



LP 5.36

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Telecommuting and Remote Work

THE LANGUAGE USED IN THE LANDER POLICY FOR ADMINISTRATION AND STAFF DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND LANDER UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. LANDER 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. LANDER UNIVERSITY'S OFFICE OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.

1 Purpose

- 1.1 Section 8-11-15(B) of the South Carolina Code of Laws states that state agencies "may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings." Therefore, to be compliant with the law, the decision by Lander University to permit telecommuting should be based on clearly defined and measurable benefits for the university and the state's taxpayers.
- 1.2 The purpose of this policy is to define Lander University's telecommuting program and the rules under which it will operate. This policy is designed to assist Lander University supervisors and employees to understand telecommuting and its ramifications. This policy does not address informal, intermittent, temporary, or emergency-related remote work.

2 Scope

- 2.1 This policy applies to all Lander University employees (i.e., administrators, staff, faculty, adjunct instructors, and temporary employees) who engage in telecommuting or remote work. The faculty exemption to this policy is addressed in Section 16 (below). This policy does not apply to independent contractors or vendors.

3 Authority

- 3.1 The university president has the authority to establish a telecommuting program within the university, based on Section 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting and Remote Work Policies and Procedures established by the South Carolina Department of Administration's (Admin) Division of State Human Resources (DSHR). The university president (or designee) has the ability to set the work schedules and work locations for university employees subject to the requirements set forth in the South Carolina State Government Telecommuting and Remote Work Policies and Procedures regardless of whether an employee telecommutes or not.
- 3.2 If the university intends to permit regular telecommuting by any employees, a telecommuting policy and plan must be approved by DSHR prior to the university's implementation of a telecommuting option for any employees. DSHR reserves the right to revoke the approval of a telecommuting plan for any university found out of compliance with its approved telecommuting plan or if telecommuting is found to be adversely affecting the quantity or quality of work at the university. If this noncompliance or adverse effect occurs, university employees will not be permitted to continue regular telecommuting arrangements.

4 Definitions

- 4.1 **Telecommuting/Teleworking:** a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with telecommuting agreements. Work from home on days when the office is closed due to hazardous weather OR field work where employees work at clients' or customers' locations throughout the workday (except for incidental and de minimis times when the employee needs to work from home or an alternate work location) does not constitute telecommuting. May also be referred to as **remote work**. Three main categories of telecommuting are:
- 4.1.1 **Planned, recurring telecommuting that happens every week unless operational needs change.** For example, an employee who telecommutes every Tuesday unless a project, meeting, or workload requires an in-office presence. This level of telecommuting requires a formal agreement between the employee and the university, and the time telecommuting must be tracked in the South Carolina Enterprise Information System (SCEIS) or as required for non-SCEIS agencies. Regular telecommuting is limited to no more than two days per week. Telecommuting for more than two days per week is only permitted if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. An employee is not permitted to telecommute on: (1) both Monday and Tuesday, (2) Thursday and Friday, or (3) Friday and the following Monday as part of a regular telecommuting arrangement.
- 4.1.2 **Periodic, intermittent, telecommuting arrangements such as when an employee is assigned a project with a short timeframe or one that requires**

uninterrupted time to complete. This level of telecommuting does not require a formal agreement or checklist process. While it is not required that employees in these arrangements sign a telecommuting agreement, agencies should document the approval of the periodic, intermittent telecommuting arrangement, in writing, with the employee. These telecommuting arrangements must be reported to the university's Human Resources office.

4.1.3 Temporary or emergency telecommuting may be used during short-term illness or other similar unplanned emergent events.

This level of telecommuting does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the university. These arrangements should be limited to the duration of the short-term illness or other similar unplanned emergency event. These telecommuting arrangements must be reported to the university's Human Resources office.

4.2 Primary Workplace: The telecommuter's usual and customary university workplace. This primary workplace may include other university office locations (e.g., satellite campuses) in which the employee occasionally works. For employees who primarily work in the field or who are full-time telecommuters, the primary work location should still be a university office.

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

4.4 Telecommuting Application: The document used by supervisors and employees to evaluate the employee's ability to successfully telecommute.

4.5 Telecommuting Agreement: The signed document that outlines the understanding between the university and the employee regarding the telecommuting arrangement. A telecommuting agreement should be renewed at least annually. The telecommuting agreement should be reviewed and updated whenever there is a permanent change to the employee's job duties or the provisions of the telecommuting agreement change. Telecommuting agreements are not transferable from one position to another.

4.6 Telecommuter or Teleworker: An employee who has an agreed-upon schedule during which they are expected to work at an alternate workplace rather than the employee's primary university workplace.

4.7 Telecommuting Coordinator: The person responsible for providing support to telecommuting employees and their supervisors and for monitoring the success of the telecommuting program.

4.8 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 in place 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 requirement includes time spent caring for ill household members or other people.

5 Eligibility Requirements for Telecommuting

- 5.1 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 university president or the president's designee. The university 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.
- 5.2 Generally, an employee's participation in the university's telecommuting program is voluntary and must be mutually agreed upon by the employee and the employee's supervisor, with final approval by the president or the president's designee. The president may, however, designate a position as telecommuting only if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. In this case, telecommuting would not be voluntary.
- 5.3 University directors and their executive staff are not permitted to telecommute. This includes deputy directors, division directors, and managers or supervisors who report directly to the university president and any other employee who reports directly to the president. To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with the university. This requirement may be waived if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. Employees subject to a warning period of substandard performance or performance improvement plan or those who were recently subject to disciplinary action are not eligible for the telecommuting option.
- 5.4 The supervisor and employee should complete a telecommuting application to determine if the employee will be permitted to participate in a telecommuting arrangement.

6 Conditions of Employment

- 6.1 The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the university's primary workplace. The telecommuter's supervisor may, however, assign additional duties related to communication, work progress, and productivity. The employee will continue to comply with federal and state law and university policies and procedures while working at an alternate workplace. The employee shall remain subject to all

university 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.

7 Work Hours

- 7.1 Work hours and location are specified as part of the telecommuting agreement. The employee must be accessible during the specified work hours. The university and the employee agree that, at the university president's discretion, the employee may perform assigned work for the university at a location other than the university on-site office as a telecommuter.
- 7.2 Telecommuters 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 performed only during established break times, lunch time, and before and after work hours. Telecommuters are required to use accrued leave, when necessary, to provide dependent care or when addressing other personal responsibilities. This requirement includes time spent caring for an ill household member or other person.
- 7.3 Working hours cannot coincide or overlap with any other type of employment.

8 Pay and Attendance

- 8.1 The employee's salary and benefits remain the same as if the employee were working at the university's primary workplace. If the employee works less than the employee's normal workweek, salary and benefits must be adjusted accordingly.
- 8.2 Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.
- 8.3 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 university workplace.

9 Advancement

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

10 Leave and Overtime

- 10.1 An employee's requests to work overtime and use sick, annual, or any other leave must be approved by the university in the same manner as if the employee was working at the employee's primary university workplace. An employee shall not work overtime unless authorized in advance by the university or as otherwise authorized by the university's overtime policy. Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours. The employee agrees that telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care requirements must make arrangements for another person to provide dependent care services during the agreed-upon work hours. Telecommuters are expected to follow university leave policies and procedures to request time off from telecommuting to engage in non-work activities.

11 Office and Telecommuting Location

- 11.1 An employee who telecommutes will work at the primary university workplace or at another university-approved alternate workplace and not from another, unapproved site. Failure to comply with this provision may result in termination of the telecommuting agreement and in appropriate disciplinary action. The university will establish agreed-upon expectations regarding the time that the employee would need to spend in the primary university workplace and to give adequate notice when these expectations are subject to change, when possible. Regardless of the telecommuting arrangement, an employee can be required to report to the primary university office location at any time.
- 11.2 Generally, the alternate workplace should be in South Carolina. If the university deems it necessary to allow an employee to designate an alternate workplace outside of South Carolina, the university should research tax, workers' compensation, and other implications of having that employee perform work in another state. Employee requests to designate an alternate work 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 has been received from their supervisor, university Human Resources, and the president (or designee). No work may be performed at a location outside of the United States.
- 11.3 If the alternate workplace is in the employee's home, the employee is responsible for reviewing their home or rental insurance to ensure that there is no prohibition against a home office and any relevant zoning requirements to ensure that a home office is permitted.

12 Workspace Safety

- 12.1 The employee agrees to designate a separate workspace in the alternate workplace for the purposes of telecommuting and will maintain this area in a safe condition,

free from hazards and other dangers to the employee and the university's equipment. To ensure the safety of the workspace, the employee agrees to complete and return to the university a telecommuting workplace safety checklist, which will certify that the employee's alternate workplace complies with health and safety requirements. The employee must submit this checklist to the university before the employee begins telecommuting. The employee agrees that the university shall have reasonable access to the alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that they 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. The employee agrees to consult with the university before moving any heavy equipment or furniture in the alternate workplace.

13 Workers' Compensation

- 13.1 The alternate workplace is considered an extension of the employee's primary university workplace; therefore, workers' compensation will continue to exist for the employee when the employee is 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 they remain liable for injuries or damage to the person or property of third parties or members of their family on the premises and agrees to indemnify and hold the university harmless from any and all claims for losses, costs, or expenses asserted against the university by such third parties or members of the employee's family.

14 Reporting Requirements

- 14.1 Every employee who telecommutes as part of their normal telecommuting schedule must record telecommuting hours each day they work at the alternate work location by using the telecommuting attendance code. Managers will need to approve this time. Note that both FLSA-exempt and non-exempt employees will be required to enter their telecommuting time worked.
- 14.2 Each division or office is required to provide a weekly report to the university Office of Human Resources documenting any deviation from the university's approved telecommuting plan. This requirement includes employees working in the office on days they are scheduled to telecommute or telecommuting on days they are scheduled to be in the office. This requirement also includes employees who telecommute, but who do not have a normal telecommuting schedule.

15 Telecommuting Outside of Normal Telecommuting Schedule

- 15.1 Human Resources must approve all telecommuting outside of an established telecommuting schedule.

16 Faculty Exemption Requirements

- 16.1 Lander University faculty are exempt from the standard state telecommuting schedule restrictions due to the unique nature of academic work and the range of teaching schedules required to meet students' needs.
- 16.2 Telecommuting arrangements for university faculty are determined by university leadership and must be consistent with the delivery of academic services and institutional priorities.
- 16.3 University faculty are required to maintain regular communication with students and colleagues and to ensure that telecommuting does not adversely impact the quality of instruction or service delivery.

17 Policy Revision History

- First draft of policy created by VP for Finance and Administration on 9/29/2025.
- Stakeholder review and provisional approval of policy on 9/30/2025.
- Final proposed revisions applied by Policy Coordinator on 10/1/2025.
- Submitted to the South Carolina Division of State Human Resources (DSHR) on 10/1/2025.
- Revised by Policy Coordinator to more closely follow DSHR's Model Telecommuting Policy template on 10/28/2025.
- Reviewed by Board of Trustees Policy Committee on 12/1/2025.
- Reviewed and revised by policy coordinator on 12/2/2025.
- Approved by the Board of Trustees on 12/17/2025.
- Approved by South Carolina Division of State Human Resources (DSHR) on 5/18/2026.