PRINCIPLES AND PRACTICES OF NDSU’S FLEXIBLE REMOTE WORK

PRINCIPLES

Overview

Unless otherwise indicated, an employee’s primary work place is located on NDSU property. However, NDSU recognizes that with expanding technology options, growing demands on employees, and increasing challenges of finding new and better ways to support the needs of the institution, flexibility in a workplace location can provide a way to manage people, time, space, and workload more effectively, efficiently, and responsively.

The decision to allow or require a remote worksite location is at the discretion of the supervisor with approval from the respective vice president. Approval from the Director of Human Resources and/or Director of Payroll must be sought when it requires NDSU to enroll in a new state for tax purposes or when establishing a worksite in a location outside of the United States.

This principle and practice is not to be utilized as an American’s With Disability Accommodation (ADA) without first properly requesting an ADA accommodation through the official process with NDSU Human Resources. Human Resources will work with the employee and supervisor/department through the request and interactive dialogue process to discern if this is the best accommodation for the employee.

Timekeeping During Flexible Arrangements

Exempt employees are not covered by overtime and record-keeping requirements of the Fair Labor Standards Act (FLSA). Therefore, there is inherent flexibility in work scheduling for them, but exempt employees need to maintain regularly scheduled and approved work hours, as determined by their supervisor.

Non-exempt employees must conform to the overtime, record-keeping, and meal break provisions of the FLSA and, where relevant, North Dakota state labor law, respectively, for employees covered by those provisions. For non-exempt employees, supervisors must pre-approve all hours to be worked in excess of 40 in any workweek. Generally, a remote worksite arrangement for a non-exempt employee will not result in overtime.

All employees are expected to be fully accessible during regularly scheduled and approved work hours. Requests to schedule annual leave, use sick leave, or otherwise alter the agreed upon schedule, are subject to approval by the supervisor in accordance with university policies.

University Policies

Employees who work remotely must adhere to all university and NDSU policies. Especially relevant are policies related to information technology, computer security, and data protection. These policies provide requirements for maintaining, securing, and achieving legal and appropriate use of the information technology infrastructure and confidential data.

In-person meetings with students may not take place at a remote worksite unless prior authorization is granted by the employee’s supervisor. The use of technology to conduct meetings remotely is encouraged.

PROCEDURES

Overview

A remote worksite arrangement allows an employee to work at home or from another off-site location for a specified period of time. Either an employee or a supervisor may recognize the need for a remote worksite arrangement; however, the decision to approve a remote worksite is solely at the discretion of the university. To assess whether a particular remote worksite arrangement can be an effective tool, it is useful to consider the position, the employee, and the supervisor. Not all positions are suited for remote work and not all employees can work productively off-site, as remote work requires certain skills. Though a remote worksite may be a viable option for many eligible employees, it is not a right of employment, it is an option that can be modified or revoked at any time by the university.

When a remote worksite arrangement might involve work conducted outside of North Dakota, there are additional issues to consider, such as workers’ compensation, unemployment insurance, tax, and payroll and state registration issues. It is essential for such arrangements to be carefully considered and approved in advance. For proposed remote worksite locations in states where NDSU is not registered for payroll tax withholding and/or
unemployment insurance, review of the proposed agreement by the Director of HR and/or Director of Payroll is required prior to extending the employment offer or agreement to the employee.

In the remote worksite agreement, supervisors must justify why they would allow a remote hire, and articulate why the work could be performed off-campus or outside of the state of North Dakota.

Considerations for Establishing a Remote Worksites Location on Non-NDSU Property

**Position**

If the specific job duties allow for or require an employee to work at a remote worksite, the employee’s position description must reflect that remote work is an option, and written notification must be provided to the respective vice president.

If job duties do not require an employee to work from a remote worksite, the employee’s supervisor should ask the following questions regarding the position. If the answers indicate so, then remote worksite arrangements may provide a viable work option:

1. Does the position have clearly defined tasks? If yes, what are the tasks that can be accomplished off-site?
2. For position requirements that cannot be met from an off-site location, can they be assigned easily and fairly to others without overload or change in FTE?
3. Can results/productivity be measured effectively without frequent and regular in-person supervision?
4. Can the present level of customer service be maintained without undue hardship on customers, where customers may be internal or external to the department/unit?
5. Can technology (e.g., computers, phones, voicemail) be applied to help facilitate successful outcomes?
6. How are assignments to be communicated to the employee?
7. Are there sufficient resources available from the employee’s unit to support requests by the employee to participate in a remote worksite?
8. How and when does the employee need to be on-site to meet with the supervisor, co-workers, and customers?
9. How will the remote worksite arrangement affect cross-training initiatives, team-based approaches, and other such strategies?
10. Will this remote worksite arrangement have a positive effect on the unit’s morale?

**Employee**

Certain attributes will help ensure a successful remote worksite arrangement. For a current employee to be eligible to request a remote worksite, the individual must be in good standing at the university and should have excellent time-management skills, and a demonstrated history of satisfactory, independent work performance.

**Supervisor Responsibilities**

Individuals with employee(s) under their supervision entering into remote worksite arrangements are responsible to review work and progress with their remote employee(s) regularly, and provide effective and supportive feedback (such reviews should include communicating with on-site co-workers of the remote worksite employee). A yearly evaluation of the agreement will be initiated by Human Resources and Payroll Services. The supervisor must conduct this annual evaluation of the remote worksite agreement.

In addition, all remote worksite arrangements must conform to the overtime, record keeping, and meal break provisions of the Fair Labor Standards Act (FLSA) and, where relevant, applicable state law, respective to employees covered by those provisions. Therefore, although nonexempt employees may be managed by results, supervisors must ensure an accurate recording of hours worked.

**Additional Cost and Effort**

**Locations in the United States**

Currently, there is no cost to the department for establishing a NDSU worksite location in the U.S. For states that NDSU is classified as a reimbursable employer for unemployment purposes, departments will not pay unemployment tax each pay period. Rather, departments will be responsible for the cost of unemployment benefits should an employee file an unemployment claim. These unemployment costs can be several thousand dollars and should be a consideration before approving remote work options. Any other costs associated with employees working remotely in a state where an established worksite doesn’t exist may be the responsibility of the department.

Agreement must be fully executed by all parties before the first day of remote work to establish the proper protocols.

**Workers’ Compensation Implications**

Workers’ compensation will apply only to injuries arising out of and in the course of employment as defined by the North Dakota State Workers’
Compensation law. NDSU is not responsible for injuries unrelated to such work activities that might occur in the defined off-site work location or elsewhere. The employee must authorize access to appropriate officials to perform safety inspections of the remote worksite and/or to investigate a workers’ compensation claim.

For additional information, reference the workers’ compensation policy www.ndsu.edu/fileadmin/policy/144.pdf.

Services and Equipment Needed
Authorization for any supplies and/or furniture must be approved by the supervisor and the department chair/head prior to purchase. The university may provide standard office supplies if approved by the department chair/head.

Unless otherwise specified in the remote worksite agreement, the employee will be responsible for providing furniture at the remote worksite. The university is not responsible for loss, damage, or wear of employee-owned equipment and/or furniture. Repair and/or replacement costs and liability for privately owned equipment and furniture used for remote work is the responsibility of the employee. In the event that equipment is provided by the university, such equipment shall be used by the employee exclusively for university business.

The employee agrees to take reasonable steps to protect any university property from theft, damage, or misuse. The employee agrees to report to the supervisor any instances of loss or damage to university property, or known unauthorized use or access to university systems or data. The employee is responsible for maintenance and repair of these items unless other arrangements have been made in advance and in writing with the supervisor.

The employee will return university equipment, records, and materials upon request and/or termination of the remote worksite agreement. The employee may be responsible for any costs necessary to return, repair, or replace university property. If university property is not returned upon request, at the end of a remote worksite situation or upon termination, the employee (or former employee) will be responsible for all costs to replace any unreturned equipment.

If the employee is unable to meet work obligations due to equipment issues, the employee will notify their supervisor and may be required to travel to a NDSU location to perform their functions until the issues are resolved.

IT Requirements for Remote Work
Employee
1. Comply with all existing policy and procedure.
2. Responsible for purchasing adequate internet service. Faster speeds should be used if multiple people will be using the same connection. Be prepared to work with your ISP if you experience network problems.
3. Required to use a VPN service operated by the IT Division.

Supervisor/Department
1. Ensure employee compliance with all existing policy and procedure that they adhere to on campus.
2. Department agrees to issue and maintain an NDSU owned and managed computing device.
3. Pay any associated costs with use of NDSU operated VPN service (see above).

Other
1. IT reserves the right to lock services or restrict off campus access for employees who are not in compliance with rules and policies.
2. Not all services are guaranteed to work from home in an identical manner to on campus. Contact the IT Division if you have concerns.
3. Requirements are subject to change.

For more information, see https://kb.ndsu.edu/work.

Property Insurance Requirements
In the case of any damaged or lost equipment, an incident report must be filed with the University Police and Safety Office. Personal property used in connection with university employment is not covered under the university policy and should be covered by homeowners or renter’s insurance. The university is not liable for personal property.

Establishing Remote Worksite Agreement Process (hybrid, remote and out of state)
1. The supervisor identifies the potential need for an employee to work at a non-NDSU property.
2. The supervisor should contact the HR and Payroll offices to determine what legal issues, paperwork, and additional cost will be involved to employ an individual at the requested out of state location. Potential issues include, but are not limited to, state tax registration, withholding tax, unemployment insurance, workers’ compensation insurance, employment laws, etc.
3. After these discussions, if the supervisor still feels that it is necessary to employ someone to work at a non-NDSU property, the supervisor will complete the remote worksite agreement and attach the information provided by the HR and Payroll offices.

4. The supervisor and employee will review, finalize, and sign the remote worksite agreement and discuss any remaining questions.

5. The supervisor will route the completed remote worksite agreement, position description (if applicable), and other documentation supporting the arrangement (e.g., letter of understanding or employment contract) via DocuSign to:
   - Dean/Director
   - Provost/Vice President
   - Director HR and/or Payroll

6. Safety/Workers’ Compensation copied once final approval is completed

7. The department/unit arranges for any university equipment/property checkout with employee once agreement is approved.

Implementing Remote Worksites
Implementation of a remote worksite plan, including the agreement and establishing workspace setup, resources, and expectations is critical to a positive and productive remote work environment. A yearly evaluation of the plan will be initiated by Human Resources and Payroll Services. Additionally, the department must review the agreement at the end of the agreement’s term.

1. The employee and supervisor may introduce modifications annually (or as needed) to ensure the plan continues to support both institution and employee objectives, performance expectations, etc.

2. The employee and supervisor must discuss the continuation or discontinuation of remote worksite near the end of the agreement’s term. An extension of the agreement must be approved and documented by all involved parties. The supervisor and/or the division’s human resources manager will finalize the review of the continuation of the remote worksite agreement, or confirm its discontinuation. Final approval of the continuation is required by the appropriate vice president.

3. Prior to moving locations, an employee must inform Human Resources and Payroll Services to ensure compliance with rules and regulations (e.g., workers’ compensation, taxes, unemployment insurance, employment laws).

The supervisor informs co-workers regularly of the remote worksite employee’s status and issues as they pertain to the remote worksite arrangement. Regular lines of communication must be kept open with the on-site co-workers of the remote worksite employee. All parties must work continuously to resolve conflicts that may arise.

Discontinuing Remote Worksites
A remote worksite arrangement may be discontinued at any time by any party. Written notification of discontinuation or termination of a remote worksite agreement will be provided as soon as possible to the employee, the supervisor, Human Resources and Payroll Services, and Office of Safety. The university is not required to retain an employee in a remote worksite arrangement whom the university would otherwise terminate according to university and State Board of Higher Education policies and procedures.

Local Decision-Making
Flexible work policies and practices are defined at the institutional level. When evaluating the implementation of potential flexible work practices, colleges and units must establish that proposed arrangements meet these guidelines:

- Are supported by business rationales that show how flexible work serves the university’s core missions and residential campus experience
- Do not negatively impact student, visitor, or employee services
- Can be completed effectively from available work locations (e.g., remote sites, shared facilities for hybrid employees)
- Support ongoing job performance at the expected level
- Are not substitutes for family or child-care arrangements
- Ensure guidelines are consistently applied
- Advance any additional organizational goals

Annual Evaluation
All individual flexible work arrangements will be reviewed annually at the college or administrative unit level as part of the annual performance review process. Annual evaluations should consider impact on:

- Student experience
- Service delivery
- Space utilization (e.g., have arrangements allowed orgs to repurpose space or advance mission goals?)
- Employee recruitment and retention
- Work-team performance
- Employee’s performance
Per university policy, specific work arrangements may be discontinued by either the employee or the employing unit with a four-week notice unless an immediate and unanticipated operational need supports discontinuation on shorter notice.