

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

7 8 **A. DEFINITIONS**

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- 10 1. "Alternative Work Location" is defined as a worksite other than an employee's
11 regularly assigned place of work.
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 - 13 2. "Eligible employee" is defined as an employee of the school system who has
14 demonstrated satisfactory job performance, is in good standing, and can perform
15 all of the employee's essential job duties at an alternative work location. In
16 addition, to be an eligible employee, the employee must have an available and
17 suitable designated workspace at the alternative work location and access to any
18 computer and telecommunications equipment necessary for the completion of
19 tasks.
 - 20
 - 21 3. "Telework/Teleworking" is defined as the performance of the essential functions
22 of an employee's job description at an alternative work location, typically the
23 employee's residence, via electronic means in accordance with the employee's
24 usual expected standards of performance and other approved or agreed-upon
25 terms.
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 - 27 4. "Teleworker" is defined as an employee engaged in teleworking on a temporary
28 episodic or emergency basis.
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 - 30 5. "Teleworking agreement" is defined as a written agreement that details the terms
31 and conditions by which an employee is allowed to engage in teleworking.
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33 **B. TELEWORKING IN EMERGENCY SITUATIONS**

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35 When the superintendent or board determines that any employees cannot or should not
36 work at their regularly assigned place of work as a result of natural disaster, inclement
37 weather, public health emergency, or other situation that threatens the health and safety
38 of employees, students, or the community, the superintendent or board may, consistent
39 with state and federal law, permit or require individual employees or classes of
40 employees to telework. Otherwise applicable teleworking eligibility criteria will be
41 deemed waived to the extent necessary for such employees. In the event the
42 superintendent permits or orders any employee(s) to telework pursuant to this section, the
43 superintendent shall notify the board of the decision and supporting rationale as soon as
44 practical and before announcing the decision to any employees or the public. The board

45 reserves discretion to overrule or modify the superintendent's decision to permit or order
46 any employee(s) to telework under this section.

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48 If an employee's supervisor determines that the employee is unable to perform his or her
49 essential job duties while teleworking, the employee may be required to take any
50 available accrued leave, whether paid or unpaid, in accordance with policy 7510, Leave.

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52 **C. TEMPORARY EPISODIC TELEWORKING ARRANGEMENTS**

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

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65 Principals have authority to allow a teleworking arrangement for eligible employees
66 working at their schools in consultation with the superintendent or designee. The
67 superintendent or designee must approve of the arrangement before an employee begins a
68 teleworking arrangement. The superintendent or designee has initial authority to allow a
69 teleworking arrangement for any other eligible employee of the school system. Any
70 teleworking arrangement for an employee that exceeds more than 20 workdays for a
71 single episode or a cumulative total of 40 workdays in any 12-month period must be
72 reported to the board. The superintendent or designee or board may terminate any
73 teleworking arrangement.

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75 **D. GENERAL CONDITIONS ON TELEWORKING**

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77 1. Employees are prohibited from teleworking when they are identified as personnel
78 whose physical presence at their regularly assigned place of work or at an
79 alternate school system site is essential to the performance of their duties. In
80 addition, no employee may telework on a full-time, permanent basis and no
81 employee is entitled to telework as a replacement for leave to accommodate
82 family care arrangements, sick leave, Family and Medical Leave, or Worker's
83 Compensation leave.

84
85 2. Teleworking is not an entitlement and is offered to the employee at the sole
86 discretion of the school system. No employee will be permitted to telework
87 without first entering into a teleworking agreement. Teleworking arrangements

88 are subject to termination at any time with reasonable notice given by the
89 teleworker's supervisor.

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91 3. Teleworkers should obtain permission from their supervisor before removing
92 school system equipment or supplies from the employee's regularly assigned
93 place of work to use at an alternative work location. Teleworkers are responsible
94 for maintaining and protecting such school system equipment and returning it to
95 the employee's regularly assigned place of work when the teleworking period
96 ends. Use of school system technological resources is governed by policy
97 3225/4312/7320, Technology Responsible Use. The school system may condition
98 an employee's authorization to telework on the employee providing his or her
99 own equipment if school system resources are not available for the employee to
100 use.

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102 All costs incurred by an employee to arrange an alternative work location and to
103 telework are the employee's responsibility and will not be reimbursed unless
104 otherwise required by law. If approved by the superintendent or designee and the
105 technology director, software owned by the school system may be installed on an
106 employee-owned computer subject to license agreements. The software must be
107 removed upon termination of the teleworking arrangement unless otherwise
108 approved by the superintendent or designee.

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110 4. A teleworker's alternative work location must be safe, secure, and free of undue
111 distractions. Although school officials will not conduct routine inspections of
112 alternative work locations that are not owned or operated by the school system,
113 the board reserves the right to inspect an employee's alternative work location
114 when deemed necessary to ensure suitability and safety after giving the
115 teleworker reasonable notice.

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117 5. Work-related injuries that occur in the alternative work location must be reported
118 to the teleworker's supervisor.

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120 6. Teleworkers shall be accessible by phone and email during work hours. In
121 addition, attendance at the employee's regularly assigned place of work for on-
122 site meetings, conferences, training sessions, and other school business activities
123 may be required on scheduled telework days. Employees may be assigned
124 specific work functions, remote learning/training, and/or enhanced work
125 assignments, such as online collaboration for improved system efficiency.
126 Transportation for such attendance is the teleworker's responsibility.

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128 7. Teleworkers must adhere to the same policies and procedures established for all
129 school system employees. A teleworker's performance will be monitored and
130 assessed in the same manner as employees working from their regularly assigned
131 place of work.

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133 8. Teleworkers must not deviate from the work schedule that would be expected of
134 them at their regularly assigned place of work (including working hours, lunch
135 breaks, etc.) unless specifically authorized to do so by their supervisor. Non-
136 exempt employees under the Fair Labor Standards Act are not permitted to work
137 off-the-clock while teleworking and will not be permitted to work overtime absent
138 authorization from the employee's supervisor.

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140 **E. EMPLOYEES WITH DISABILITIES**

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

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

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154 Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35

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156 Cross References: ~~Prohibition Against Discrimination, Harassment, and Bullying~~
157 ~~(1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure~~
158 ~~(1720/4015/7225), **Discrimination and Harassment Prohibited by Federal Law (policy**~~
159 ~~**1710/4020/7230)**, Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Confidential~~
160 ~~Information (2125/7315), Technology Responsible Use (3225/4312/7320), Use of Personal~~
161 ~~Technology to Conduct School Business (3228/7323), Use of Equipment, Materials, and~~
162 ~~Supplies (6520), Workday and Overtime (7500), Leave (7510), Permitted Salary Deductions for~~
163 ~~Absences and Discipline of Certain Exempt Employees (7560)~~

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165 Adopted: May 4, 2020

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