

Teleworking

- **Workday reference guides** referenced in this section are available at: jira.esg.wsu.edu/plugins/servlet/desk/portal/91.
- Unless stated otherwise, **forms** referenced in this section are available at: policies.wsu.edu/prf/04-01-forms-index/.

POLICY

Teleworking allows an employee to regularly work from home or an alternative work location. Washington State University (WSU) recognizes telework as a work option that may meet a variety of needs, including, but not limited to:

- Enhancing employee productivity and satisfaction;
- Reducing commute trips;
- Energy conservation;
- Allowing for continuity of operations during extended work location disruptions; and
- Addressing space restrictions.

Authorizing Telework

The University considers teleworking to be a privilege and not an employee right. A teleworking arrangement may be approved through one of the following procedures:

- An alternate work location may be required for the position. This requirement is typically communicated in the position description, recruitment materials, and/or offer of employment. WSU determines the employee's official work location.
- Approved through mutual agreement between a supervisor and an employee with approval of the responsible appointing authority.
- Approved for incidental occurrences, such as inclement weather, University closure, or family emergency care.

NOTE: A formal telework agreement is not required for incidental occurrences.

Requirements

Telework agreements must meet the following requirements:

- Be for a prescribed time; and
- Be revocable at the discretion of the employee (if the employee requested the telework arrangement) or responsible appointing authority, in consultation with the supervisor.

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Requirements (cont.)

Teleworking employees must:

- Comply with all applicable conditions outlined in this section (*BPPM* 60.34) whether or not a formal telework agreement is required or established; and
- Obtain approval from their supervisor before working from an alternate work location whether or not a telework agreement is established.

Remote Work Location and Out-of-State Work

Employees who work at WSU work sites outside of Washington and employees whose official work location is their personal residence or an alternate non-University work site, whether in Washington or another state, are designated *remote employees*.

A remote designation formally defines the position's work location as outside of WSU work sites. An employee's remote work location is their alternate work location in Workday when **all** the employee's work occurs remotely. See the Workday Assign Work Location and Assign Alternate Work Address reference guides for additional information.

Remote Employee Telework Agreement

All remote employees working from their personal residence or an alternate non-University work site, including those with hybrid work arrangements, are considered to have a regular telework arrangement and must have a telework agreement in place with their department. **NOTE:** The employee's remote work location is their alternate work location in Workday only when **all** the employee's work occurs remotely.

TERMS APPLICABLE TO ALL TELEWORK ARRANGEMENTS

Regardless of how a telework arrangement is established, the following University policies, regulations, and terms apply to the arrangement.

Justification

Requests for employees to work at a location outside of the state of Washington must be supported by strong justification, such as the need to retain an employee with a critically necessary skill.

Terms of Employment

Telework arrangements do not change salaries, benefits, job responsibilities, leave policies, or other basic terms of employment.

Employees who telework must comply with all University rules, policies, procedures, and instructions that apply to employees working at a University work location.

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Attendance/Leave

Attendance is monitored for teleworking employees the same as for employees at a University work location. **IMPORTANT:** Attendance issues may result in a telework agreement or arrangement being revoked and corrective or disciplinary action being taken.

Employees must follow University and department leave request procedures when requesting leave.

Work Products

Work products developed or produced by the employee while teleworking remain the property of WSU. (See [EP38](#).)

Job Duties

During telework arrangements, employees are expected to effectively accomplish their regular job duties, unless adjustments to job duties have been discussed with and approved by their supervisor. Any adjustments to job duties or expectations, which are specific to a telework arrangement, must be documented in a formal telework agreement, the position description, and/or written performance measures.

The teleworking employee agrees to:

- Stay current regarding department and work group events;
- Facilitate communication with customers and coworkers who may be affected by the employee's telework arrangement;
- Keep their supervisor informed of progress on assignments undertaken at the alternate work location and any problems encountered while teleworking; and
- Structure their time to ensure attendance at required in-person meetings or work location as designated by the supervisor.

Communicate within the workgroup in accordance with the supervisor's directive and expectations.

Workers' Compensation

The employee is covered by Workers' Compensation for job-related injuries that occur in the course and scope of employment while teleworking. When the home is the designated workplace, workers' compensation does not apply to non-job related injuries that occur in the home or to injuries to third parties.

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Workers' Compensation (cont.)

An employee whose work is principally localized in another state may require Workers' Compensation coverage specific to that location. See [Workers' Compensation](#).

Liability

For information regarding general liability and automobile liability insurance issues relating to telework, contact Risk Management Services; telephone 509-335-6893.

Travel/Commute Time

Contact HRS prior to implementing specific hybrid telework arrangement where the employee teleworks part of the day and works at a WSU work location the remainder of the day.

For additional information regarding compensable travel time, see the [HRS website](#).

Travel Reimbursement

The employee receives reimbursement for travel in accordance with University and Washington state guidelines.

Maintenance/Utilities

If the employee is working from their home, the University is not responsible for the cost of utilities or home maintenance. Likewise, the University is not responsible for the cost of maintenance associated with an employee's personal equipment used for telework.

Workday Directory

Departments are responsible for maintaining an accurate work location in Workday. Employees must ensure the address listed on their Telework Agreement is accurately reflected in Workday, since taxes, payroll deductions, and other labor and employment laws may be different depending on where the work is performed.

EMPLOYEE RESPONSIBILITIES IF WORKING OUT-OF-STATE

Employees working remotely in a state other than Washington are responsible for verifying and maintaining that their Home (Primary) Address is accurately reflected in Workday. Taxes, payroll deductions, and the applicability of other labor and employment laws may be different depending on the state where the work is performed (see below).

Whether an individual is subject to income tax in a particular state is typically driven by work location and home address. There is no uniform threshold after which employees working out-of-state become subject to tax in that location. Each state's income tax and withholding requirements vary significantly and may be based on both personal residence and/or work location. In many cases, whether an employee is domiciled or maintains a residence in the state and is *present* in that state for the majority of the tax year may make the individual a resident for tax purposes.

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EMPLOYEE RESPONSIBILITIES (cont.)

Employees should familiarize themselves with the residency requirements and tax laws of any proposed out-of-state work location. Guidelines for determining residency status in a state may be found on their state tax authority website.

Considerations When Working Out-of-State

Employees and departments should consider the following compliance-related impacts to working out-of-state.

Workers' Compensation

Employees whose work is regularly performed outside of Washington are not normally covered by Washington State Department of Labor & Industries [Workers' Compensation industrial insurance](#).

WSU does not take Washington State Workers' Compensation wage deductions from employees whose work location is out-of-state. Contact Human Resource Services (HRS) for assistance.

Paid Family and Medical Leave (PFML)

Employees who work outside of Washington are not covered by the Washington State [Paid Family and Medical Leave](#) program.

WSU does not take PFML deductions or report hours and wages for employees whose work location is out-of-state. Employees are responsible for determining if the out-of-state location in which they work is covered by a similar program.

Unemployment Insurance

Employees who work outside of Washington are not covered by Washington unemployment insurance unless there is a reciprocal coverage arrangement in place with the state they work in.

NOTE: Employees who work in a state outside of Washington may be covered by an unemployment insurance program in the state in which they work.

Out-of-State Income Tax Withholding

Both the employee's work location and the location of the employee's residence may trigger state income tax withholding, depending on state law. If the employee meets the requirements for state taxation and has accurately updated their work location in Workday, WSU withholds the applicable taxes for that state from the employee's pay.

Health Insurance and Benefit Impacts

Eligibility for health insurance plans varies based on an employee's work location and home address, as established by the [Washington State Health Care Authority](#).

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International Telework

Employment Laws in Countries Outside the U.S.

WSU employees must comply with all employment and other related laws of the country, city, and region in which they work. To work lawfully in most countries outside the United States, a registered, in-country legal presence is required. Due to the legal complexities and cost, WSU does not have a registered legal presence in most countries.

The ability for employees to work internationally is tied to specific, University-related activities in countries where WSU has a registered legal presence, and the structure of the employment relationship varies based on the specific requirements of that country. Contact HRS for more information.

Employee Responsibilities

Employees who are approved to work internationally are responsible and liable for addressing and resolving any compliance obligations associated with their international telework arrangement, including, but not limited to:

- Taxes,
- Insurance,
- Banking, and
- Immigration and visa requirements.

Employees may be required to sign an acknowledgement indicating they understand these obligations and their obligation to return to WSU at the end of the approved telework period. WSU cannot provide personal legal or tax guidance.

Security and Confidentiality

EP8 WSU System Data Policies, addresses the administration, access, usage, maintenance, and security of University data. The sensitivity of the work information should dictate the level of security precautions taken.

Devices used while teleworking must meet the following minimum standards:

- Trusted Platform Module (TPM) encryption enabled;
- Anti-virus software that maintains current up-to-date definitions;
- Up-to-date system and software patches;

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Security and Confidentiality (cont.)

- Endpoints that process WSU confidential or regulated data must have installed and managed endpoint security software; and
- VPN for remote connectivity, and log reporting to centralized log and event management server.

The employee agrees to take reasonable steps to protect University property from theft, damage, or misuse. This includes maintaining data security and record confidentiality to at least the same degree as when working at the regular University work location.

The employee may not duplicate University-owned software and agrees to comply with the licensing agreements for use of all software owned by the University. Depending on the

circumstances, the employee may be responsible for any damage to or loss of University property.

Insurance and Loss of Equipment

University equipment and other resources located at an alternate work location are not automatically insured. Departments are encouraged to ensure such equipment by contacting Risk Management Services or by viewing online information regarding

the commercial insurance program on the [Risk Management Services website](#).

If departments choose not to insure the equipment, the formal Telework Agreement should specify under **Equipment the Department will Provide** whether the department or the employee bears the risk of loss. Any loss or damage of University equipment must be reported at once to the teleworker's supervisor. Loss of University equipment is also reported on an Inventory Control Report (see [BPPM 20.50](#)).

Employees who telework, even for incidental occurrences, are responsible for returning all University-owned items used at the telework location. The equipment must be in good working order and returned in a timely fashion upon request or when the telework arrangement is discontinued for any reason.

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Insurance and Loss of Equipment (cont.)

If legal action is necessary to regain possession of University-owned property, the employee agrees to pay all costs of suit incurred by the University, including attorneys' fees, if the University prevails.

Records

The employee agrees to ensure appropriate technical, administrative, and physical controls and processes are implemented for safeguarding the confidentiality, privacy, integrity, and availability of University records in accordance with University policy. (See [EP8](#)).

Safety and Ergonomics

The employee is expected to establish and maintain a clean and safe dedicated workspace in a manner free from health or safety hazards and is ergonomically suitable.

The employee is responsible for notifying the supervisor immediately regarding any safety or ergonomic concerns at the telework location. Health or safety hazards at the telework location may result in immediate suspension or discontinuation of the telework arrangement.

Onsite Visits

The supervisor, designee, or other University officials may make alternate work location visits or assessments during mutually agreed upon times. Visits may occur for the following reasons:

- To ensure that the designated workspace is safe and free from hazards; and/or
- To maintain, prepare, inspect, or retrieve University-owned equipment, software, data, supplies, and furniture.

Child Care

Telework is not to be used as a substitute for active care for a child or dependent, unless otherwise authorized by University policy.

If an employee teleworking is actively caring for a child or dependent, that time is not considered work time and appropriate leave/time off must be requested.

Ethics and Public Records

The Ethics in Public Service Act (*RCW 42.52*) applies to all employees of WSU, regardless of their work location. Employees must appropriately account for hours worked and leave taken. The work performed while teleworking is subject to the Washington State Public Records Act (*RCW 42.56*).

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Ethics and Public Records (cont.)

If an employee who teleworks is unable to access University systems (e.g., due to internet outage), and additional work which is suitable for telework is unavailable, the employee may be required to make up time during the workweek or substitute appropriate accrued leave or leave without pay.

TELEWORK AGREEMENTS

All University departments or units are required to use telework agreements for all telework.

Typically, a telework agreement is not established during the first six months of employment, unless an appointing authority has designated the position for required telework.

Telework agreements are not contracts of employment and do not change salaries, benefits, job responsibilities, leave policies, or other basic terms of employment.

The process of developing telework agreements requires:

- Assessing the situation and determining feasibility; and
- Preparing and authorizing a formal telework agreement.

Preliminary Assessment

Before undertaking a telework agreement, the supervisor and employee evaluate the suitability of telework for the employee and their particular job assignments.

In general, a position is suitable for telework if the work or considerable components of the work may be done off-site without disrupting business operations, workflow, and communication.

The supervisor should consider the following when determining if a telework agreement is feasible:

- Does it benefit the organization with little or no cost to the University;
- Can work be allocated such that in-office employees are not required to take on more than a minimal portion of the teleworking employee's work;
- Can the necessary work be accomplished while teleworking;
- What interactions are required between the teleworking employee and other employees or customers; and

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Preliminary Assessment (cont.)

- Does the employee demonstrate the necessary skills to accomplish their work while teleworking.

When considering whether a particular employee may telework, supervisors should consider factors including, but not limited to:

- Performance history,
- Level of supervision required,
- Understanding of the operations of the department,
- Understanding of the rules of the University,
- Productivity,
- Time management skills, and
- Hours of availability.

Denials

An employee's request to telework may be denied due to business necessity or an employee's performance concerns. If an employee's request to telework is denied based on performance concerns, supervisors should consult with HRS to assist in the department's review of performance expectations with the employee.

An employee who disagrees with their supervisor's denial of a request to telework is encouraged to discuss the concern with their supervisor. If the discussion with the supervisor does not resolve the issue, the employee may request a review by the appointing authority. The appointing authority makes the final decision regarding what work, if any, may be performed as part of an approved telework agreement.

Aspects and Terms of the Telework Agreement

The employee and supervisor are to specify the terms of the individual telework agreement on the Telework Agreement form.

The Telework Agreement form is available in PDF format on the PR&F website.

NOTE: The departmental IT representative must be consulted when developing the formal telework agreement.

All of the following must confirm and sign a formal telework agreement before the employee may start teleworking:

- Employee,
- Authorizing supervisor,
- Department or college IT representative, and
- Appointing authority.

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Aspects and Terms (cont.)

When completing the telework agreement, the supervisor and employee are to consider and document the following aspects of telework.

Accountability/ Performance Measurement

The employee and supervisor confirm:

- The position duties and responsibilities can be completed at the alternate work location;
- The time frames for work completion; and
- How work is evaluated and measured.

The employee is responsible for complying with University policies including the requirement to report time worked and/or time off and use of leave in Workday. (See the applicable Workday reference guides).

The supervisor and employee establish core work hours at alternate work location so that colleagues and clients are able to interact with the employee during those hours.

Teleworking employees are expected to perform the same work and at the same quantity and quality as expected when working at a WSU work location.

Equipment/Office Supplies

Departments with employees teleworking are required to reimburse those employees or provide the equipment and supplies which the department deems necessary to enable remote employees to perform their work. See [BPPM 70.03](#) and [70.20](#).
NOTE: The University is not required to duplicate resources between the primary WSU work location and the telework location.

The employee and supervisor determine the equipment and supplies needed at the alternate work location. They also determine who provides the equipment and supplies. Equipment may include personal computer, printer, scanner, etc.

The employee and supervisor consult with their departmental IT representative regarding:

- Security issues related to the use of computing equipment;
- Telephone options; and
- Technical support for equipment.

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Equipment (cont.)

The employee and supervisor review the University's policy regarding use of University equipment and other resources. See [BPPM 20.35](#) and [20.37](#).

The department is to confirm that the employee complies with licensing agreement terms for use of all software owned by the University.

The department is to maintain an inventory of University-owned equipment, software, and supplies located at the teleworker's alternate work location.

IMPORTANT: State of Washington law prohibits the use of University property for personal gain, except as provided in *RCW 42.52.160* and related University policies. University may not use or allow use of University property for purposes unrelated to official University activities.

Communication

Employees are expected to perform their work during their scheduled telework hours and should be available via e-mail, telephone, and/or Teams; the same as if they are at a WSU work location.

If there are communication expectations specific to the telework arrangement, they must be included in the telework agreement.

Length of Commitment/ Reversibility

The employee, supervisor, and appointing authority establish dates when the supervisor and the employee review the effectiveness of the telework agreement and make any necessary adjustments. Start and end dates are specified in the telework agreement.

Continuation of the telework agreement is subject to review for the business and productivity effectiveness of the employee and may be revoked at the option of the appointing authority, in consultation with the supervisor.

Either the employee (if the employee requested the telework arrangement) or the appointing authority, in consultation with the supervisor, may rescind the telework agreement at any time. The employee normally receives a minimum notice of 14 calendar days prior to the termination of the telework agreement. Should the employee wish to terminate the telework agreement, the employee agrees to provide a minimum of 14 calendar days advance notice to their supervisor.