



## REMOTE WORK POLICY

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 CONTENTS 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.

### I. PURPOSE

To establish a remote work program within the South Carolina Department of Agriculture (SCDA) as provided by Section 8-11-15(B) of the South Carolina Code of Laws which states that state agencies “may use alternative work locations, including telecommuting, that result in greater efficiency and cost savings.” The SCDA remote work program lends to employee retention, schedule flexibility, and recruitment. The decision to allow remote work will be based on clearly defined and measurable benefits for the agency and taxpayers. The Commissioner of Agriculture as the agency head has the authority to establish a remote work program in accordance with the Division of State Human Resources guidelines.

### II. DEFINITIONS

The official work location is the SCDA office location to which the employee is assigned. It remains the primary work location for employees participating in the remote work program.

**Remote Work/Working Remotely:** a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with remote work agreements. Work from home on days when the office is closed due to hazardous weather OR field work where employees work at client or customer locations throughout the workday except for incidental and de minimis times where the employee needs to work from home or an alternate work location does not constitute working remotely. May also be referred to as telecommute work. Three main categories of remote work exist:

Planned, recurring remote work that happens every week unless operational needs change. For example, an employee that works remotely every Tuesday unless a project, meeting, or workload requires an in-office pres-

ence. This level of remote work requires a formal agreement between the employee and the agency, and the time working remotely must be tracked in SCEIS. Regular remote work is limited to no more than two days per week.

Periodic, intermittent, remote work arrangements such as when an employee is assigned a project with a short timeframe or one that requires uninterrupted time to complete may be permitted with the approval of the agency head or the agency head’s designee. This level of remote work does not require the formal agreement or checklist process.

Temporary or emergency remote work may be used during short-term illness or other similar unplanned emergent events. This level of remote work does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the agency. These arrangements should be limited to the duration of the short-term illness or other similar unplanned emergency event. These remote work arrangements must be reported to Human Resources.

**Primary Workplace:** The official work location is the SCDA office location to which the employee is assigned. It remains the primary work location for employees participating in the remote work program. It may include SCDA’s other locations in which the employee occasionally works.

**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.

**Remote Work Application and Safety Checklist:** The document used by supervisors and employees to evaluate the employee’s ability to successfully work remotely.

**Remote Work Agreement:** The signed document that outlines the understanding between the agency and the employee regarding the remote work arrangement. This agreement must be renewed annually. The Remote Work Agreement should be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the Remote Work Agreement change. Agreements are not transferable from one position to another.

**Remote Worker:** 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 workplace

**Remote Work Coordinator:** The person responsible for providing support to remote workers and their supervisors and monitoring the success of the program.

**Child Care and Dependent Care:** Employees working remotely may have household members or others who depend on them for care. Employees with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Working remotely is not a substitute for childcare, dependent care or other personal responsibilities. Employees who work remotely 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.

### III. POLICY

The remote work program is a flexible work arrangement that allows an employee to work at an alternate location from their primary work location for a limited number of day(s) per work week. The alternate location may be their home, a different SCDA location, or a temporary location based on the employee's specific needs. Remote work is a management option and not a universal employee benefit or right. The decision to allow an employee to work remotely is solely at the discretion of SCDA.

Remote work is an arrangement in which eligible SCDA employees are allowed to perform the normal duties and responsibilities of their positions, through the use of computers, the internet, cellphones, and wireless devices, at home or at an alternate work location apart from the employee's usual location of work one or two days per week, as determined by the supervisor and Deputy Commissioner of the employee's division unless the Governor's Office and the Division of State Human Resources grants an exception. If two days per week are authorized, the employee may not be remote on: (1) both Monday and Tuesday; (2) both Thursday and Friday; or (3) both Friday and the following Monday as part of a regular remote working arrangement.

Remote work plans, policies, and updates must be approved by the Division of State Human Resources prior to implementation.

### IV. EMPLOYEE ELIGIBILITY

To be eligible to routinely work remotely, an employee must have completed one year of satisfactory employment with SCDA, regardless of covered status. This requirement may be waived if the Deputy Commissioner, in conjunction with the supervisor, recommend the waiver to the Division of State Human Resources (DSHR) and it is approved by the Governor or the Governor's Designee. Employees in a warning period of substandard performance are not eligible for remote work. In addition, employees with disciplinary actions within the past six (6) months are not eligible for remote work.

Participation in remote work will be based on the ability of the employee to perform tasks that can be completed from an alternate workspace, such as a home office, and management's assessment of the employee's ability to complete these tasks satisfactorily. Working remotely may not be suitable for all employees and/or positions. Employees interested in working remotely must complete and submit an SCDA Remote Work Application & Safety Checklist to his/her supervisor, for approval by the Deputy Commissioner or his/her designee. The Deputy Commissioner may request additional information as deemed necessary to consider the remote work request. If approved, the employee must complete and submit an SCDA Remote Work Agreement to his/her supervisor, for approval by the Deputy Commissioner or his/her designee.

Commissioner and Executive Staff are not permitted to enter into regular remote work arrangements. Executive staff includes Deputy Directors and managers or supervisors who report directly to the Commissioner.

### V. REMOTE WORK EMPLOYEE'S CONDITIONS OF EMPLOYMENT

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the employee's official work location. The employee shall remain subject to all Federal laws, State laws, and SCDA's policies and procedures including agency disciplinary policies and procedure and The Fair Labor Standards Act (FLSA) while working at the alternate workspace/location. Working remotely will not adversely affect an employee's eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, overtime, and travel entitlement as if all duties were being performed at the employee's official work location. An employee can be required to report to their primary work location at any time.

Working remotely is not a substitute for child or elder care. An employee who provides a medical certification prohibiting them from working cannot work remotely during their incapacity.

## **VI. HOURS OF WORK, OVERTIME HOURS, AND TIME REPORTING**

Work hours, compensatory time, and leave benefits will not change as a result of working remotely. Requests to work overtime or use sick, annual, or other leave must be approved by the employee's supervisor or designee in the same manner as when the employee works at the employee's official work location. A remote employee shall not work overtime unless authorized in advance by his/her supervisor. Remote employees are required to submit a bulletized list of tasks worked on/completed during their remote day to his/her supervisor by noon the following day. An employee must forego working remotely if needed in the official work location on a regularly scheduled remote day.

SCDA's guidelines for variable workweek schedule or work hours schedule (flex time) apply to remote work employees. Employees must be reachable via phone and email during scheduled work hours.

All remote employees, exempt and non-exempt, must record remote hours each day they work at an alternate location. These hours must be recorded using the State's Telecommuting Hours attendance code (1090) in SCEIS Central. Managers will be required to process these time entries each week in SCEIS. Human Resources must approve all remote work outside of an established remote work schedule.

## **VII. TEST PERIOD**

A test period of three to six months will be established. The employee and management will evaluate the success of the remote work arrangement. Examples of success criteria include, but are not limited to, the employee maintaining or enhancing work quality and productivity compared to in-office performance, meeting deadlines consistently, responding promptly to emails, messages, and calls, and fully adhering to the requirement of this Remote Work Policy. Management has full discretion to determine if the employee is eligible to continue working remotely.

## **VIII. ALTERNATE WORKSPACES**

Generally, the alternative work location should be in South Carolina. If an agency deems it necessary to allow an employee to designate an alternative work location outside of South

Carolina, the agency should research tax, workers compensation and other implications of having employees who preform work in another state. Employees must request and receive permission from their supervisor to work remotely outside of South Carolina. Employee requests to work 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 approved by their supervisor and human resources. No work may be performed at a location outside of the United States unless on work related travel. The employee must work at their primary workplace or the approved alternate workplace, and not from another unapproved site.

The employee must maintain a separate workspace in the remote site, ensuring it is safe, free from hazards and other dangers to the employee, SCDA's equipment, and confidential information. It is the employee's obligation to ensure the safety of the alternate workspaces and compliance with all health, safety, and confidentiality requirements. To ensure the safety of the workspace, question 10 of the Remote Work Application and Safety Checklist, which certifies the alternate work location complies with health and safety requirements, must be completed in full and reviewed by the employee's supervisor.

The employee understands that SCDA will not reimburse the cost of home-related expenses, including but not limited to heat, water, electricity, internet, and insurance.

Remote workers 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, yard work, personal errands, etc., should be done only during established break times, lunch time, and before or after work hours. Remote employees shall agree that they are prohibited from providing dependent care (either to a child or an adult) while working at an alternate location. Remote employees are required to use accrued leave to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for an ill household member or other person(s).

The employee shall not have work hours that coincide or overlap with any other type of employment.

Remote workers are not allowed to conduct face-to-face, agency-related business at his/her home office.

Employees are liable for injuries or damages to the person of third parties, or members of the employee's family, in the alternate workspace if it is in the employee's home.

## **IX. WORKERS' COMPENSATION**

The alternate workspace is considered an extension of the employee's official work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined alternate workspace during approved remote work hours. Any work-related injuries must be reported to the employee's supervisor immediately, and the employee must complete all necessary or agency requested documents regarding the injury.

## **X. SECURITY OF STATE-OWNED EQUIPMENT AND DOCUMENTS**

SCDA established security controls and conditions for use of the State-owned equipment for the regular office will also apply to alternate work locations. The employee must notify their supervisor immediately if SCDA equipment and/or documents are lost or stolen. The employee should also notify the SCDA Information Technology (IT) immediately department immediately regarding lost or stolen IT equipment.

All official SCDA records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the official work location whenever requested by SCDA. The employee will return all SCDA equipment, files, documents, and supplies immediately upon termination of the employee's employment or the end of the employee's remote work privileges.

Remote employees agree that the agency shall have reasonable access to the alternate work location for the purposes of inspection of the site and retrieval of agency-owned property.

## **XI. STATE-OWNED EQUIPMENT**

Support, maintenance, repair, and replacement of State-owned equipment issued to employees are the responsibility of SCDA. The employee must report performance issues with all SCDA devices the same business day the issue is observed by submitting an IT Help Desk ticket and advising their supervisor of the issue. If repairs will take some time, the employee's remote work ability may be amended until the equipment is usable.

## **XII. EMPLOYEE-OWNED EQUIPMENT**

Use of an employee-owned computer is prohibited. Only SCDA issued computers may be used to complete remote work.

## **XIII. COMPUTER RESPONSIBILITIES**

The employee agrees to abide by any rules promulgated by SCDA concerning the use of computer equipment and understands that these rules may be changed at any time (refer to SCDA's IT policies). The employee agrees to follow SCDA's procedures for network access and to take all necessary steps to protect the integrity of systems including but not limited to: (1) Not making passwords available to anyone else; not allowing others to see passwords when the employee is working; not posting passwords where others can see them; and not leaving the password accessed systems unlocked when leaving the work area; and (2) Software used at the remote work site must be approved by the IT Director before installation. SCDA-owned software may not be duplicated. The employee agrees to use a state issued computer when accessing the agency's network. Use of employee's personal computer or laptop to access the agency's network and/or to conduct official work duties may result in disciplinary action up to and including termination. This does not include the use of cloud-based applications, as allowed and regulated by State and SCDA IT.

## **XIV. TERMINATION OF PARTICIPATION**

An employee's participation in the remote work program is voluntary. SCDA or the employee may terminate the remote work arrangement at any time with or without cause. This termination is final in terms of administrative review.

The availability of remote work for employees can be discontinued at any time at SCDA's discretion.

The agency may revoke the approval of any employee to telecommute at any time, with or without notice, and the decision to revoke the right to remote work is not a grievable action under the South Carolina Employee Grievance Procedure Act.

DSHR may revoke the approval of an agency telecommuting program if the agency fails to adhere to DSHR's telecommuting guidelines and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act. If this occurs, employees within the agency will not be permitted to continue regular remote working arrangements and must return to their primary work location.