

Office of the Executive Vice President for Health Affairs

HSG-014: Telework

Date: January 1, 2021

Applies To: The Medical Center, School of Medicine (non-Faculty), the School of Nursing (non-Faculty), Claude Moore Health Sciences Library, Transitional Care Hospital, the Health Development Office/UVA Health Foundation (“Health Development Office”), and the University of Virginia Physicians Group (“UPG”)

Reason for Policy: To establish and facilitate a clear UVA Health-wide policy for the identification and oversight of positions eligible for teleworking, and to state the responsibilities of UVA Health Managers accountable for, and Team Members working within, Telework-eligible positions. This policy also facilitates standardization of Telework-related HR practices across UVA Health, as well as the provision and management of common telework technology (e.g., computing hardware, software applications, and peripheral devices) to Team Members in Telework-eligible positions.

Definition of Terms: **Alternate Work Location** - Approved location(s) other than the employee’s On-Site Work Location (see definition below). The most common Alternate Work Location is the home of a Team Member or a satellite office, subject to the approval process described in this Policy.

Manager - For purposes of this policy, a Team Member’s direct supervisor or other designated official to whom the Team Member directly reports.

On-Site Work Location - The worksite, office or physical location within UVA Health where Team Members are assigned to perform their job responsibilities when they are not Teleworking.

Team Member(s) - All persons employed by the University of Virginia, the University of Virginia Medical Center, or UPG, who provide clinical, educational, research, administrative, or other services within or for the benefit of the UVA Health. For purposes of this Policy only, this definition *does not* include School of Medicine and School of Nursing faculty, nor does it include volunteers, vendors, or contractors.

Telework - Also known as teleworking or telecommuting, this term refers to a work arrangement under which Team Members perform their job duties, responsibilities, and other authorized activities from an approved Alternate Work Location other than the On Site Work Location from which the Team Members would otherwise work. Depending on the details of the arrangement, Telework constitutes either a portion of the Team Member’s work time or all of it.

Telework Agreement - A formal written agreement between a Manager and a Team Member to permit the Team Member to work at an Alternative Work Location (i.e., Telework) instead of the On Site Work Location from which the Team Member would otherwise work. The Telework Agreement specifies the requirements and details of the Telework arrangement. The Telework arrangement can last for a defined period or can continue indefinitely.

UVA Health - The term “UVA Health” is used within this policy to represent all entities within the Health System, and specifically includes the Medical Center, School of Medicine, the School of Nursing, Claude Moore Health Sciences Library, Transitional Care Hospital, the Health Development Office/UVA Health Foundation (“Health Development Office”), and the University of Virginia Physicians Group (“UPG”) (each an “Entity” or collectively “Entities”).

Policy Statement:

1. Telework Position Eligibility and Telework Arrangements

- a. While Teleworking, Team Members are expected to maintain the same level of productivity and performance of their assigned duties and work schedule as they would if working in their On Site Work Location. With the exception of short term Temporary Telework Arrangements more fully discussed in Section 2 below, all Team Members and their Managers shall execute UVA Health Telework Agreements to document, at a minimum, an agreed upon work schedule that specifies telework days, location and hours (which may vary in frequency and duration); clocking/time-keeping procedures and expectations, as applicable; required methods of communication specific to Telework; duration of the Telework arrangement; responsibility for Telework equipment; circumstances requiring on-site attendance; and all relevant policy attestations. Teleworking shall not alter the Team Member’s compensation, benefits, work status, essential job responsibilities, or conditions of employment. Alternate Work arrangements outlined in the Team Member’s Telework Agreement shall provide work processes that support business operations.
- b. Managers shall be responsible for identifying positions eligible for Telework in their Departments or Units based on the needs of UVA Health and the feasibility of a proposed Telework arrangement. In determining such feasibility, Managers shall assess the nature of a position, how the work is currently performed, how the work might be performed in an Alternate Work Location, the Manager’s ability to adequately supervise the Team Member from an Alternate Work Location, and whether any duties require use of certain equipment or tools that cannot be replicated at an Alternate Work Location. Other considerations include:
 - The impact on service quality, UVA Health operations or the workload for other Team Members.

- The need for support from, and face-to-face interaction and coordination of work with, other Team Members, as well as the need for such interaction with colleagues, clients and customers outside of UVA Health.
 - Whether performance can be measured by quantitative or qualitative results-oriented standards, not solely time spent doing the job.
 - Whether the designation of the telework position will support UVA Health's efforts to attract, hire and retain a highly qualified workforce by enhancing work/life balance.
 - Such other factors as may be relevant and appropriate to the particular job and the needs of UVA Health. In this regard, Managers shall also use the UVA Health Telework Assessment Tool to facilitate compliance with this Policy and other applicable policies and procedures
- c. If a Team Member working at an On-Site Location requests assignment to a Telework eligible position, in addition to the factors enumerated above in 1b, the manager shall consider whether the Team Member is self-motivated, adaptive and has already demonstrated an ability to be productive without the Manager's immediate supervision.
- d. Team Members (both exempt and non-exempt) assigned to Telework positions are expected to work their assigned schedules and comply with all applicable University and UVA Health policies and procedures, including, without limitation, policies governing Emergency Event Declarations (see Related Materials and Section 2b below).
- e. Travel expenses to/from the On Site Work Location will not be reimbursed to the Team Member; reimbursement for travel to/from other locations as may be required for performance of job duties will be paid in accordance with an Entity's applicable travel reimbursement policy (see, e.g., Medical Center Policy 0015 Travel Reimbursement).
- f. When provided, UVA Health computing equipment must include the appropriate tracking documentation for the location of the property, pursuant to the UVA Health Telework Technology Guide.
- g. UVA Health will provide Team Members with core computing equipment which includes:
1. Desktop or laptop computer
 2. Monitor
 3. Keyboard, mouse (or similar pointing device)

4. Webcam (if not integrated with the desktop or laptop computer)
- h. Equipment and connectivity **not provided** by UVA Health include:
 1. Costs associated with Team Member's internet connection
 2. Wi-Fi "Hot Spot"
 3. Printer
 4. Scanner
 - i. In some cases, additional UVA Health provided equipment may be required to perform a specific job role. In such cases, the Team Member's UVA Health Telework Agreement shall specify all equipment the Manager has determined to be appropriate and provided. Additional information regarding computing equipment and remote connectivity support is provided in the UVA Health Telework Technology Guide.
 - j. Costs of UVA Health provided equipment used for teleworking arrangements shall be incurred by the UVA Health Entity or Department budget; there is no central UVA Health funding for equipment needed for any Telework arrangement. Refer to the UVA Health Telework Technology Guide for additional details.
 - k. Products, documents, and records that are used, developed, or revised while teleworking shall be copied or restored to the UVA Health's computerized record. Maintenance of UVA Health's records must be consistent with the UVA Health/applicable Entity record retention rules and policies.
 - l. UVA Health may terminate the Team member's Telework Agreement at any time with a minimum of two weeks' advance notice.
 - m. A Telework arrangement does not and shall not be deemed to convert a Team Member's home or other Alternate Work Location into UVA Health workspace. UVA Health shall not be liable for damages to the Team Member's personal or real property while the Team Member is working at the approved Alternate Work Location.
 - n. UVA Health assumes no responsibility for job-related injuries or illnesses not occurring in the course and scope of employment, outside of Team Member's approved Alternative Work Location and outside of agreed upon work hours. Workers' Compensation coverage is limited to designated work areas within the Team Member's Alternate Work Location(s) during specified working hours as defined by the *Virginia Workers' Compensation Act*. In case of injury, theft, loss, or tort liability related to Telework at the Alternate Work Location, Team Member shall cooperate with and allow agents and representatives of UVA Health to investigate and/or inspect the Telework site.

2. Responding to Emergencies

- a. Temporary Telework Arrangements: In order to respond effectively to emergency events (e.g., natural disasters, public health emergencies, weather events, fire, or other significant disruption to facilities or physical operations)--and in order to maintain critical functions, operations and services--Managers are authorized to establish *Temporary Telework Arrangements* with qualified Team Members. Such *Temporary Telework Arrangements* will usually be of limited duration. *Temporary Telework Arrangements* which continue for more than two (2) weeks must be documented in a Telework Agreement. Temporary Telework Arrangements of two weeks or less in duration should also be documented in a Telework Agreement if there is sufficient opportunity to do so.
 - i. Regardless of whether a UVA Health Telework Agreement is in place, Team Members are expected to adhere to requirements of this Policy with respect to the *Health Insurance Accountability and Portability Act (HIPAA)*, protection of *Protected Health Information (PHI)*, and information security, performance standards, and to such other requirements as exigencies permit. During *Temporary Telework Arrangements*, Managers may permit flexible work schedules to permit Team Members to provide childcare, dependent care and other necessary services as may be required. Managers shall consider all *Temporary Telework Arrangements* on a case-by-case basis.
 - ii. Temporary Telework Arrangements in response to emergencies typically continue only until normal operations are declared as restored at the Team Member's On-Site Work Location, but, depending on the nature of the emergency, may extend for longer periods as determined by UVA Health leadership. Managers are authorized to convert a *Temporary Telework Arrangement* into a *permanent* arrangement, at any time, if such conversion is determined to meet the business needs of UVA Health. Once a *Temporary Telework Arrangement* is converted to a *permanent arrangement*, Team Members and Managers shall be required to enter into a UVA Health Telework Agreement and to meet all requirements of this Policy. If an agreement had been completed and signed for the *Temporary Telework Arrangement*, that agreement may be extended on its existing terms, revised, or replaced with a new agreement, at the Manager's discretion.

e.b. Emergency Event Declarations

- i. The requirements of this Policy do not apply to Designated Work-From-Home Employees under MCP HR-510 Modified Medical Center Operation, unless these individuals are already teleworking.
- ii. In the event an Emergency Event is declared, Teleworking Team Members who are also Designated Employees (exempt and non-exempt) shall refer to instructions on the Health System Status Board, Health System email, and/or

the UVA Hotline (434-924-7669 or 434-243-7669) as well as direction from their managers, to determine whether they will be required to report to their On-site Work Location (or another location).

3. Team Member Responsibilities

- a. Team Members who are eligible to work from an Alternate Work Locations shall complete and sign the UVA Health Telework Agreement.
- b. Teleworking Team Members shall report to the UVA Health On Site Work Location as necessary upon directive from their Managers.
- c. Team Members shall maintain the appropriate hardware and software, remote access to their work computer, the ability to retrieve voicemail by forwarding their phone and/or enabling voicemail via email, and the availability to converse with the Manager, colleagues, and others as may be necessary to satisfactorily perform job functions.
- d. Team Members shall maintain a safe and secure work environment at all times. Team Members shall practice the same safety habits they would use in the On Site Work Location and follow customary procedures for reporting illness or injury.
- e. Team Members shall report work-related injuries to their Managers as soon as practicable.
- f. Team Members who experience power outages or other issues at the Alternate Work Location that prevents them from completing assigned work must notify their Manager immediately for further instruction. This may include the requirement to work at the On Site Work Location, if feasible.
- g. Team Members are responsible for the safety and security of all UVA Health property and confidential information.
- h. Team Members shall comply with all applicable rules, policies, practices, and instructions that would apply if the Team Member were working at their On Site Work Location.
- i. Team Members shall follow HIPAA Privacy and Security regulations. Team Members shall comply with policies and expectations regarding information security. Team Member must ensure the protection of proprietary and PHI accessible from their Alternate Work Location. Team Members shall not remove highly sensitive data--including but not limited to PHI--from the On Site Workplace without the written consent of their Manager.

- j. If utilizing UVA Health provided computing equipment, Team Members shall follow the standard Telework equipment provisioning process and specifications for their work area (See UVA Health Telework Technology Guide).
- k. Team Members are responsible for the cost of maintenance, repair, and operation of personal equipment not provided by UVA Health. Moreover, unless otherwise stated in the Telework Agreement, all incidental costs, such as residential utility costs, homeowner's insurance, or cleaning services, are the responsibilities of Team Members.
- l. Because Team Members are expected to fully devote their time and attention to UVA Health job responsibilities during their scheduled work hours, Telework is not intended to permit Team Members to have time to work at other jobs or to operate their own businesses.
- m. Teleworking is not intended to be used in place of leave, or for the provision of child or dependent care. If children or dependents in need of care are at the Alternate Work Location during the Team Member's Telework hours, another individual should be present to provide the care. If Team Members must engage in childcare, dependent care, or care for an ill or injured family member while they are working remotely, flexible work arrangements must be discussed with the Manager and noted in the Team Member's UVA Health Telework Agreement. Although an individual Team Member's schedule may be modified to accommodate childcare or similar needs in certain circumstances (See, for example, *Section 2: Responding to Emergencies: Temporary Telework Arrangements*), the focus of the arrangement must remain on job performance and meeting business needs.
- n. Team Members should consult with tax experts to determine the tax implications of a home-based office. UVA Health will not provide guidance or accept any Federal or State tax liability incurred by any Team Member working at an Alternate Work Location pursuant to a UVA Health Telework Agreement or a Temporary Telework Arrangement.

4. Manager Responsibilities

- a. Managers must work with their Team Members to complete and sign the UVA Health Telework Agreement to ensure and confirm their mutual understandings of expected compliance guidelines.
- b. The Manager shall review the UVA Health Telework Agreement regularly, and at minimum annually, to assess its effectiveness. It is recommended that this review occur in line with the Team Member's annual Performance Review.
- c. Where automated productivity and performance-related metrics reports are not possible, Managers shall require the Team Member to communicate regularly, either

verbally or via written reports, in a manner determined by the Manager, but in no event shall such communication occur less frequently than once per month.

- d. Managers shall ensure that procedures are in place to document the work hours of nonexempt Team Members to ensure compliance with the Fair Labor Standards Act (FLSA).
- e. Managers shall provide an appropriate workstation for Team Members required to work at the On Site Work Location on a periodic basis.

5. Policy Violations

Team Members shall comply with all rules, policies, practices and instructions of their employer and understand that violation of the same may result in the termination of the Telework arrangement and/or disciplinary action, up to and including dismissal. Disciplinary action for violations of this Policy will be taken by the applicable employer of the Team Member.

SUPPORTING DOCUMENTS AND RELATED MATERIALS

- A. UVA Telecommuting Assessment Tool
- B. UVA Health Telework Agreement
- C. UVA Health Telework Technology Guide
- D. UVA Health Manager Guidelines and Frequently Asked Questions (FAQs) regarding Telework Support
- E. UVA Health Policy References

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Signature:

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Date:
