



BOISE STATE UNIVERSITY

University Policy 7600

Telecommuting

Effective Date

August 26, 2020

Last Revision Date

March 22, 2023

Responsible Party

Human Resources, (208) 426-1616

Scope and Audience

This policy applies to telecommuting requests for Classified or Professional Employees to work at an Alternate Work Location within the state of Idaho for three (3) days or more per week, or 60% or more of the employee's scheduled hours per week, or at a location outside the State of Idaho for thirty (30) days or more.

This policy does not apply to Faculty who generally, given the nature of their work, carry out their teaching, research, scholarly, or creative work and service obligations both on and off campus and through varied work schedules, as appropriate. Faculty may, however, refer to this policy for guidance in developing a telecommuting agreement, when applicable, for arrangements that will extend beyond two months.

A Telecommuting Agreement is not required for employees telecommuting within the state of Idaho for less than three (3) days per week, or less than 60% of their scheduled hours, as long the majority of their work is performed at a campus location and the telecommuting arrangement is approved in advance by their supervisor.

For a temporary telecommuting arrangement of two (2) months or less within the state of Idaho, the request may be handled informally by the employee's supervisor in consultation with Human Resources.

Additional Authority

- University Policy 7630 (Recruitment and Hiring)
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1. Policy Purpose

To provide guidelines for requesting, approving, and maintaining a successful telecommuting arrangement.

2. Policy Statement

Boise State University considers telecommuting to be a viable recruitment and working arrangement that provides mutual benefit to both the University and the employee and that can improve performance, increase employee retention, and reduce commuting and departmental costs. Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a University-wide benefit, nor does it change the employee's terms and conditions of employment with the University. Telecommuting requires accountability to ensure all work is being completed in an efficient and measurable manner as determined by the business needs of the department or unit with consideration for the employee.

Telecommuting from outside the state of Idaho can create legal uncertainty because Idaho law may not govern work performed in another state. In general, an employee who has an approved Central Workplace outside the state of Idaho is subject to the employment laws and employee benefits (e.g., wage-and-hour, fair employment, overtime, worker's compensation, parental leave, taxable income and withholdings, etc.) based on where the individual performs the work (i.e., the employee's state of residency). Supervisors should discuss such employment laws and employee benefits with Human Resources before approving an out-of-state telecommuting request.

3. Definitions

3.1 Alternate Work Location

An approved worksite other than the employee's Central Workplace, including an employee's residence, generally approved through the Telecommuting Agreement.

3.2 Central Workplace

For purposes of this policy, the place of work where an employee primarily performs their official position duties with the University. For a telecommuting arrangement outside the state of Idaho, this will be entirely at an approved work location other than a Boise State University worksite. The Central Workplace is also referred to as an “Official Station” in University Policy 6180 (Travel).

3.3 Final Candidate

An applicant who is being offered employment, promotion, or internal transfer contingent upon successful completion of a Background Verification - See University Policy 7630 (Recruitment and Hiring).

3.4 Telecommuting Agreement

The written agreement between the University and the employee that details the terms and conditions of the employee’s work at the Central Workplace and/or the Alternate Work Location.

4. General Expectations

- a. Generally, University employees are expected to work within the state of Idaho unless a business need exists for the employee to perform their assigned duties outside the state of Idaho.
- b. Any employee approved for a Telecommuting arrangement must comply with and is subject to all University and Idaho State Board of Education policies and procedures and all applicable State statutes and administrative rules. Violation of such laws, rules, policies, or procedures may result in the discontinuation of the Telecommuting Agreement and/or disciplinary action up to and including dismissal from employment.
- c. An employee’s compensation, benefits, work status, essential job functions, and amount of time an employee is expected to work per day or pay period will not change as a result of telecommuting. If an employee is unable to work the complete day while telecommuting, the employee must report and receive supervisor approval for any leave time such as annual/vacation leave, sick leave, compensatory time, etc. as required under University Policy 7620 (Time Away from Work).
- d. An overtime-eligible (hourly) employee’s work schedule must comply with the Fair Labor Standards Act and any applicable State laws, administrative rules, and University or Idaho

State Board of Education policies and procedures. An employee is required to follow their supervisor's procedures for requesting approval for overtime and compensatory time.

5. Eligibility

- a. Requests for telecommuting will be made on a case-by-case basis using the criteria below:
 - A current employee or Final Candidate who is in, or is seeking to fill, a hard-to-fill position as determined by the supervisor in consultation with Human Resources.
 - A Final Candidate or current employee has unique qualifications or a unique skill set.
 - The nature and duties of the position are appropriate for telecommuting as determined by the supervisor in consultation with Human Resources.
 - The current employee has demonstrated satisfactory performance, generally documented with performance evaluation ratings of "Achieves" or higher, and the supervisor believes the employee can maintain the expected quantity and quality of work while telecommuting. An employee with a "Does Not Achieve" performance evaluation rating is not eligible for telecommuting.
 - The department or unit can maintain quality of service for students, faculty, staff, and other members of the University community.
 - A need exists to retain a high-performing employee.
 - For new employees, supervisors are encouraged to conduct onboarding at a Boise State University Central Workplace for a recommended period of three (3) to six (6) months. However, Telecommute Agreements may be approved by supervisors for new employees upon hire in consultation with Human Resources.
- b. Generally, a request for Telecommuting should not be considered when:
 - The position requires the employee's physical presence at a Boise State University Central Workplace and/or telecommuting would harm the department or unit's efficiency or ability to provide service to students and the public.
 - The employee's current position duties require frequent supervision, direction, collaboration, or input from others who are onsite; or the employee is required to provide frequent supervision, direction, or input to employees who are onsite.

- The position is hourly (eligible for overtime). Classified Employees and some Professional Employees are overtime-eligible employees.
- The current employee has not demonstrated satisfactory performance, generally documented through the performance evaluation, or the ability to work independently.
- The ability to observe and supervise the employee's productivity would be impeded by remote supervision, or tracking and confirming accurate work hours for the employee would be difficult, such as may be the case for certain overtime-eligible (hourly) positions.

6. Approval

- a. Supervisors should consult with Human Resources before approving a request to telecommute within the state of Idaho or before making an offer of employment that includes a telecommuting arrangement within the state of Idaho (see University Policy 7630 – Recruitment and Hiring). A Telecommuting Agreement within the state of Idaho must be approved at a minimum by the immediate supervisor. The vice presidents may establish additional approval requirements for their division.
- b. Requests to telecommute outside the state of Idaho must be approved by the immediate supervisor and a Vice President or Dean. Telecommuting from outside the state of Idaho can create legal uncertainty because Idaho law may not govern work performed in another state. Supervisors should discuss such employment laws and employee benefits with Human Resources before approving an out-of-state telecommuting request or prior to making an offer of employment that includes a telecommuting arrangement outside the state of Idaho (see University Policy 7630 – Recruitment and Hiring).

7. Required Updates to Telecommuting Agreements

- a. Updated Telecommuting Agreements must be submitted to Human Resources on an annual basis if the supervisor and employee agree for the arrangement to continue.
- b. Approved Telecommuting Agreements and written notifications of denials will be maintained in Human Resources with a copy provided to the Final Candidate or employee.
- c. If a Telecommuting Agreement is not approved, the supervisor must provide a written notification, including the reason for the denial, to the employee and Human Resources.

- d. If an employee's Central Work Location or position changes, a new Telecommuting Agreement must be approved and submitted to Human Resources prior to the change occurring.

8. Americans with Disabilities Act (ADA) Reasonable Accommodation

Any requests to telecommute as a reasonable accommodation under the ADA must be reviewed and approved by Human Resources (See University Policy 7570 - Accommodating Disabilities in the Work Environment).

9. Alternative Worksite Safety

The employee, position, Central and/or Alternate Work Location, and other conditions must be deemed suitable by the supervisor based on the Telecommuting Agreement before telecommuting is permitted.

10. Commute Time and Paid Travel

- a. Generally, an employee will not be paid for time or mileage involved for travel between the Alternate Work Location to the Central Workplace, regardless of whether such travel is required to attend meetings or to report to the Boise State University worksite for any other reason as determined by the employee's supervisor.
- b. If an employee's approved Alternative Work Location per their Telecommuting Agreement is greater than 100 miles away from the Central Workplace, required travel to the Central Workplace will be approved and funded in accordance with University Policy 6180 (Travel). Departments should consider this cost when determining if a position is appropriate for remote work.

11. Workplace Environment

An employee under a Telecommuting Agreement must work with their supervisor to define and ensure a workplace environment with minimal distractions and availability for communication and contact, including communication and contact with the employee's supervisor, similar to when the employee is working at the Central Workplace. Supervisors and Telecommuting employees are responsible for an integrated office culture, team connectivity and employee engagement.

12. Information Technology Security, Equipment, and Other Costs

- a. The primary purpose of University IT Resources is to conduct official University business. Any use of University-owned IT equipment must be in accordance with University Policy 8000 (Information Technology Resource Use).
- b. Generally, employees should use University-owned computers. A Telecommuting Agreement may permit an employee to use their own computing device and peripherals (e.g., printers, monitors, etc.). Employees are responsible for ensuring that all University-owned equipment, data, or University-specific information is maintained in a secure manner, is backed up or stored appropriately, generally on a University-owned or -controlled server, and that there are no risks of loss or uncontrolled information. This includes electronic records as well as hard copy documentation. Employees should refer to the [minimum security standards for systems](#) on the OIT website.
- c. The University will review employee computer system capabilities (and related devices) to ensure it meets information security standards. The employee is responsible for ensuring sufficient internet access to conduct University business, including related equipment and all associated costs (See University Policy 8130 - Remote Access).
- d. The University is not responsible for operating costs, home maintenance, rental fees, or any other incidental costs (e.g., utilities) associated with the use of an employee's residence for Telecommuting, unless otherwise entitled to under the benefits of the state labor and employment laws where the employee works.
- e. The University will generally not duplicate technology, equipment, and supplies between a Boise State University Central Work Location and the Alternate Work Location; however, the supervisor may approve reasonable requests to use University equipment and materials at an employee's residence needed by the employee to effectively perform their duties. The employee is responsible for protecting University-owned equipment from theft, damage, and unauthorized use.
- f. The University will maintain, service, and repair University-owned equipment used in the normal course of employment. The University will stipulate in the Telecommuting Agreement who is responsible for transporting and installing equipment and returning it to the university for repairs or service.
- g. The University is not responsible for the cost, repair, or service of an employee's personal equipment.

13. Liability and Workers' Compensation Insurance

- a. Employees working anywhere in the United States or US territories are covered for Liability and Workers' Compensation insurance while working in the course and scope of employment for the university.
- b. Employees should not conduct in-person business meetings or have in-person business visitors in their home.
- c. Employees working under a Telecommuting Agreement are strongly encouraged to carry homeowner's or renter's insurance for protection against third-party liability injury claims when working at an Alternate Work Location or Central Work Location that is off-campus.
- d. Employees should conduct work from the Alternate Work Location or off-campus Central Work Location in a safe environment and report any incidents, accidents, or workplace injuries while working from the Alternative Work Location immediately to [Risk Management and Insurance](#).

14. Resident Taxing for State Outside of Idaho

The University will review, but has no legal obligation to withhold or remit income tax of another state. If an employee is approved to telecommute outside the state of Idaho, it is the employee's responsibility to ensure they are in compliance with any out-of-state tax requirements.

15. Other Federal and State Laws

Telecommuting is not intended to cover or be a substitute for other work-related situations covered by other laws, such as the Americans with Disabilities Act, the Family and Medical Leave Act, or other similar federal and state laws.

16. Discontinuing a Telecommuting Agreement

- a. A supervisor, in consultation with Human Resources, may discontinue a Telecommuting Agreement at any time based on, but not limited to declining performance, violation of this policy and/or the Telecommuting Agreement, violation of any other University policy, or for business needs. Every effort will be made, when practical, to provide reasonable written notice to the employee when discontinuing the Telecommuting Agreement.
- b. An employee may request to review the Telecommuting Agreement with their supervisor.

17. Return of University Property

- a. Upon discontinuation of a Telecommuting Agreement, the employee must promptly return all equipment, software, supplies, and any other University property in the employee's possession or control to the department. An employee may not keep or dispose of any equipment (see University Policy 6270 - Control of University Equipment and Materials).
- b. The department is responsible for tracking all University-owned equipment and ensuring its return to the university when the equipment is either obsolete, or when the employee has separated from the university. All equipment must be reused or disposed of following the procedures under University Policy 6270 (Control of University Equipment and Materials).

18. Costs, Damages or Lost Property

The University will not be held responsible for costs, damages, or losses associated with the termination of the Telecommuting Agreement or due to separation from University employment.

19. Forms

Telecommuting Agreement

<https://www.boisestate.edu/hrs/telecommute-form/>

20. Related Information

Minimum Security Standards for Systems

<https://www.boisestate.edu/oit/itgrc/it-standards/data-classification-standards/>

Office of Information Technology - Working Remotely

<https://www.boisestate.edu/oit/workingremotely/>

Risk Management and Insurance

<https://www.boisestate.edu/rmi/>

University Policy 1110 (Conflict of Interest and Commitment)

University Policy 6270 (Control of University Equipment and Materials)

University Policy 7570 (Accommodating Disabilities in the Work Environment)

University Policy 8130 (Remote Access)

Revision History

September 23, 2021; March 22, 2023