

# SOUTH DAKOTA BOARD OF REGENTS

## Policy Manual

**SUBJECT:** Alternative Work Schedules & Remote Work Arrangements

**NUMBER:** 4:39

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### **A. PURPOSE**

To establish parameters around the administration of alternative work schedules and remote work arrangements for Board of Regents employees. Alternative work schedules and remote work arrangements do not change the conditions of employment. ADA accommodation requests for remote work are handled through the standard ADA Accommodation process.

### **B. DEFINITIONS**

- 1. Alternative Work Schedule:** A work schedule that accommodates flexible working hours or a compressed work schedule.
- 2. Compressed Work Schedule:** A work schedule that allows employees to condense a traditional workweek into an extended workday(s) based on the allotment of designated hours per week.
- 3. Flexible Working Hours:** A work schedule that deviates from the standard work schedule, this may include varying start and end times of the workday, or agreements to alter the standard break period durations.
- 4. Institution:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines & Technology, South Dakota State University, South Dakota School for the Blind and the Visually Impaired, South Dakota School for the Deaf, University of South Dakota, and the Office of the Executive Director.
- 5. Remote Work:** A work assignment that is performed in whole or in part at a location that is not located on property owned or controlled by the Board of Regents or its institutions, also known as telecommuting or telework.
- 6. Work Location:** The primary location in which duties will be performed by an employee.
- 7. Work Schedule:** The scheduled days and times that an employee is required to report to work, this may vary based on the employee and position requirements.

### **C. POLICY**

#### **1. Alternative Work Schedules and Remote Work Arrangement Parameters**

- 1.1.** Alternative work schedules and remote work assignments are not an entitlement of any employee.

- 1.2. All alternative work schedules and remote work arrangements require Institutional approval and are subject to Institutional policies and procedures.
- 1.3. Alternative work schedules and remote work arrangements must not interfere with the efficient operation of the Institution nor adversely impact the services provided to students, employees or the public.
- 1.4. Institutions have the authority to deny, discontinue, or adjust alternative work schedules and remote work arrangements as deemed necessary and appropriate; the Institution retains the right to determine where and when work should be performed.
- 1.5. Alternative work schedules and remote work must not cause or contribute to the need for additional staff or overtime work.
- 1.6. This policy does not prohibit the use of intermittent or temporary flexible schedules or remote work arrangements if approved through the appropriate Institutional procedures.
- 1.7. The denial or rescission of an employee's request for an alternative work schedule or remote work arrangement does not constitute an independent basis for a grievance.
- 1.8. Abuse or misuse of alternate work schedules and remote work arrangements, including the failure to apply and enforce the provisions of this policy, shall be grounds for adverse employment action, in accordance with applicable Board of Regents and Institutional policy.

## **2. Alternative Work Schedules**

- 2.1. As an employer, the Board of Regents recognizes the need for flexibility in employee schedules to provide a work environment that allows employees to balance work and life activities. Alternative work schedules may only be utilized if the employee can fulfill the requirements of their position(s) and the institution has appropriate coverage levels in the department.
- 2.2. Hours worked must be documented in accordance with Board of Regents and Institutional policies and procedures, state and federal laws.
- 2.3. Alternative work schedules will not alter the required number of hours an employee works or their workload, but the work will be completed in accordance with a compressed or flexible work schedule.

## **3. Remote Work Arrangements**

- 3.1. Employees may be eligible to work remotely in either a full or part-time capacity.
- 3.2. A position will be considered as suitable for remote work if the position's primary duties can be conducted through telework, using basic telecommunications equipment and technology at a home or remote work location without adversely affecting Institutional operations or services provided to students, employees, or the public.
- 3.3. Employees who work remotely must have a remote work space, and the appropriate equipment that ensures the privacy of all confidential, trade secret, proprietary, and personally identifiable information as required.

- 3.4. Individuals who work remotely must be able to meet all required responsibilities and perform the same tasks that they would if working on-site.
- 3.5. The employee shall adhere to all SDBOR and Institutional policies, in addition to all applicable laws, at their remote work location and while on University business.
- 3.6. Remote work arrangements that result in a work location outside of the state of South Dakota must be approved by the system director of human resources.
- 3.7. Out of country work locations are generally prohibited, however, in extraordinary circumstances exceptions to this prohibition may be granted by the system director of human resources.
- 3.8. Work performed at alternative locations is considered official Board of Regents business, all work product created in the course of employment are the property of the Board of Regents and are subject to the provisions of BOR Policy 4:34 – Intellectual Property.
- 3.9. Remote work does not impact the work schedule of the employee, hours worked must be documented in accordance with Board of Regents and Institutional policies and procedures, state and federal laws.
- 3.10. The Board of Regents assumes no liability for injury at the remote work site to any other person who would not be in the work area if the duties were being performed on the property of the Board of Regents.
- 3.11. Employees must notify their supervisor immediately of any injury occurring in the workplace and complete all requested documents. Workers' Compensation benefits will apply to injuries arising out of, and in the course and scope of employment.
- 3.12. Remote work arrangements are prohibited from serving as a substitute for childcare, personal leave, as a means of facilitating outside employment or other activities prohibited by federal, state, or local law or Board of Regents or Institutional policies while on Institutional work time.

## **FORMS / APPENDICES:**

None

## **SOURCE:**

BOR March 2004; BOR December 2021