

POL 05.55.01  
Remote Work Policy

**Authority:** Chancellor

**History:** First Issued: October 1, 2021

**Related University Policies:**

- [Electronic Information Management and Security Policy](#)
- [Information Systems Management and Security Policy](#)
- [Network Management and Usage Policy](#)
- [Information Classification and Security Policy](#)
- [Acceptable Use Policy](#)
- [Access to Employee Electronic Files and Media Regulation](#)

**Additional References:**

- [Remote Work Plan and Agreement form](#)
- [Remote Work Position Request](#)
- [Alternate Work Location Safety Attestation and Information Technology Requirements](#)
- [UNCP Safety and Health Handbook](#)
- [N.C. Office of State Human Resources](#)
- [UNC System Regulation on Flexible Work Arrangements and Remote Work](#)
- [UNC System Policy on Pandemic and Communicable Disease Emergency](#)
- [U.S. Department of Labor EEOC Accommodations](#)
- [U.S. Telework Enhancement Act of 2010](#)
- [N.C.G.S. 126-1 Establishment of the State Human Resources System](#)

**Contact Info:** Assistant Vice Chancellor of Human Resources, (910) 521-6279

**1. PURPOSE**

1.1 The University of North Carolina at Pembroke typically requires work to be performed on university property during normal, regularly scheduled work hours; however, the university affords management the authority to designate positions suitable for remote work, where the mutually agreed upon alternate work location would still meet the same business needs, interests and/or mission of the university, as though the work was being performed on university property.

1.2 Remote work (teleworking) is the allowance or assignment by the university for an employee to perform his or her job duties at an off-campus location, including an employee's residence. The employee's designated on-site university work location is the duty station, and the alternate work location is the approved work site other than university property, where official university business is performed during scheduled work hours.

1.3 The nature of the position's duties and responsibilities must be conducive to a remote work arrangement without causing disruption to performance and/or service delivery. Management will determine allowable arrangements based on factors such as the nature of the work performed, task interdependence, federal and state laws, and operational constraints. The university may also consider factors such as knowledge of job duties, reliability, ability to use required technology, suitability of the job tasks, ability to monitor and review work, amount of in-office reference material required, and need for physical security of data when making decisions about remote work. Additionally, an employee's performance and conduct will be taken into consideration during the remote work period to determine continuation of remote work. Employees in a position determined appropriate for remote work must be able to perform the duties and responsibilities free of external obligations and unreasonable interruptions.

## **2. SCOPE**

2.1 This policy applies to all SHRA (subject to the human resources act) employees and all EHRA (exempt from the state human resources act) non-faculty.

2.2 The supervisor/manager, divisional Vice Chancellor and Chancellor, in consultation with the Office of Human Resources, shall determine which positions are eligible for remote work. This policy does not create a guarantee, right or entitlement to such an arrangement by any employee or groups of employees. At any time, management maintains the discretion to remove the remote work designation from a position.

2.2.1 All positions are not eligible for remote work consideration because some occupational assignments are location specific. Remote work for positions that require frequent face-to-face interaction, on campus customer support or require access to on campus confidential documents will not be considered.

2.3 In general, the acceptance of remote work is voluntary on the part of the employee and should not affect the performance requirements of the position. However, there may be instances in which the university may designate a position for remote work for all or part of the work schedule. Management must consider employee performance and conduct when granting and continuing remote work. The employee shall meet all performance expectations and conduct requirements in their current role and consistently demonstrate the ability to complete tasks and assignments in a timely manner.

2.4 This policy does not apply to incidental or brief time periods that are best managed through the use of leave or other arrangements. Remote work is not intended to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave or other types of leave. Remote work agreements should not be used for purposes of avoiding taking leave or time off from work.

2.5 Signed agreements between the university and the employee will outline the specifics of a remote work assignment.

## **3. POLICY**

3.1 It is the policy of the university to consider a position eligible for remote work when such

agreements meet the business and operational needs of the university.

3.2 Remote work position designations are made within the sole discretion of the university. The availability and terms of remote work arrangements must be administered equitably based upon applicable factors and without regard to an employee's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status. Therefore, the designation of a position(s) being approved for remote work is neither grievable nor appealable by an employee. Similarly, the university's decision to terminate a remote work arrangement with an employee is not grievable to the State Human Resources Commission. All other applicable grievable rights apply provided the issue (s) is in accordance with the appropriate grievance procedures for the particular category of employee.

#### **4. REMOTE WORK ARRANGEMENTS**

4.1 To ensure appropriate accountability and oversight of remote work arrangements, the university has established the following preapprovals and minimum on-campus work requirements:

The remote employee is expected to be free of other personal responsibilities while performing remote work duties. The remote employee should avoid non-work-related activities that would conflict or distract from performing their duties and responsibilities during remote work hours. For example, a remote employee shall continue to arrange for child or dependent care to the same extent as if the employee is working at the on-campus university workplace or use leave.

4.1.1 Any remote work arrangement that will be in place for more than thirty (30) calendar days must be reviewed through the position designation review process to determine remote work eligibility. If the employee's remote work location is outside of North Carolina, the employee must seek appropriate tax advice for any work location implications. Additionally, the office of human resources will notify the university payroll office of any employee approved to work remotely, outside of the state of North Carolina.

4.1.2 The employing department or unit manager must submit a request for remote work for a position to be reviewed and approved by the divisional Vice Chancellor, the Chancellor and a review by the Office of Human Resources, if the position will be designated for remote work.

4.1.3 Upon approval, the employee must sign the Remote Work Plan and Agreement form and the Alternate Work Location Safety Attestation Form before starting the remote work arrangement. This form should not be completed until after the position has been approved for remote work.

4.1.4 It is recommended that the remote work employee spend at least one (1) day per month physically "on campus," to ensure the employee maintains an opportunity to interact with their work team and has adequate "face to face" supervision and accountability. Other types of virtual interactions (video conferencing, standup meetings, etc.) should occur regularly enough to provide the remote work employee a connection to coworkers and the workplace.

4.1.5 Remote work arrangements will be in effect during the period indicated on the remote work

plan and agreement form and must be reviewed by the approving supervisor/manager, quarterly. If there are any changes to the agreement, including changes to the employee's remote work location, a new request form must be submitted to the divisional Vice Chancellor and Assistant Vice Chancellor for Human Resources at least thirty (30) days in advance of the effective date of the change(s).

4.1.6 Based on the type of work to be performed, the university may provide computer hardware and software as deemed necessary by the employee's supervisor. The university assumes no responsibility for the employee's personal property.

4.1.7 The employee's supervisor must grant permission for the employee to access restricted information and/or materials at alternate work locations. Restricted access information and/or materials must not be compromised in any way and the employee must take all precautions necessary to secure the information and/or materials.

4.1.8 The total number of hours and schedule that the employee is expected to work will not change, whether the employee works on campus or an alternate work location. During their designated work hours, remote workers will apply themselves to their work and not engage in activities that are not work-related. Additionally, remote workers shall not engage in overtime work without prior written approval from the supervisor.

4.1.9 Supervisors are responsible for notifying the Office of Human Resources when a remote work agreement is being discontinued prior to the date indicated on the form.

4.1.10 The Office of Human Resources will maintain a roster of all University employees who have active remote work plan and agreement forms and provide this information to the Office of State Human Resources and/or UNC System Office, upon request.

## **5. ENVIRONMENTAL HEALTH, SAFETY AND WORKER'S COMPENSATION**

5.1 The employee is responsible for maintaining the remote work site in a manner free from health or safety hazards and for notifying his/her supervisor immediately of any unsafe conditions in the designated workspace and of any work-related injuries. The employee is also responsible for ensuring that all furniture is ergonomically appropriate, and that proper lighting and ventilation are provided. Guidelines are provided through the university's Environmental Health and Safety department employee health and safety handbook, located on the department's web site and linked in the additional reference section above. Management is not required to physically inspect the remote work site; however, it retains the right to do so with reasonable advance notice, including inspection of access to and from the remote work site. The supervisor may determine that a photo of the remote work site is sufficient; the photo will be attached to the remote work request form.

5.2 The employee will be covered by workers' compensation for job-related injuries that occur in the course and scope of employment while working under a remote work designation. When the remote worksite is in the employee's residence or other approved work location, however, workers' compensation does not cover injuries that are not job-related.

## **6. INFORMATION AND DATA SECURITY**

6.1 The security, confidentiality, and integrity of University records and information must always be protected in remote work locations and comply with all information security requirements that would apply at the primary work location. The chief information officer, designated by the chancellor and in accordance with the Code and UNC Policy Manual Section 1400.2, have the authority to clarify and enforce information security policy requirements and to consider and potentially make exceptions or changes for their institution.

6.2 The approved remote work plan and agreement form requires that sensitive information/data, as defined by the university's information classification structure, must not be processed nor stored on a personally owned computer or device, but instead must be processed on university owned systems, stored in approved, secure remote storage, and accessed only by secure network access technologies. As described above, authorized designees may clarify, interpret, enforce, and make exceptions to these requirements, in accordance with university policy and regulation.

6.3 All employees granted a remote work plan and agreement must complete the remote work module via the university's learning management system related to security policies, data handling, and general information security for remote work.

## **7. UNIVERSITY PROPERTY AND EQUIPMENT INSURANCE**

7.1 All University property used off campus as part of a remote work plan and agreement shall be used in compliance with all policies governing personal use, including complying with all software and technology licensing agreements. Remote work plans and agreements must include an inventory of state property authorized for use from the employee's remote work location. In the event of an employee's separation from employment or the termination of a remote work arrangement, appropriate steps must be taken to secure the return of all University property used off campus.

7.2. Appropriate insurance arrangements should be made for University equipment and resources located at an alternate worksite with respect to any required loss or damage. This includes reviewing information about equipment insurance with employees and ensuring that remote work arrangement agreements specify who bears the risk of loss or damage if incurred. The employee is fully responsible for the security of all items furnished by the university.

7.3. All costs associated with remote work will be the responsibility of the employee (e.g., long distance phone calls; internet, maintenance, repair and operation of personal equipment not provided by the University) at the alternate work location.

## **8. SPECIAL CIRCUMSTANCES**

8.1 In the event of a catastrophic weather event, an outbreak of a communicable (pandemic) disease such as SARS or avian flu, or other such significant emergencies, this policy may be implemented by the university administration on a widespread basis. In such cases, employees may be required to work from alternate sites off campus (including their homes) to meet the operational needs of the university. The chancellor or his/her designee has authority to determine whether special circumstances exist to implement the remote work arrangements and

remote work policy on a required and/or more widespread basis. The decision will be communicated to the entire campus community.

8.2 Essential personnel will have already been notified of their status and arrangements to accomplish their tasks. Mandatory operations include but not limited to DoIT, financial, human resources, payroll, facilities, food service, campus police, student health, safety, and other critical operations.

8.3 The implementation of this provision would generally be for no more than thirty (30) days. If the university needs the special provisions to last longer than thirty (30) days, renewal decisions should be made in increments up to thirty (30) days. The reason for such a stipulation is to give both the university and the employee(s) a reasonable expectation of the temporary nature of this provision. (Example: a Category Three (3) hurricane may require three (3) weeks of remote work whereas an avian flu pandemic may require a longer period of time.)

8.4 The implementation of this special circumstance provision does not require individual signed remote work agreements.

## **9. ADDITIONAL CONSIDERATIONS**

9.1 Overtime-Eligible Employees. For over-time eligible employees (non-exempt), certain activities such as travel to and from required meetings that occur during scheduled work time, may be included as hours worked, consistent with existing state policies. Regular commute to and from campus is not considered work time nor eligible for mileage reimbursement.

9.2 Americans with Disabilities Act (ADA) Accommodations. Remote work position designations are reviewed and approved separately from the accommodations process mandated by the ADA. Remote work arrangements are not intended to substitute for reasonable accommodations resulting from an interactive process under the ADA or to meet the University's ADA obligations.

9.3 Out-of-State Compliance Issues. Consistent with the UNC System Regulation on Flexible Work Arrangements and Remote Work, the University will principally employ individuals who reside within or live within close proximity to the State of North Carolina to the greatest extent practicable and will avoid long term arrangements for an employee who lives outside a reasonable commuting distance. Employees with remote work arrangements outside of North Carolina may be subject to the laws and regulations of other states or countries with respect to the employee/employer relationship. Prior to approval of a remote work arrangements outside of North Carolina, the employee and management will ensure good faith compliance with such laws and regulations. Additionally, the office of human resources will notify the university payroll office of any employee approved to work remotely, outside of the state of North Carolina.

9.4. Tax Implications. Employees will adhere to the university's compliance programs for tax withholding; however, employees remain individually responsible for the payment of employee income taxes, including ensuring that sufficient taxes are remitted to taxing authorities through withholding or estimated payments.

9.5. Compliance with University Policies. Work performed under a remote work arrangement

remains subject to all applicable laws, policies, and regulations, as if it were performed on-site.

9.5.1 These provisions include, but are not limited to, recordkeeping for work hours and leave, prohibitions on discrimination and workplace harassment, records retention obligations, and the North Carolina Public Records Act.