

Yancey County School Board Policy

PERSONNEL

TELEWORKING *Policy Code: 7503*

May 15, 2023

Although it is the board's desire for school employees' work to be performed at their regularly assigned place of work as a matter of course, the board recognizes that in certain limited circumstances it may be practical, efficient, or necessary to allow or require authorized employees of the school system to work from an alternative work location via electronic means ("teleworking"). 1 This policy outlines the circumstances under which teleworking arrangements may be made.

A. DEFINITIONS

1. "Alternative Work Location" is defined as a worksite other than an employee's regularly assigned place of work.
2. "Eligible employee" is defined as an employee of the school system who has demonstrated satisfactory job performance, is in good standing, and can perform all of the employee's essential job duties at an alternative work location. In addition, to be an eligible employee, the employee must have an available and suitable designated workspace at the alternative work location and access to any computer and telecommunications equipment necessary for the completion of tasks.
3. "Telework/Teleworking" is defined as the performance of the essential functions of an employee's job description at an alternative work location, typically the employee's residence, via electronic means in accordance with the employee's usual expected standards of performance and other approved or agreed-upon terms.
4. "Teleworker" is defined as an employee engaged in teleworking on a temporary episodic or emergency basis.
5. "Teleworking agreement" is defined as a written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.

B. TELEWORKING IN EMERGENCY SITUATIONS

When the superintendent or board determines that any employees cannot or should not work at their regularly assigned place of work as a result of natural disaster, inclement weather, public health emergency, or other situation that threatens the health and safety of employees, students, or the community, the superintendent or board may, consistent with state and federal law, permit or require individual employees or classes of employees to telework. Otherwise applicable teleworking eligibility criteria will be deemed waived to the extent necessary for such employees. In the event the superintendent permits or orders any employee(s) to telework pursuant to this section, the

superintendent shall notify the board of the decision and supporting rationale as soon as practical and before announcing the decision to any employees or the public. The board reserves discretion to overrule or modify the superintendent's decision to permit or order any employee(s) to telework under this section. If an employee's supervisor determines that the employee is unable to perform his or her essential job duties while teleworking, the employee may be required to take any available accrued leave, whether paid or unpaid, in accordance with policy 7510, Leave.

C. TEMPORARY EPISODIC TELEWORKING ARRANGEMENTS

When deemed practical, efficient, or necessary, employees who are eligible under subsection A.2 may be approved to work via a teleworking arrangement for limited time periods in accordance with the criteria established in Section D of this policy and other criteria consistent with this policy to be developed by the superintendent. Such criteria shall address suitability of job duties; cause; length, frequency, and/or calendar limitations; and other factors as determined by the superintendent and consistent with law. Approval of episodic teleworking arrangements will be made on a non-precedential case-by-case basis and will be consistent with school system policies and procedures and state and federal law. Approval or denial of an episodic teleworking arrangement will not be made on a preferential or discriminatory basis.

Principals have initial authority to allow an episodic teleworking arrangement for eligible employees working at their schools. The superintendent or designee has initial authority to allow a teleworking arrangement for any other eligible employee of the school system. A principal must inform the superintendent or designee any time the principal allows a teleworking arrangement of more than two workdays. Any teleworking arrangement for an employee that exceeds more than 20 workdays for a single episode or a cumulative total of 40 workdays in any 12 month period must be reported to the board. The superintendent or designee or board may terminate any teleworking arrangement.

Teachers are only eligible to telework on optional or required teacher workdays, and only when the superintendent or designee designates the day as an eligible teleworking day for teachers. Principals must still approve telework when a teacher workday has been designated as telework-eligible by the superintendent or designee.

D. GENERAL CONDITIONS ON TELEWORKING

1. Employees are prohibited from teleworking when they are identified as personnel whose physical presence at their regularly assigned place of work or at an alternate school system site is essential to the performance of their duties. In addition, no employee may telework on a full-time, permanent basis and no employee is entitled

- to telework as a replacement for leave to accommodate family care arrangements, sick leave, Family and Medical Leave, or Worker's Compensation leave.
2. Teleworking is not an entitlement and is offered to the employee at the sole discretion of the school system. No employee will be permitted to telework without first entering into a teleworking agreement. Teleworking arrangements are subject to termination at any time with reasonable notice given by the teleworker's supervisor.
 3. Teleworkers should obtain permission from their supervisor before removing school system equipment or supplies from the employee's regularly assigned place of work to use at an alternative work location. Teleworkers are responsible for maintaining and protecting such school system equipment and returning it to the employee's regularly assigned place of work when the teleworking period ends. Use of school system technological resources is governed by policy 3225/4312/7320, Technology Responsible Use. The school system may condition an employee's authorization to telework on the employee providing his or her own equipment if school system resources are not available for the employee to use. All costs incurred by an employee to arrange an alternative work location and to telework are the employee's responsibility and will not be reimbursed unless otherwise required by law. 10 If approved by the superintendent or designee and the technology director, software owned by the school system may be installed on an employee-owned computer subject to license agreements. The software must be removed upon termination of the teleworking arrangement unless otherwise approved by the superintendent or designee.
 4. A teleworker's alternative work location must be safe, secure, and free of undue distractions. Although school officials will not conduct routine inspections of alternative work locations that are not owned or operated by the school system, the board reserves the right to inspect an employee's alternative work location when deemed necessary to ensure suitability and safety after giving the teleworker reasonable notice.
 5. Work-related injuries that occur in the alternative work location must be reported to the teleworker's supervisor.
 6. Teleworkers shall be accessible by phone and email during work hours. In addition, attendance at the employee's regularly assigned place of work for on-site meetings, conferences, training sessions, and other school business activities may be required on scheduled telework days. Transportation for such attendance is the teleworker's responsibility.

7. Teleworkers must adhere to the same policies and procedures established for all school system employees. A teleworker's performance will be monitored and assessed in the same manner as employees working from their regularly assigned place of work.
8. Teleworkers must not deviate from the work schedule that would be expected of them at their regularly assigned place of work (including working hours, lunch breaks, etc.) unless specifically authorized to do so by their supervisor. Nonexempt employees under the Fair Labor Standards Act are not permitted to work off-the-clock while teleworking and will not be permitted to work overtime absent authorization from the employee's supervisor.

E. TELEWORKING AS AN ACCOMMODATION

This policy does not apply to teleworking as an Americans with Disabilities Act (ADA) or Pregnant Workers Fairness Act (PWFA) accommodation. If teleworking is considered a reasonable accommodation pursuant to the ADA or the PWFA, the school system and employee will follow the school system's ADA or PWFA process with respect to such accommodation. In addition, employees with disabilities and employees with pregnancy-related limitations who are required or permitted to telework by the superintendent or board will be provided reasonable accommodations as necessary to fulfill their job duties while teleworking.

This policy and any eligibility criteria or procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to telework or to be assigned to a job position that is suitable for teleworking.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 et seq., 28 C.F.R. pt. 35; Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Confidential Information (2125/7315), Technology Responsible Use (3225/4312/7320), Use of Personal Technology to Conduct School Business (3228/7323), Use of Equipment, Materials, and Supplies (6520), Workday and Overtime (7500), Leave (7510), Permitted Salary Deductions for Absences and Discipline of Certain Exempt Employees (7560)

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