

## PERSONNEL

### REMOTE WORK AND REMOTE WORKING AGREEMENTS

The School Division recognizes that in certain circumstances it is practical and efficient to allow authorized employees to work from an alternate work location. **Authorization for remote work is granted at the School Division's sole discretion. Approved remote working is appropriately provided to assure the goals and mission of the School Division are accomplished in a productive, thoughtful, and economical manner and is not provided solely for employees' convenience.** Authorization for an employee to work remotely is at the discretion of the applicable department head, with notice provided to the Office of Employee Relations in the Department of Human Resources. Requests to remote work for longer than two consecutive pay periods must be approved by the Department of Human Resources.\* The following procedures outline the circumstances under which remote work arrangements may be made:-

~~**\*NOTE: As of March 16, 2020, COVID-19 has required the School Division to implement broader remote provisions. For this reason, it is not currently necessary to request approval for employees to remote work from the Department of Human Resources.**~~

#### A. Definitions

1. Alternate or Remote Work Location: A space not owned or leased by the School Division.
2. Assigned Worksite: The location where an employee typically works.
3. Remote Work: The performance of the essential functions of an employee's job description in an alternate work location.
4. Remote Worker: An employee who has an active remote working agreement on file and works remotely on a consistent schedule.
5. ~~Episodic Limited Remote Work~~: A nonrecurring situation ~~ordinarily~~ of no more than two (2) pay periods in duration in which an employee may work remotely due to extraordinary personal or work circumstances that will benefit the operations of the School Division.
6. ~~Episodic Remote Work~~: ~~A situation in which an employee works remotely less than once per week. Remote work is on a sporadic or task-driven basis.~~

5-7. Hybrid Remote Work: A situation in which an employee consistently works remotely at least one day a week per a set schedule.

6-8. Schools in session: Indicates any day that students are scheduled to be in class, other than during summer school.

## **B. Eligibility**

1. Except in extraordinary circumstances, an employee must have received, at minimum, an “effective/proficient” on the employee’s last performance evaluation and have completed the probationary period.
2. The employee must have a work history that demonstrates efficient work without close supervision.
3. The employee must be computer literate, have an available and suitable designated workspace at the offsite location, and have access to any computer and telecommunications equipment necessary for the completion of tasks.
4. By the nature of their positions, the following types of employees **may not** normally be eligible for an ongoing remote work agreement:
  - a. School-based employees when schools are in session and students are physically present.
  - b. Supervisory instructional employees when schools are in session and students are physically present.
  - c. Employees who are non-exempt and eligible for overtime under the Fair Labor Standards Act (FLSA) unless approved by Human Resources.
  - d. Employees whose physical presence at the assigned worksite is essential to the performance of their duties.

~~5.—Principals must still approve teachers working remotely when a teacher workday has been designated as eligible for remote working by the Superintendent. The above-listed eligibility factors do not apply in this context.~~

## **C. Alternate work location**

1. An alternate work location must be clearly communicated and approved prior to use.
2. The remote work location must be within the Commonwealth of Virginia. Working in a location outside of Virginia is prohibited.

2.3. \_\_\_\_\_ The alternate work location must be free of distractions, and the remote worker must be accessible by email, virtual meeting platforms, and/or phone during work hours.

3.4. \_\_\_\_\_ Work-related injuries that occur in the alternate work location must be reported to the supervisor and require adherence to workers' compensation reporting procedures.

4.5. \_\_\_\_\_ If there is reason to believe that unsafe conditions exist at the alternate work location, or if workers' compensation claim(s) are filed by the remote worker, the School Division reserves the right to inspect the alternate work location ~~by~~after giving the employee notice.

5.6. \_\_\_\_\_ All costs incurred by a remote worker to arrange an alternate worksite and to work remotely are the employee's responsibility and will not be reimbursed (e.g., telephone charges; internet service; home office equipment and software).

6.7. \_\_\_\_\_ ~~School--~~Division-owned software may be installed on an employee-owned computer, subject to license agreements, and if no longer deemed necessary by the supervisor to the remote worker's work assignment, must be removed upon termination of the remote work arrangement. ~~School--~~Division-owned software should not be used for personal reasons.

7.8. \_\_\_\_\_ Remote workers are responsible for maintaining and protecting equipment on loan from the School Division. Equipment on loan shall be used for work-related purposes only and its use is governed by acceptable use policies. Employees must immediately report any School Division equipment that is damaged, compromised, or lost.

8.9. \_\_\_\_\_ If a remote worker is authorized to use personal equipment, the School Division will not assume responsibility for the cost of equipment, repair, or service. The employee must be in compliance with all Department of Technology requirements.

10. Employees are responsible for protecting all data and ensuring compliance with all regulations regarding confidentiality of materials.

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## E. Circumstances that may warrant episodic or limited remote working by employees

The supervisor may authorize an employee to work from an alternate work location:

1. When the employee would otherwise be required to report to work during a weather-related or other school closing.
2. When schools are closed for the summer break, the employee may periodically be authorized to work remotely on an agreed-upon schedule if the employee is not assigned summer school responsibilities.
3. To complete special project work that requires minimal interruptions.
4. During unusual circumstances such as construction, an accident, pandemic\*, weather-related, or natural disaster that makes the primary worksite inaccessible/uninhabitable.
5. On a teacher workday when students are not in school.
6. Due to unique and unusual circumstances as determined by the Superintendent or designee.

## F. Guidelines for remote working

1. Working remotely is not an entitlement; rather, it is a job assignment for employees to complete their assigned duties and responsibilities from a location other than the assigned worksite.
2. Remote Work Agreements must be reviewed and resubmitted for approval annually, at minimum.
- ~~2. Remote work agreements are subject to termination at any time and for any reason with a reasonable amount of notice from the department head.~~
3. Remote work may not be used in lieu of taking personal leave, sick leave or annual leave. However, with approval of the Chief Human Resources Officer or designee, an administrator may determine whether it is appropriate to offer remote work as an opportunity for temporary, partial, or full return-to-work from illness/injury or for disability accommodations.
4. Working remotely is not a substitute for dependent care. While performing work duties remotely, employees are expected to have dependent care arrangements in place.- However, there may be unplanned, unusual, or temporary circumstances (e.g., an unscheduled remote workday in which schools are closed) when remote work may be an appropriate short-term workplace flexibility for employees with caregiving responsibilities. These short-term temporary circumstances should represent the exception and not the rule.

5. Remote work assignments do not change the conditions of employment, contract/work hours, compensation, or benefits. Employees approved for remote working must comply with all School Division policies and procedures and meet all evaluation performance standards. While presenting from a remote location, apparel, background settings, language, etc., should adhere to normal classroom/work locations and division standards.

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6. An employee's performance when remote working will be monitored in the same manner as employees at an assigned worksite. The performance standards should be based on a results-oriented approach and should describe the quantity and quality of expected work products and the method of evaluation.

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7. During the employee's normal working hours, the employee must be available to communicate with the employee's supervisor and other work-related contacts and perform assigned tasks.

8. In person attendance at the employee's assigned worksite for on-site meetings, conferences, training sessions, and other activities may be required at the sole discretion of the supervisor. Transportation for such attendance is the employee's responsibility.

9. Supervisors are required to ensure the work hours of non-exempt employees are documented in compliance with School Division standards and the FLSA.

10. During emergency closings or similar circumstances, supervisors will communicate with those employees eligible to work remotely the expectations for continuing work during emergency closings or circumstances.

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## G. Procedure for requesting the opportunity to remote work

1. Authorization for remote work is at the discretion of the department head, with notice provided to the Office of Employee Relations in the Department of Human Resources. Prior to submitting a request, the position's eligibility for remote work and an employee's candidacy to participate in remote work should be evaluated by the supervisor using the VBCPS ~~a~~ Remote Work Checklist.

~~1.2.~~ A Remote Work Request ~~f~~Form approved by the supervisor and department head must be submitted to the Department of Human Resources indicating whether the request is for limited, episodic, hybrid, or full-time remote work. ~~F~~for any request to remote work longer than two consecutive pay periods, Human Resources approval is required.

~~2.3.~~ The School Division may terminate the remote work agreement for any reason at its discretion at any time and without advance notice.

~~3.4.~~ If an employee is ~~approved~~ to work remotely due as an accommodation for medical or disability reasons, the supervisor will consult with the Office of Employee

Relations in the Department of Human Resources prior to initiating the request and before terminating ~~the~~ remote work arrangement.

4.5. There are no grievance or appeal rights regarding denial of remote work requests.

**Links**

[Regulation 4-96.1](#), Closures and Emergency Conditions

[Regulation 4-45.1](#), Sick Leave

[Regulation 4-45.4](#), Disability Programs for Employees in the VRS Hybrid Plan

Approved by Superintendent: XXX, 2020

Revised by Superintendent: XX, 2021

Reviewed/edited by Legal 7/24/2020