

Policy Code: 7503 Teleworking

Although it is an essential function of every employee's job for their work to be performed at their regularly assigned place of work as a matter of course, the Board recognizes that in certain limited circumstances it may be necessary **or permissible** to allow or require authorized employees of the school system to temporarily work from an alternative work location via electronic means ("teleworking"), ~~in emergency situations~~. This policy outlines when, under these limited, temporary situations, teleworking arrangements may be made.

A. Definitions

1. "Alternative work location" is defined as a worksite other than an employee's regularly assigned place of work.
2. "Eligible employee" is defined as an employee of the school system who, ~~under the circumstances of the emergency situation~~, can temporarily perform the employee's essential job duties at an alternative work location. In addition, to be an eligible employee, the employee must have an available and suitable designated workspace at the alternative work location and access to any computer and telecommunications equipment necessary for the completion of tasks.
3. "Telework/Teleworking" is defined as the temporary performance of the essential functions of an employee's job description at an alternative work location, typically the employee's residence, via electronic means in accordance with the employee's usual expected standards of performance and subject to other school system conditions.
4. "Teleworker" is defined as an employee temporarily engaged in teleworking.

B. Temporary Teleworking in Emergency Situations

When the superintendent determines that any employees cannot or should not work at their regularly assigned place of work as a result of natural disaster, inclement weather, public health emergency, or other situation that threatens the health and safety of employees, students, or the community (collectively, an "emergency situation"), the superintendent may, consistent with state and federal law, permit or require individual employees or classes of employees to temporarily telework. In the event the superintendent permits or orders any employee(s) to telework pursuant to this section, the superintendent shall notify the Board of the decision and supporting rationale as soon as practical and before announcing the decision to any employees or the public.

C. Teleworking on Unprotected Teacher Workdays

Individual school staff, with the prior approval of the principal, may telework on unprotected teacher workdays if the principal determines such staff members can perform the functions of the job in light of the school needs and job responsibilities applicable to these specific days. Principals must communicate with staff at the beginning of the year which workdays are unprotected and what the process will be for staff to telework on these days. Principals should ensure that sufficient front office and other staff are present at school on unprotected teacher workdays so that buildings are open for the completion of any necessary onsite responsibilities and to accommodate staff who prefer to work onsite. For purposes of this provision, an unprotected teacher workday is a non-student day on the school's calendar on which staff is permitted to take accumulated vacation leave.

D. ~~C.~~ General Conditions on Teleworking

1. Employees are prohibited from teleworking when they are identified as personnel whose physical presence at their regularly assigned place of work or at an alternate school system site is essential to the performance of their duties. In addition, no employee may telework on a full-time, permanent basis and no employee is entitled to telework as a replacement for leave to accommodate family care arrangements, sick leave, Family and Medical Leave, or Workers' Compensation leave.

2. Teleworking is not an entitlement and may be offered to the employee at the sole discretion of the school system. Teleworking arrangements are subject to termination or modification at any time at the discretion of the school system.

3. Teleworkers should obtain permission from their supervisor before removing school system equipment or supplies from the employee's regularly assigned place of work to use at an alternative work location. Teleworkers are responsible for maintaining and protecting such school system equipment and returning it to the employee's regularly assigned place of work when the teleworking period ends. Use of school system technological resources is governed by policy 3225/4312/7320, Technology Responsible Use. School system equipment must not be used by non-school employees, such as family members. Any damage to school system equipment shall be reported immediately to the teleworker's supervisor.

All costs incurred by an employee to arrange an alternative work location and to telework are the employee's responsibility and will not be reimbursed unless otherwise required by law.

4. A teleworker's alternative work location must be safe, secure, and free of undue distractions. Employee dress and appearance while teleworking at the alternative work location shall be consistent with expectations at the worksite.

5. Work-related injuries that occur in the alternative work location must be reported to the teleworker's supervisor.

6. Teleworkers shall be accessible by phone and email during work hours. In addition, attendance at the employee's regularly assigned place of work for on-site meetings, conferences, training sessions, and other school business activities may be required on scheduled telework days. Transportation for such attendance is the teleworker's responsibility.

7. Teleworkers must adhere to the same policies and procedures established for all school system employees and be able to complete all required work in accordance with the employee's usual expected standards of performance. A teleworker's performance will be monitored and assessed in the same manner as employees working from their regularly assigned place of work.

8. Teleworkers are subject to any and all school system policies and governing law guarding the confidentiality of student and employee records. Student and employee records and other confidential materials must be maintained and accessed in a secure and confidential manner, and consistent with school system policies and procedures, during remote work.

9. Teleworkers must not deviate from the work schedule that would be expected of them at their regularly assigned place of work (including working hours, lunch breaks, etc.) unless specifically authorized to do so by their supervisor. Non-exempt employees under the Fair Labor Standards Act are not permitted to work off-the-clock while teleworking and will not be permitted to work overtime absent authorization from the employee's supervisor.

E. D. Employees with Disabilities

This policy does not apply to requests for teleworking as a temporary accommodation under the Americans with Disabilities Act (ADA).

This policy and any eligibility criteria or procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to telework or to be assigned to a job position that is suitable for teleworking.

Legal References: Americans with Disabilities Act, [42 U.S.C. 12101](#) *et seq.*, [28 C.F.R. pt. 35](#)

Adopted: November 17, 2020

Wake County Board of Education