appropriate programs/safeguards will be provided by BGSU.

(3) In the event of an actual or suspected breach of security, the employee will promptly notify their supervisor and information technology services.

(E) Policy for classified and administrative staff positions

(1) Identifying a position as appropriate for telecommuting

Supervisors, in consultation with the office of human resources, will analyze the nature of a position and how work is performed and determine which positions are appropriate to designate or approve for telecommuting. Many factors should be considered in determining the feasibility of telecommuting, including the congruence of telecommuting with the university's mission and goals, the ability to supervise the employee adequately, and whether any duties require use of certain equipment or tools that cannot be accommodated at a location other than BGSU. Other important considerations include:

(a) The extent to which job duties involve face-to-face interaction and coordination of work with other employees and students;

(b) The need for and frequency of in-person interactions with outside colleagues, clients and



customers;

(c) What access to on-campus resources will be needed to effectively perform the work;

(d) Whether service quality or university operations or workload of others will be impacted;

(e) Whether the position can be performed independently based on the level of support and face-to-face interaction needed; and

(f) Whether performance can be assessed accurately (e.g., using established evaluation tools for the employee's job classification) and working hours appropriately documented.

(2) Identifying an employee as eligible for telecommuting

In addition to assessing the positions appropriateness for telecommuting, the employee also must be eligible, as determined by their supervisor or division head (or designee) in consultation with the office of human resources. In considering whether to approve an employee for telecommuting, the university will consider:

(a) Length of time in position;

(b) Disciplinary actions on file;

(c) Demonstrated ability to work productively (as shown by consistent and satisfactory performance of essential functions);

(d) Evaluations in the previous evaluation cycle;

(e) The circumstances or rationale provided for consideration of telecommuting.

(3) Telecommuting request and approval

As outlined in this policy, not all employees and not all jobs are suited for telecommuting. An



employee interested in telecommuting may present a written request to their supervisor, identifying the justification for and the duration of telecommuting. Alternatively, the supervisor or another manager may initiate a telecommuting request.

Each telecommuting request will be reviewed by the supervisor or division head with the office of human resources to determine if the telecommuting request (as originally made or as modified during the review process) is consistent with this policy.

The approval or disapproval of a telecommuting request will be documented in writing (email is permissible) by the employees supervisor or division head and the office of human resources.

A telecommuting arrangement typically will be for one year or less and will expire at the end of that term. Renewal is possible but not guaranteed; employee performance, business operations, rotation of telecommuting opportunities, and other circumstances will be considered in determining whether to renew the agreement. The renewal or non-renewal of a telecommuting arrangement will be documented in writing (email is permissible) by the employees supervisor or division head and the office of human resources.

#### (4) Modification or early termination of telecommuting

A supervisor or division head, in consultation with the office of human resources, may modify or terminate a telecommuting arrangement for performance concerns, changes in operational needs, or other non-discriminatory reasons. To the extent practicable, notice will be provided two weeks before the modification or termination.

Except when telecommuting is required by the university, an employee may request to terminate the telecommuting arrangement and return to on-campus work at any time.

#### (F) Technology requirements

##### (1) University laptops

The university will make sure that each employee who enters into an approved telecommuting



arrangement has a university-issued laptop as their primary device. Information technology services (ITS) will provide remote support only. If an issue arises where a technician physically needs to work on the device, the employee is responsible for bringing the device back to their campus for ITS service.

(a) If the employee currently has a university-issued laptop as their primary device, then the employee will be required to use that device at both BGSU and their alternate location; an additional laptop device will not be provided for an employee to leave at their alternate location or in their office.

(b) Unless alternate arrangements are approved in writing by ITS and the employees department, if the employee currently has a university-issued desktop as their primary device, the employee will be required to switch to an equivalent model year laptop as their primary device and return the desktop to ITS at no cost to the employees department. If ITS must provide a new laptop, the employees department is responsible for the cost of the upgrade, unless it occurs as part of a planned employee device upgrade program.

(c) The university will provide a VPN connection for the employee to use on their university-issued laptop when working remotely to ensure data privacy and security.

## (2) Worksite requirements

An employee who has requested to telecommute is ultimately responsible for ensuring that they can perform their job responsibilities while working remotely. In order to enter into a telecommuting arrangement, an employee who has requested to telecommute must ensure the off-campus worksite meets the following requirements:

(a) The worksite must have adequate broadband internet access to allow remote work. The employee is responsible, at their own cost, for the purchase, setup and installation, support, and maintenance of internet service at their off-campus location. Employees who work seventy-five per cent time or more away from campus should have at least fifty Mbps connection from their ISP for software updates and automated backups. Service will degrade below this level.

(b) While working remotely, the employee is responsible for making the changes needed to receive



phone calls made to their university extension. Any associated costs are the responsibility of the employee or their department or unit.

(c) The employee or their department or unit is responsible for the purchase, installation, support, and maintenance of any additional accessories needed to telecommute (monitor, printer, keyboard, mouse, etc.)

(d) The employee is responsible for ensuring that they have a safe, secure, and functional remote work environment.

(e) Due to the dynamic nature of information technology, additional requirements may arise. Please visit the ITS website to review current considerations for telecommuting.

If telecommuting is required by the university, the foregoing requirements and responsibilities may be revisited to ascertain how university can best facilitate remote functionality.

#### (G) Exceptions

##### (1) Faculty telecommuting

Except for faculty whose appointment requires on-location work for specified hours, it is an accepted practice for faculty, to carry out their work with varied schedules on campus and elsewhere. Thus, paragraph (E) of this policy will not apply to faculty. For the avoidance of doubt, teaching courses assigned for delivery in an online or remote mode, or taking approved faculty improvement leave, will not necessitate a formal request to telecommute. If an alternative work location is a negotiated term of faculty employment, this will be documented in the appointment letter.

##### (2) University-required telecommuting

A department may determine that employees need to work off campus for a short period of time to accommodate unusual circumstances, such as a brief office closing for renovations or relocation.

In addition, the university may establish telecommuting as a condition of offered employment or



mandate telecommuting due to public health emergencies or other circumstances as determined by the president or designee.

In such cases, paragraph (E) of this policy will not apply.

(3) Telecommuting for health-related reasons

An employee with a documented disability may request telecommuting as a reasonable accommodation to enable an employee to perform their essential job functions. Those requests will be handled by accessibility services in accordance with its usual procedures.

In such cases, paragraph (E) of this policy will not apply.