

**GOVERNORS STATE UNIVERSITY
EMPLOYEE REMOTE WORK AND ALTERNATIVE WORK SCHEDULE
POLICY AND PROCEDURES**

I. PURPOSE OF POLICY AND PROCEDURES.

The purpose of this Policy and related Procedures is to implement Section 15-100 of the Governors State University Law, 110 ILCS 670/15-100, which permits the use of alternative work arrangements, including but not limited to: “ (i) a part-time job of 20 hours or more per week, (ii) a job which is shared by 2 employees, or (iii) a job with a compressed work week consisting of an ordinary number of working hours performed on fewer than the number of days ordinarily required to perform that job.” This Policy and related Procedures also are intended to ensure the University’s position as an employer of choice by meeting labor market demands for increased flexibility regarding remote work (also known as telecommuting) and work schedules *where possible* given the University’s vision of creating an intellectually stimulating public square and value of offering accessibility to a first-class public education. This Policy and related Procedures establish a benefit voluntarily extended by the University to certain qualifying employees, which benefit may be withdrawn at any time within the University’s sole discretion for any or no cause.

This Policy and related Procedures supersede and replace what was formerly known as the Governors State University Telecommuting Policy and Procedures, Human Resources Departmental Procedure 200.11.

II. SCOPE OF POLICY AND PROCEDURES.

This Policy and related Procedures are applicable to non-Union-represented University employees (i.e., certain Civil Service employees and administrative professionals) (together, “Employees”). This Policy and related Procedures do not apply to University employees who are members of Union-represented bargaining units, although this Policy and related Procedures shall not be construed as prohibiting any such bargaining unit from negotiating with the University over a policy addressing the same subject matter on behalf of the employees it represents.

This Policy and related Procedures apply to Employees in every department, division, or unit within the University (together, “Unit(s)”). Each Unit head shall consider requests made pursuant to this Policy on a case-by-case basis, either by Employee or by Employee title/role/function, based on the factors set forth below. Units do not have discretion to opt out of this Policy or to make blanket judgments that the Policy does not apply to Employees within said Units without considering the factors below. However, Unit heads

can and should consider the impact of any single request or group of requests on the operational efficiency of the Unit as a whole as set forth below.

This Policy and related Procedures do not apply where an employee seeks alternative work arrangements as a disability-related accommodation under State or Federal law.

III. DEFINITIONS.

1. **“Alternative Work Schedule”** means a situation where an Employee regularly works hours other than 8:30 a.m. to 5:00 p.m. on Monday through Friday with express approval of the Employee’s manager as documented in writing with the Human Resources Department.

2. **“Arrangement(s)”** mean(s) working conditions that include an Alternative Work Schedule and/or Remote Work as defined herein.

3. **“Ethics Act”** means the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*

4. **“Human Resources”** means the University Human Resources Department or some designated appropriate subsection thereof, as appropriate.

5. **“Remote Work”** means a situation where an Employee regularly performs assigned responsibilities in a non-campus, non-University affiliated environment, typically their place of residence, with express approval of the Employee’s manager as documented in writing with the Human Resources Department. Related terms include “telecommuting,” “working remotely” and “working from home.”

6. **“Request(s)”** mean(s) requests by Employees for leave to engage in an Alternative Work Schedule or Remote Work pursuant to this Policy and related Procedures.

IV. POLICY ON REMOTE WORK AND ALTERNATIVE WORK SCHEDULES.

In support of the University’s efforts to foster an engaged and productive workforce, and to meet or exceed the labor market’s expectations of preferred employers while fulfilling its vision of creating an intellectually stimulating public square and abiding by its value of offering accessibility to a first-class public education, University Employees may apply for leave to engage in Remote Work or an Alternative Work Schedule. Requests may be granted or denied subject to the following conditions, obligations, and procedures, as may be amended from time to time in the University’s sole discretion. Arrangements that have been granted may be re-evaluated, suspended, or terminated at any time within the sole discretion of the University.

The University considers Remote Work and Alternative Work Schedules to be viable, flexible work options when both the Employee and the Employee’s job are suited to such

an arrangement. Remote Work and Alternative Work Schedules may be appropriate for some Employees and jobs but not for others, and at some times but not others. Remote Work and Alternative Work Schedules are not an entitlement, they are not an institution-wide benefit, and they in no way change the terms and conditions of employment with the University. The factors that should be considered when evaluating Requests include, but are not limited to, whether:

1. The Employee's ordinary duties can be performed remotely, without sacrificing quality or productivity;
2. The Employee's work can be supervised remotely with reasonable effort;
3. The University's expectations for personalized, exceptional student service can be met; *and*
4. The Unit's operational needs will be met.

Remote Work, when conducted outside the State of Illinois, may create new or additional tax burdens and reporting requirements for the Employee and/or the University. Therefore, care should be taken in, and advice from Human Resources should be sought when, forming and approving Remote Work arrangements where the Employee lives outside the State of Illinois or intends to conduct Remote Work primarily outside the State of Illinois.

A. Conditions of Remote Work and Alternative Work Schedules.

1. Memorialize Arrangements in Writing. No Employee may engage in Remote Work or an Alternative Work Schedule on a regular and ongoing basis unless and until the Employee's written Request has been approved by the Employee's supervisor and the applicable Vice President overseeing the Employee's Unit, and filed by the Employee with Human Resources. Work done remotely or on an alternative schedule may be performed on an ad hoc basis without meeting the requirements of this Policy upon approval of an Employee's supervisor pursuant to Section IV(D) below.

2. Compliance with all applicable Requirements. No Arrangements shall be made that conflict with applicable law, University policies, or procedures. In the event of a conflict between this Policy and related Procedures and any approved Arrangements, this Policy and related Procedures shall control.

Employees who are granted Arrangements remain obligated to comply with all University applicable rules, policies, practices and procedures, including, but not limited to, the University's anti-discrimination and harassment policies and information security policies and practices. Employees also remain obligated to comply with all relevant Federal and State laws, including, but not limited to, the Ethics Act and the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. Failure to adhere to applicable law, policies, practices, and procedures may result in the immediate termination of an Arrangement and possible additional disciplinary action up to, and including, termination.

3. Provisional Arrangements. Any and all Arrangements granted pursuant to this Policy and related Procedures shall be granted on a provisional basis and may be altered or amended at any time with or without notice by the University to the respective Employees. Approval for an Arrangement may be withdrawn at any time within the University's sole discretion, including but not limited to where the Employee's performance is suffering in quality or quantity, management of the Employee requires extraordinary effort, the needs and expectations of students are not being met, or the operational needs of the Unit, which may change from time to time, are not being met. A Unit may temporarily suspend Arrangements due to temporary operational needs, such as suspending remote work arrangements during peak seasonal needs or requiring remote Employees to attend key events (e.g., graduation), training and/or team building activities in person. Where an Arrangement is altered or withdrawn, the Employee's supervisor shall notify Human Resources via Email that the Employee's Arrangement has been terminated. Where a supervisor suspends or terminates an Arrangement, the supervisor shall make reasonable efforts to give the Employee advanced notice (preferably thirty (30) days' notice) of any such change; however, advanced notice may not be possible in all circumstances.

B. Obligations of Employees Granted Arrangements or Working Remotely on an Ad Hoc Basis.

1. Timekeeping Obligation. An Employee granted an Arrangement must document all hours spent on State business and benefits used (e.g., vacation time), as required by the Ethics Act and in accordance with University policy or practice, just as if the Employee was working on campus and/or regular hours.

2. Equipment. On a case-by-case basis, the University will determine, with information supplied by the Employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each remote work arrangement. The Human Resources and Information Technology departments will serve as resources in this matter. Equipment supplied by the University will be maintained by the University. Equipment supplied by the Employee, if deemed appropriate by the University, will be maintained by the Employee. The University accepts no responsibility for damage or repairs to Employee-owned equipment. The University reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the University is to be used for business purposes only. The Employee must sign an inventory of all University property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all University property shall be returned to the University, unless other arrangements have been made. The Employee will establish an appropriate work environment within his or her home for work purposes. The University will not be responsible for costs associated with the setup of the Employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. If University-owned equipment is used by an Employee while working remotely, a proper record of the equipment must be completed and submitted to Property Control and ITS per University policy and practice.

3. Security. Consistent with the University's expectations of information security for Employees working on campus, Employees working remotely will be expected to ensure the protection of proprietary University, student, and employee information accessible off campus. Steps include, but are not limited to, the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Originals or copies of University records must not be taken off campus without supervisor approval and without documenting the contents of such records and the need therefor. The University reserves the right to conduct and/or require physical inspection of equipment, supplies, and/or records being used off campus by Employees working remotely. Upon reasonable notice, an Employee may be required to arrange to bring such items to a designated University representative for inspection. Records and equipment no longer needed by a remote Employee must be returned by the Employee to the appropriate campus location and documented. If the Employee's employment with the University terminates during the term of an Arrangement, it is the Employee's responsibility to ensure return of all University records and equipment. If University equipment, data, or files are lost, stolen, or damaged while an Employee is remote, the Employee must immediately notify his/her supervisor, Human Resources, and ITS and participate in any related investigation. When appropriate, the Employee must include such University equipment in any associated personal insurance claim.

4. Appropriate Work Space and Attire. Remote work is not designed to be a replacement for appropriate child care or an opportunity to engage in other personal pursuits during working hours. Although an individual Employee's schedule may be modified to accommodate child care or other personal needs or interests, the focus of the arrangement must remain on job performance and meeting institutional demands. Prospective remote workers are encouraged to discuss expectations of remote work with family members prior to entering a trial period to ensure a professional environment can be maintained. Care should be taken to ensure that communications containing private or sensitive information, including but not limited to phone calls or printed materials, are not overheard or seen by family members or guests in the Employee's home. Employees working remotely are expected to be fully available during their scheduled hours. Employees working remotely also are expected to dress in attire appropriate for campus when working remotely and appearing via teleconference.

C. Injury during Remote Work.

Workers' Compensation laws may apply if an Employee is injured in the course of performing official duties at their remote work location. The University is not liable, to the extent provided by law, for other property damage or bodily injury that results from participation in an Arrangement.

D. Ad Hoc Arrangements.

Supervisors may approve remote or alternative work schedule arrangements on an ad hoc basis for temporary circumstances, such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no

expectation of ongoing continuance, and do not require the execution of a signed writing with Human Resources.

All informal, ad hoc arrangements are made on a case-by-case basis, based on factors including but not limited to campus community health and safety, as well as University operational needs.

V. PROCEDURES FOR ESTABLISHING ARRANGEMENTS.

A. Employee Request.

If an Employee wishes to take advantage of the opportunity to engage in Remote Work or utilize an Alternative Work Schedule, the Employee should (i) review this Policy and related Procedures in full and (ii) meet with his/her supervisor to discuss his/her request.

B. Factors to Consider in Evaluating Request.

A supervisor charged with evaluating a request for an Arrangement should consider the following factors, in addition to any special factors that may be unique that that supervisor's Unit, in deciding whether to grant or deny a request. If any single factor below is not met fully, the request should be denied. This is not a balancing test where a request can be granted if the majority of factors are met. Each and every factor must be fully satisfied in order for a request to be granted.

1. ***The Employee's ordinary duties can be performed remotely, without sacrificing quality or productivity:*** Certain jobs cannot be performed remotely because routine, important aspects of the position require in-person attendance. By way of example only and not as an exhaustive list, such positions include, but are not limited to, positions where the employee's primary duty is to engage in: catering/food service; child care; event set up/management; facilities maintenance; physical security; and reception duties. As determined by the discretion of a Unit head, other positions in a Unit may not be suitable for remote work either, such as where personal interaction with the public, students, or other employees is deemed an important attribute of the services provided or operations performed by that Unit. By way of example only, a Unit in Student Affairs may reasonably determine that its services are enhanced by face-to-face contact and real-time availability to students during ordinary business hours. In that case, the Unit head may reasonably decide to require all employees in that Unit to work on campus during regular business hours, or alternatively, to require the minimum number of workers to meet in-person student needs to work on campus. In other circumstances, a job may be suitable for remote work but the employee may not be, such as where the employee is new to his/her role and requires training and support, or where an employee's performance is suffering in quality or quantity. In that case, the employee's request should be declined (although it may be

reevaluated if circumstances change after a reasonable period of time has passed).

2. ***The Employee's work can be supervised remotely with reasonable effort:*** When discussing the viability of an Arrangement, an Employee and supervisor should discuss how the Employee's work will be supervised and whether it is feasible to supervise the work with reasonable effort. Options may include, but are not limited to, daily or weekly one-on-one calls or telephone conferences, and/or agreed-upon work plans with defined goals and deadlines. Absent exceptional circumstances, no Arrangement should result in an Employee working hours that do not coincide at all with his/her supervisor's or team's hours. By way of example only, it would not be a reasonable request for a Human Resources Employee to work 11 p.m. to 7 a.m. because it would pose an undue burden on the Unit to schedule group meetings, and adequately interface with, and supervise, that Employee. Conversely, a request to work 7 a.m. to 3:30 p.m. may be a reasonable request (depending on all other factors) where that employee's working hours will overlap substantially with the rest of the Unit's.
3. ***The University's expectations for personalized, exceptional student service can be met:*** In considering this factor, the Unit supervisor is encouraged to consider the University's vision of creating an intellectually stimulating public square and its value of offering accessibility to a first-class public education. Implicit in this vision and these values is the notion that personal interactions foster community, culture, and trust. While convenient, reliance exclusively on electronic communications with students is simply inappropriate for a University setting. Students expect, and deserve, in-person and real-time responses to their questions when they visit campus during ordinary business hours. Accordingly, a request may be denied if a Unit otherwise lacks sufficient staff to respond to student foot traffic and inquiries during ordinary business hours.
4. ***The Unit's operational needs will be met:*** Unit heads must balance the needs of the Unit as a whole when considering individual Requests. For example, suppose a Unit head determined that, out of a staff of five, only four are required to be on campus during ordinary business hours to meet the needs of students. If two or more staff members wanted to work remotely on Fridays, the Unit would not be able to meet its operational needs if all individual Requests were granted. In such a case, the Unit head would have the discretion to equitably decide how to balance the operational needs with the Employees' desires to work remotely (e.g., by giving each Employee their second choice of remote work day, awarding the Employee with more seniority the first choice, or using a "first come/first served" method). Other operational needs may cause Arrangements to be denied, withdrawn or temporarily suspended, such as meeting the needs of particularly busy times of the year, providing staff coverage to account for leave or vacation of other team members, or requiring all Employees to be on campus together a set

number of days per week in order to foster culture and collaboration and/or to make scheduling team meetings and trainings more convenient. Additional operational needs may include, but are not limited to, equipment availability and security, the lack of which may be cause to deny a request.

D. Granting/Denying a Request.

After consultation with his/her supervisor, an Employee may submit a written Request for an Arrangement by completing an "Employee Remote Work/Alternative Work Schedule Application Form" available from Human Resources. If, upon evaluation of all relevant factors, the supervisor agrees with the Request, the supervisor should sign the form and submit it to the Unit head (e.g., the Unit's applicable Vice President) for review and approval. If approved by the Unit head, the Employee shall file a copy of the request with Human Resources via Email. If a request is denied, the Employee may renew his/her request if the Employee reasonably believes that circumstances have changed since his/her last request. Before implementing any Arrangement, the Employee and supervisor should reach a clear understanding of:

- how the Employee's performance will be supervised during Remote Work and/or while utilizing an Alternative Work Schedule; and
- how the Employee will ensure privacy of confidential information and security of University-issued equipment, if any.

If a Request is granted and an Employee is provided University-owned equipment for remote use, the Employee shall complete and turn in an "Asset Possession Form" before removing such equipment from campus.

E. Monitoring Arrangements.

It is the supervisor's responsibility to manage an Employee's performance under an Arrangement and to ensure that the continued use of Arrangements is in the best interests of the University. Arrangements may be terminated at any time by a supervisor via Email to Human Resources upon a determination that the above-factors are no longer being met.

VI. EXCEPTIONS TO POLICY AND PROCEDURES.

The Policy and Procedures herein described shall not apply to the extent they conflict with:

- Remote work policies and/or procedures imposed at the direction of the GSU Emergency Response Team, the GSU President, or the President's designee (for example, when protection of the health and safety of the GSU community requires Employees to work remotely).

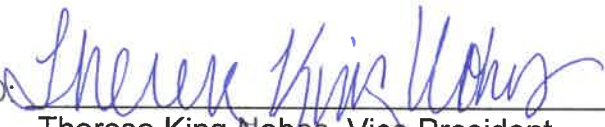
- GSU's obligation to provide an Employee with a reasonable accommodation in accordance with the Federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, and related regulations, including 29 C.F.R. Part 1630.

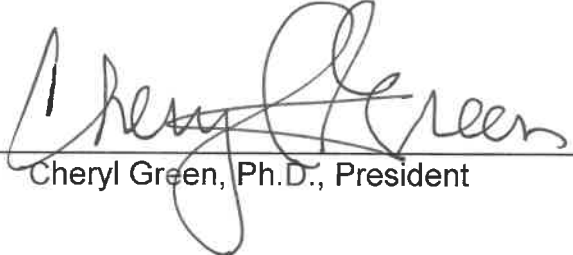
VII. NO CREATION OF RIGHTS.

These Policy and Procedures do not, and may not be interpreted to, create any rights for any person or entity other than the University. Nothing in these Policy and Procedures may be construed as altering the employment relationship between the University and any Employee.

Applicable Laws and Regulations:

- Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*
- Illinois Governors State University Law, 110 ILCS 670/15-1 *et seq.*
- Illinois Procurement Code, 30 ILCS 500/1-1 *et seq.*, and related regulations, including 44 Ill. Admin. Code § 5010.46
- Federal Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, and related regulations, including 29 C.F.R. Part 1630

RECOMMENDED:  DATE: 8/4/2021
Therese King Nohos, Vice President
for Human Resources (interim)

APPROVED:  DATE: Aug. 7, 2021
Cheryl Green, Ph.D., President