

**UNIVERSITY OF WISCONSIN-MILWAUKEE
TELECOMMUTING WORK OPTION POLICY**

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UWM Telecommuting Task Force

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A. Telecommuting Policy

This policy defines Telecommuting as a work location alternative that allows employees to perform responsibilities away from an office environment. The home workspace shall be equipped with information technology appropriate to interface with UWM's system as necessary to perform job responsibilities.

This policy only applies to employees who: 1) work partially in an assigned office and 2) work partially at a primary residence. It does not apply to UWM employees who: 1) are mobile workers, e.g. those who travel continuously or frequently, or 2) work at home on a short-term basis, or 3) work at home as either a temporary or permanent ADA accommodation or as the result of a Return to Work program.

Telecommuting is a formal scheduled work location alternative. This policy is designed to apply to all staff whose job responsibilities may be effectively completed outside the traditional office environment. This may mean a permanent work assignment or for those employees who have short-term needs for working uninterrupted on research projects as appropriate. This policy meets the Wisconsin Department of Administration Guidelines for Telecommuting, which can be accessed through UWM's Office of Environmental Health, Safety and Risk Management website:

<http://www.uwm.edu/Dept/EHSRM/RISK/>

Telecommuting is not recommended if an employee's position description requires frequent client contacts, as there are increased liability exposures if business clients must visit an employee's home. Telecommuting privileges are not intended to include visits from clients/patients/students. (See Section N. Visitors, for more detail).

Traffic congestion and the associated parking problem, air quality and energy use is increasing. The measures employers take today directly impact the quality of life in our community and neighborhoods. To reduce the volume of trips to the UWM campus, the Wisconsin Department of Natural Resources conducted a survey in 1994. For purposes of the survey, telecommuting was defined as an employee working at the employee's residence using electronic communication or other means to perform job functions, which would otherwise be performed at the worksite. The results showed that in one workweek less than 1% of UWM employees telecommute, averaging 1.58 times per week.

B. Program Description

Telecommuting is a work alternative mutually agreed upon in writing between the telecommuter and supervisor, subject to approval by the appointing authority (Dean or Division Head). The Telecommuting Agreement may be discontinued by either the

Telecommuter (hereinafter referred to as the telecommuter), supervisor, or appointing authority at any time without cause, subject to a two-week notice, unless otherwise agreed to in writing.

Normally, telecommuters work at home one or more days a month on a regular basis. Writing, reading, telephoning, data analysis, computer programming, word-processing and data entry are all tasks amenable to telecommuting.

C. Goal

UWM's goal is to maximize the productivity of the employees and enhance job satisfaction and employee resources.

D. Requirements

- 1) Any employee of UWM, whose work is of a nature wherein face-to-face interaction is minimal or may be scheduled to permit telecommuting, is eligible to apply. Approval is granted at the discretion of the supervisor and appointing authority. The need for specialized material or equipment will be specified in the telecommuter work agreement.
- 2) Professional characteristics of the employee will include:
 - A demonstrated conscientiousness about work time and productivity evidenced by satisfactory or better performance reviews.
 - Self-motivation.
 - Ability to work well alone for long stretches of time.
 - Limited need for feedback but ability to ask for it if necessary.
- 3) Requirements necessary to qualify for the telecommuting program:
 - Employee's willingness to sign and abide by a telecommuter agreement.
 - Approval of supervisor and appointing authority.
 - Supervisor's willingness to communicate with telecommuter as agreed upon.
 - Participation in applicable telecommuting training and participation in program evaluation activities.
- 4) The telecommuter will have regularly scheduled work hours agreed upon with his or her supervisor, including specific core hours of phone accessibility.

E. Dependent Care

Telecommuting is not a substitute for dependent care. Telecommuters must make or maintain dependent care arrangements to permit concentration on work assignments at home.

F. Employee/Supervisor Communication

Telecommuters must keep their supervisor informed of progress on assignments worked on at home, including any problems, which they may experience while telecommuting. Methods of planning and monitoring the work of the telecommuter include:

- Communication with supervisor on a daily basis followed by debriefing.
- Making other arrangements for the telecommuting day at the beginning of the program.

G. Equipment

Office furniture, smoke detector, dedicated phone/fax/modem lines, computer equipment and other miscellaneous equipment may be required for successful telecommuting. The University or the employee may supply the needed equipment. The telecommuting agreement will specify all required equipment and which entity is supplying each item.

If the employee elects to use his/her own equipment, the employee is responsible for the proper operation and repair of said equipment. The employee is therefore responsible for computer repair and hardware installations/configuration of his/her computer.

If the University supplies the needed equipment, the University is responsible for the repair of said equipment; this includes computer repair and hardware installations/configuration. The employee is required to return equipment to the University for repair and upgrades.

Most University owned software might be legally installed on a privately owned computer with the stipulation that said software will only be used for University work. Please check with I&MT and /or each vendor's policy on this subject.

Installation/configuration of University owned software is the employee's responsibility if the software is for his/her privately owned computer. It is the University's responsibility if the computer hardware is University owned. The user is responsible for delivering the University owned computer to the University for software installation/configuration.

H. Equipment Liability

The employee's school, college or division will be responsible for the repair and maintenance of equipment provided by UWM. Surge protectors must be used with any UWM computer used by the telecommuter. The employee will be responsible for:

- Completion of a removal of property form for UWM equipment taken home. Please refer to the Removal of Property and Extended Coverage Request Form available on the website of the Office of Environmental Health, Safety and Risk Management (<http://www.uwm.edu/Dept/EHSRM/RISK/forms.html>).
- Any intentional damage to the equipment.
- Damage resulting from negligence by the employee or any member of the employee's household, including visitors.
- Damage resulting from a power surge if no surge protector is used.
- Damage or loss to employee owned equipment.
- Checking his/her homeowner's/renter's insurance policy for incidental office coverage.

I. Work Space

The employee must establish and maintain a clean, safe, dedicated ergonomically correct workspace subject to inspection with proper notice.

J. Scope of Employment

Scope of Employment is a legal definition that describes the activity of an employee. When an employee is acting on behalf of the employer as proscribed by the employer (i.e. the employer assigns duties and exercises some control, directly or indirectly over the employee's activities, the employee is said to be acting in "scope of employment") such that the employer is liable to a third party for the employees' torts (suits against the employee) whenever the employees' activities may be said to be an incident of the employment or logical extension of the employees' work.

In the context of telecommuting it is important that the employer do the following:

*Clearly describe the work expectations for the "telecommuter."

*Outline how work will be assigned and completed and returned to the Department.

*Describe how the telecommuter will be monitored and evaluated.

K. Injuries

Employees will be asked to sign personal waiver of liability, which states,

“In consideration for being allowed to work at home, I and my heirs hereby agree to release the Board of Regents of the University of Wisconsin System, and all officers, employees, and agents, from any and

all liability, including claims, demands, losses, costs, damages, and expenses of every kind and description including injury, death, or damage to my property, which arises out of, in connection with, occurs during, my participation in this program.”

The employee will be covered by worker's compensation for all job-related injuries that occur in the designated workspace at the telecommuter's home during the telecommuter's defined work period. Since the workplace and home will be one and the same, worker's compensation will not apply to non-job related injuries that might occur in the home.

L. Telephone Expenses

Telephone expenses are addressed in the telecommuting agreement form.

M. Nondiscrimination

The use and application of this policy and of the Telecommuting Agreement form shall comply with the requirements of all applicable Federal and State laws and regulations and internal UWM policies prohibiting illegal discrimination.

N. Visitors

Telecommuting is not recommended if an employee's position requires visits from clients, patients, students, co-workers or others. Employees who will have business visitors must 1) show proof of \$500,000 homeowner's insurance general liability coverage and 2) may be subject to checks of the residence to ensure visitor safety. If deficiencies in maintenance or upkeep of accessible areas (e.g. driveways, sidewalks, stoops, etc.) are discovered, the employee will have 60 days to make improvements with no visitors allowed until the improvements are made.

O. Ongoing Monitoring

UWM will review each telecommuting arrangement at least annually to ensure that the originally established criteria are still being met, and that the arrangement still meets the needs of the employer. Such review should include a site visit to ensure that minimum safety requirements are being met. If safety deficiencies are discovered, the employee will have 60 days to correct them. The employee shall annually provide proof of homeowner's insurance general liability coverage. In the event of any work-related injury to the employee or a visitor, the employee shall cooperate to the fullest extent possible in the investigation of the incident.