

Employee Relations Organizations Meeting
July 30th – 10am to 12pm
Zoom Meeting

Representatives Present:

ERC: Amber Carter, April Thompson, Jackie Cotton, Jasmine Bowles, Katora Jones, Linda Johnson, Lyncie Crawford, Nathan Tipton, Robyn Taylor, Vickie Christian, Jackie Fox, Andrea Briggs, Nury Magana, Janette Smith, Joyce Hamilton

ESC: Blake Dingman, Daniel Hutchinson, Stephanie Breuer, Venus Claxton, Yin Su, Felicia Washington, Lisa Hall, Jean Perdicaris, Kaining Zhi, Dorothea Owens

Minutes Secretary: Yin Su

Representatives Absent: Vanessa Baker, Kimberlee Norwood

Meeting Agenda and Minutes

10:00am **Welcome – Debbie Long**

10:05am **Employment Status / Employment of Relatives / Employment of Minors – Alisha Boone and Anesha Jones (attached lecture slides on page 5-15)**

Chandra explained the additional information on the UT policy of “Employment of Relatives” (HR0115). First, we do have a few people who are relatives working in the same department, but they cannot work in the same line of authority. Alisha mentioned the samples that situation is not always the case for the employee in relatives. Someone worked in the College of Medicine, OED, or the Department of Facility. People might work in the same department, but they must move in the different division and in different lines of the authorities if they are working in the same department. I give you a sample: when I first started at UT, I was at IT department and moved to OED for a period time for the computer analysis. Michael worked in next door. We both authorized with Kenneth Brown, Ken promoted to be an Executive Chancellor, Michael moved to be Director, I can no longer work in OED whom I directly reported to the Director in person. They moved me to Human Resource in another world, that I was out of line of that authority with myself. Because we don't hire a lot of people that work on kind of side by side as above situation. If we do have that case in the institution, we will take care with the university policy.

Second, in the state, because we set up our policy and procedures at the University, we will follow our own procedures. We can't permit just in one day to say "so and so, you are

fired, today is your last day. We can make you go." We have adhered to the structure put in place. Our purpose is the person to get a letter of the expectation or part of that initially they should be. If there are other exactly that are within our policy for example, we might say " It has been the long career path we are going to make some changes. Could we offer you for the opportunity of retirement here?" The way looking for other expectation if they are within our policy. For at-will, it does not need to do anything in our world. It means if we were the subjects, the structure we put in policy was remarkable and clear.

10:40am Employment of Retirees – Debbie Jackson (attached slides on page 16--23)

Damon added the choices on the retiree worked biweekly vs monthly issue. One of the reasons we like to bring the data in and paid into biweekly basis. Moving forward, it is the basically, what Debbie alluded to make it easier to track down. Because they are paid monthly, they are entered as a special pay position, that Alisha was alluding to earlier, and will have to enter everything manually. And then, it makes it difficult to track the hours versus if you are paid biweekly. So, to avoid the situation that you work eight hours won't pay here or 24 hours a day there. It's all tracked, and it's all kept in easier tracked timesheets.

11:00am Probationary Termination / Reduction in Force – Damon Davis (attached slides on page 24--39)

Chandra and Damon explained the procedure for this topic: Over the years, we have had a very tough challenge of identifying who supervisors who because we don't have the organizational chart structure for the entire campus. And when things change, the main interface is difficult to keep up with when supervised people manually entered their names. Because we have the challenge we haven't been able to get the probationary evaluation to the correct person in time. That is why we extended the reminder to the employee and they can alert their supervisor. I know it doesn't really make sense that I am going to send your own queue to be evaluated. But we don't have a real good structure and I am hoping with a new enterprise technology system the UT System is going to purchase to replace IRIS/SAP will remedy this issue. They have something that will help us strategically identify who the supervisor is and how we can get that performance today with the person that the system will automatically generate it. So that is something that we know is a problem, but we do the best we can the structures we have been provided.

Second, we always want people to work with us through the probationary period process for a termination. There are standard processes in place to ensure fairness to our employees, so if you have a difficult issue you bring the situation to HR, we work with you and we write the letter for you, and we ensure we have the correct documentation, then you direct to the employee. Sometimes, we will administer alongside that supervisor because there may be some volatility or some other issues that we want to make sure we

mitigate for the supervisor, but the reality is we can be sued, even when it is a probationary period termination. So, we want to make sure the University is on notice that this could be a litigious situation, so that we make sure we follow protocols. If we didn't follow proper process, for example the person receives a written letter that was on napkin, but we typically give everybody else a letter on letterhead, then we are not following our own procedures. As Damon said, we never extend a probationary period. Because the last time we extended the probationary period for an employee we spent three years in litigation. We ended up in Chattanooga for a week with a litigation engaged. I spent three years getting documentation back and forth between the lawyer to our team or their team. I sat there and I had to explain the lawyer why I didn't follow our own procedures. We won, but it was bad because the supervisor wasn't doing something that was ruthless to the person who was really trying to be helpful and not trying to be hurtful. I think the jury saw that, but I said never again, I don't want us to be put in that position again. I wanted to share a little bit of that with you to understand why we're so tight on that take most that we won't allow it.

11:15am COVID-19 Telecommuting Procedure / Proposal for Leave Parity –Chandra Alston

Chandra requested ERO members' opinions on the following topics in preparation for the COVID-19 Telecommuting Procedure forum:

1. What is the University of Tennessee responsibilities for people that have children?
2. What is our UTHSC responsibility in your opinion?
3. What are your expectations from our University?

ERO members discussed a few topics included the work hours flexibility, workload issue, work at home expense, campus parking fee, childcare needs and COVID-19 noncompliance report issues. In general, the group expressed a level of gratitude to the University for what they have done and requested supervisors to be understanding and flexible in employee needs.

Chandra explained: among the campus, we have a whole lot of people that work in various positions that are not able to telecommute, such as in facilities and food services; for example 40 people on food service they don't have an active job at this point but are still being paid until the areas open; we have about 200 people in research, they have a job that they can't do it at home. But you are going to have the same benefit based on the situation you are in and that is going to be seen as unfair by some.

Facing the kinds of financial challenges, Chandra said: going forward alone the pandemic condition, we are called an essential provider of purpose in the state and in the county. We are one of those organization that are doing closed attentions. We're reviewing the COVID-19 test, administrative help. We are providing Tennessee's workforce for Shelby county actively national board. We have people all over them, that are better healthcare related to

this, and we are educating the next generation of providers. We cannot put things on cruise control. We cannot stop here.

Chandra said, know that we want to have you here. You must have all hands-on deck and willingness to work in our scaling back status and keeping the most people safe. For example, we have employees in facilities that are working three of five work days, pretty much, that craft and the clean, and I think the business opportunity to be more telecommuting and that you have a bunch of flexibility that we are trying to build in , and a lot of there , a scaled down approach to what we are doing even in Dentistry we have kind of floating schedule that we have going on.

Finally, Chandra concluded: I want you understand, we are not in a great financial position. We have been using a lot of our reserves by going into the business office meeting to that company headquarter put. We are flat. We also been using a lot of our saving accounts to mitigate our expenses. We do not have the same level of revenue that we had in past year. The clinicals have been slow due to the closings in March and April. Starbucks just opened, but we had building and personnel expenses without revenue. There are expenses that are still on going without revenue. Somebody has to pay for that...Our goal is to keep people in a job at this time. We are challenged right now, though we can provide the needed web information and resources in UT Health Center. Some information will see the following link. Our COVID-19 Telecommuting Procedures are provided as attached.

In addition, Chandra would provide a draft, one-page statement to propose a campus wide annual leave policy update to be requested through the ERAB meeting.

11:30am Announcements: Some the resources mentioned on July 30th for EROs Meeting:

Who to contact if mask compliance is not being adhered to:

Tim Barton, MS, CIH
Director of Research Safety Affairs
901.448.7374
tbarton4@uthsc.edu
<https://www.uthsc.edu/research/safety/staff.php>

Lisa Hall posted additional information:

1. Application Access request should be submitted for the necessary systems. Visit this site: <https://www.uthsc.edu/its/application-access/index.php>
2. People who can go on campus to access their paper documents can contact me, to learn about using Microsoft 365, SharePoint and OnBase for electronic document storage. We are helping individuals & departments work from home and do so effectively.
3. [scsk12.org](https://www.scsk12.org) -- on this site resources are listed to assist parents with virtual learning

4. Attached is the telecommuting policy and linked below is second half of meeting for Chandra's presentation and Announcements.



Employee Relations Organizations Meeting

- **Topics/Polices to Review**

- Employment of Relatives

- Employment of Minors

- Employment Status

HR0115 – Employment of Relatives

• Objective

- To prevent conflict of interest in decision-making due to factors of kinship in reporting relationships among employees.

• Policy

- Employment of relatives is permitted. relative shall mean a parent, foster parent, parent-in law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son - in-law, brother-in-law, daughter-in-law, sister-in-law, or any other family member who lives in the same household.
- However, no employees who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative.
- If this incident were to occur, that situation must be remedied by either an intradepartmental or interdepartmental transfer of at least one of the employees.
- The next higher administrative officer of the employees shall advise the employees of the available alternatives. Such employees shall be given the opportunity to select among the alternatives. If the employees are unable to agree upon any such alternative within 60 days, then the next higher administrative officer, with the approval of the campus human resources office and chief administrator shall take appropriate action to remedy the situation. Such action may include an involuntary transfer or termination of employment.

HR0110 – Employment of Minors

- **Objective**

- To provide guidelines concerning age restrictions and conditions of employment.

- **Policy**

- No persons under the age of 16 may be employed by the university.
- Minors who are 16 or 17 may be employed under the following conditions:
 - a. This employment must not interfere with the minor's health or well-being.
 - b. This employment may not be during school hours when the minor is required to attend class

- **Restricted Occupations**

- If employed, minors must not in connection with any of the following occupations, activities, or conditions such as: storing explosives or articles containing explosive components, driving motor vehicles, heavy duty machinery, radioactive substances and to ionizing radiations, roofing operations. etc.

- **Exclusions**

- The provisions of this policy shall not apply to any minor who has graduated from high school or has equivalent to a HS diploma, lawfully married or a parent, is 16 or 17 years of age and not enrolled in school. Documentation must be provided to Human Resources.

- **Verification of Age**

- Before any minor shall be employed, the university shall obtain from the minor a verification of age by requiring the minor to provide the university with a copy of the minor's birth certificate, or other available evidence such as a baptismal certificate or passport.
- A valid verification of age shall be conclusive evidence of the age of the minor to whom it is issued.

- **Exceptions**

- Under certain official university programs designed to attract students at an early age to
- the health sciences or other fields, individuals under the age of 16 may be employed in those educational programs (i.e. Minors on Campus Programs) on a term or summer basis with written approval by the human resources officer and the campus or institute chief administrator.
- All prohibited activities specified in the Fair Labor Standards Act (FLSA) and those requirements of the state of Tennessee child labor law must be observed.

HR0105 – Employment Status

Objective

To define employee groups, employee subgroups, employment percentage, employment status, and other employment issues, which specify employment conditions and applicability of human resources policies to each University of Tennessee employee or affiliate.

- **Employee Groups**
- **Employee Subgroups**
- **Employee Percentage**
- **Employee Status**

Employee Groups

Regular

- Employment expected to be at least 12 months or more
- Academic year (9 months) and Flex year (paid over 12 months)
- LDA- limited amount of time (up to 1 year with option to renew annually not to exceed 3 years).

Temp

- Employment less than 12 consecutive months
- Casual Laborers-one-time service
- Special Appointment
- Retiree- no more than 960 hours per year
- Eligible for social security and workers comp

Student

- Students and non-UT students
- Eligible only for Workers Comp

Friend

- Volunteers, honorees, board members
- Unpaid

- **Faculty**

- Holding faculty rank and primary appointment is academic instruction, research, or services. (9 months or 12 months)

- **Staff**

- Professional-exempt not engaged in academic instruction, research, or service but holding a position that requires recognized professional achievement by formal training or equivalent experience
- Executive/Administrative-exempt not academic but holding position executive, administrative, or managerial responsibility who meet FLSA salary basis test.
- Hourly input- nonexempt not academic or charged with administrative or managerial responsibility and are paid on biweekly payroll
- Hourly noninput-same as input but paid monthly

- **Student**

- Student Hourly Input - paid hourly on the biweekly payroll
- Student Hourly No Input - paid on the monthly payroll
- Graduate Students - 9 and 12-month

Employee Percentages

- **Full-Time- 40 hours (FTE-100%)**
- **Part-Time- less than 40 hours (i.e.30 hours 75% FTE)**

Employee Status

- **Active- employees are at work or on approved leave with pay. Includes annual leave, sick, holidays, admin closings, military leave, bereavement, court leave, and other leaves with pay).**
- **Inactive- Employees continue employment association but are not receiving pay (approved leave of absence)**

Other Employment Issues

- Faculty are employed for a term of one year or other specified period of time subject to renewal in accordance with the policies and procedures set forth in the applicable faculty handbook. Staff employees who are not employed for a specified period of time, and all employees in a Limited Duration Appointment, serve on an *at will* basis.
- No person shall be placed on the university's payroll when the period of employment parallels employment with a Tennessee Board of Regents institution or with a state agency. University policy regarding the exchange of employees' services between the university and state agencies or Tennessee Board of Regents institutions is found in **FI0445 EMPLOYEE SERVICES BETWEEN THE UNIVERSITY, BOARD OF REGENTS INSTITUTIONS, AND STATE AGENCIES**.
- Each campus and institute of the university shall develop appropriate written procedures for employing persons within the university.

Questions?





Working After Retirement

Returning to Work Post Retirement

State of Tennessee Covered Employer

- Retirees in both TCRS and ORP may work for a State of Tennessee covered employer by completing a Temporary Employment Report; Post Retirement Contract (faculty only) **annually**. Must observe restrictions regarding hours worked, and income.

Restrictions

- 60 day waiting period(may be waived under certain circumstances)
- No more than 960 hours (120 days) in a rolling 12-month period
- Salary limitations of the Final Year's Salary
- Year 1-63.00%
- Year 2-66.15%
- Year 3-69.46%
- Year 4-72.93%
- Year 5-76.58%
- Year 6-80.41%

Returning to Work Post Retirement

- Retirees in both TCRS and the ORP may work for a non-State of Tennessee employer with no restrictions. If you are drawing your Social Security benefit you should speak with their office to determine if there are hour or income restrictions.

Temporary Employment Report

HR0120

TEMPORARY EMPLOYMENT REPORT

Tennessee Consolidated Retirement System
502 Deaderick Street
Nashville, Tennessee 37243-0201
1-800-770-8277 • <http://tcrs.tn.gov>



The retiree and proposed employer must complete and sign this form and return it to the Tennessee Consolidated Retirement System (TCRS) at the above address before the employment begins. It is the retiree's and the employer's responsibility to notify TCRS should employment exceed the allotted time period. Please read the following carefully, complete Sections 1 through 3 and, if applicable, complete the certification in Section 4 or Section 5.

SECTION 1. CONDITIONS OF TEMPORARY EMPLOYMENT *(to be completed by employer)*

T.C.A., Section 8-36-805 permits a retired TCRS member to accept temporary employment with an employer participating in TCRS without suspension of retirement benefits provided the retired member has been retired 60 days and does not accrue additional retirement credit as a result of such employment.


- a. The 60-day period may be waived provided the member renders no more than one-half of the hours he/she was normally scheduled to work prior to retirement for a like period and the head of the employing entity certifies in writing (Section 3) to the division of retirement that no other qualified persons are available to fill the position. Once retired for more than 60 days, the remaining time may be allocated at full-time or used over the one year period.
- b. Compensation cannot exceed 60% of the retiree's final year's salary plus 5% compounded annually since retirement.
- c. Disability retirees are subject to a disability earnings limitation in addition to these limits on the number of days worked and salary. Please contact the TCRS disability section for details.

Please check one of the following:

- (1) The retired employee accepts employment as a teacher by an institution of higher learning for up to 24 quarter credit hours or 18 semester credit hours during a 12-month period and the total salary payable to such retired member during the period does not exceed the prorata share of average salary being paid at the institution in the specific academic discipline concerned.
- (2) The retired employee accepts employment as an adult education teacher by an institution for up to 120 days during a 12-month period and the total salary payable to such retired employee during the period does not exceed the prorata share of average salary being paid at the institution in the specific academic discipline concerned.

Temporary Employment Report - Process

- Must be completed and forwarded to HR Benefits prior to return to work.
 - If retiree is returning within 60 days of retirement date, a waiver letter must also be included.
 - Faculty must also complete a Post Retirement Service form/contract for Tenured Faculty
- Benefits will ensure TER form is forwarded to Systems and TCRS for review
- Dept processes Faculty Post Retirement contract
- TCRS will mail approval letter to retiree
- **Temporary Employment Report must be completed annually!**

TEMPORARY EMPLOYMENT REPORT	Tennessee Consolidated Retirement System 502 Deaderick Street Nashville, Tennessee 37243-0201 1-800-770-8277 • http://tcrs.tn.gov	
<p>The retiree and proposed employer must complete and sign this form and return it to the Tennessee Consolidated Retirement System (TCRS) at the above address before the employment begins. It is the retiree's and the employer's responsibility to notify TCRS should employment exceed the allotted time period. Please read the following carefully, complete Sections 1 through 3 and, if applicable, complete the certification in Section 4 or Section 5.</p>		
SECTION 1. CONDITIONS OF TEMPORARY EMPLOYMENT (to be completed by employer)		
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Faculty Post Retirement Contract HR0374

- Department will initiate this process.
- Must be completed and forwarded for appropriate approvals
- Refer to Policy HR0374 for details and link to form.

PLAN DOCUMENT

for
The University of Tennessee

POST-RETIREMENT SERVICE PROGRAM FOR TENURED FACULTY

A. Purpose of the Program

The University of Tennessee places great value on the talent and experience of its senior faculty and recognizes that, when such faculty retires, there is often an abrupt and complete loss of the talent and experience of those individuals. Consequently, The University of Tennessee Post-Retirement Service Program is designed to: 1) facilitate, whenever possible, the transition of senior faculty from full-time service to retirement and 2) aid the institution in the enhancement of academic excellence through more efficient and effective use of academic personnel. Although the Post-Retirement Service Program facilitates the part-time employment of eligible faculty following retirement, such employment is not a faculty right but rather is available only through mutual agreement between the faculty member and the University in instances where there is clear benefit to the University.

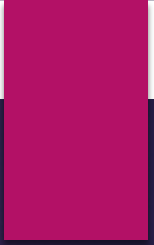
B. Eligibility for Participation

HR/Payroll Process

- Retiree must be terminated as retiree in IRIS and returned as a Temporary Employee with new hire date
- Retirees are paid on a monthly or bi-weekly basis.
- Retirees are responsible for submitting hours worked per pay cycle
- If there is at least one day break in service there will be required paperwork in HR.
 - An I9 must be completed and new hire packet will be sent. If nothing has changed retiree must send email verification
 - A new background check will be performed

**Thanks! Any
Questions?**





HR Policy 0145 Reduction in Force, Elimination of Externally-Funded Positions

REDUCTION IN FORCE, ELIMINATION OF EXTERNALLY-FUNDED POSITIONS

Reduction in Force, Elimination of Externally-Funded Positions

- ▶ To provide a consistent and equitable method of eliminating positions as the result of reorganization, curtailment of operations, or lack of funding.
- ▶ This policy does not apply to faculty positions or limited duration appointments.

Reduction in Force – Unrestricted State Funded Positions

- ▶ A layoff of one or more employees resulting from the elimination of one or more positions funded by unrestricted funds:
- ▶ due to lack of funding
- ▶ reorganization
- ▶ restructuring or similar reason

Reduction in Force – Unrestricted State Funded Positions

- ▶ A budgetary unit proposing to implement a reduction in force must consult with Human Resources during preparation for and implementation of the RIF.
- ▶ The determination of which positions to eliminate and which employees to lay off should be based on the following factors:
 - ▶ Department or area that is being affected.
 - ▶ The functional needs of the budgetary unit.
 - ▶ Position title, continuous service date.
 - ▶ Competencies and qualifications needed to perform the required work.
 - ▶ Documented history of poor performance or disciplinary action.

Reduction in Force – Unrestricted State Funded Positions

- ▶ The budgetary unit, in consultation with Human Resources and the Office of the General Counsel, must provide a written explanation for the proposed RIF that includes both the rationale for the RIF and the reasons why the positions proposed for elimination were selected.
- ▶ After review by the Office of the General Counsel, Human Resources must obtain written approval for the RIF from the appropriate
- ▶ (1) chief business officer, (2) Human Resources Officer or designee and (3) chancellor or vice president, or designee.
- ▶ The budgetary unit, the chief business officer, or the chancellor/vice president may require that additional written approvals be obtained.

Reduction in Force – Unrestricted State Funded Positions

- ▶ Employees must be given at least 30 days written notice.
- ▶ Human Resources will make reasonable efforts to assist affected employees in identifying vacancies in other departments for which they are qualified.
- ▶ All affected employees will be provided information on how to apply for vacant positions.
- ▶ Positions eliminated by a RIF cannot be restored for one year after the effective date of the layoff (i.e., the employee's termination date) unless the employee laid off is offered the opportunity to be reinstated into the position.

Reduction in Force – Restricted (Grant) Funded Positions

- ▶ Position eliminations due to the reduction, termination, or expiration of funds from one or more grants, contracts, or other external funding sources, the unit must notify Human Resources. Human Resources will review the proposed position elimination and determine what, if any, additional review is required.
- ▶ The review by Human Resources will consider (i) the amount of discretion to be exercised by the department; (ii) compliance with applicable law and University policy; (iii) the funding source(s) for the impacted employee(s), including whether salary is internally funded in part; (iv) the number of employees funded by the external funding source; and (v) any potential alternatives to position elimination.

Reduction in Force – Restricted (Grant) Funded Positions

- ▶ The review by Human Resources will consider:
- ▶ The amount of discretion to be exercised by the department.
- ▶ Compliance with applicable law and University policy.
- ▶ The funding source(s) for the impacted employee(s), including whether salary is internally funded in part.
- ▶ The number of employees funded by the external funding source.
- ▶ Any potential alternatives to position elimination.

Reduction in Force – Restricted (Grant) Funded Positions

- ▶ Employees terminated due to loss of external funding must receive written notice as far in advance of the effective date as is reasonable under the circumstances.

Reduction in Force – Restricted (Grant) Funded Positions

- ▶ Reduction in Hours
- ▶ Before a budgetary unit involuntarily reduces the hours of one or more employees (regardless the source of salary funding), the unit should consult with Human Resources so that Human Resources may review the decision for compliance with HR policies, advise as to the effects of the decision on employee benefits, and ensure compliance with the Patient Protection and Affordable Care Act.



HR Policy 0135 Probationary Period

PROBATIONARY PERIOD

PROBATIONARY PERIOD - OBJECTIVE

- ▶ To establish a period of time during which a newly/rehired hired regular staff (non -faculty).
- ▶ Employee's work performance can be evaluated by the supervisor.



PROBATIONARY PERIOD – WHO DOES THIS APPLY TO ?????

- ▶ All newly hired regular staff employees, including those converting from temporary or student to regular appointments, shall serve one probationary period of six calendar months in an active pay status with the university beginning with the first day of regular employment.
- ▶ Current employee's that have transitioned from one department to another are not subjected to another probationary period.
- ▶ This policy does not include Temporary or Student employees.
- ▶ Faculty should refer to the faculty handbook.

Probationary Period

- ▶ Each regular staff employee shall have his or her work performance
- ▶ evaluated during this period.
- ▶ During this probationary period, employees are subject to discharge without recourse.
- ▶ Documentation regarding the reason for discharge is encouraged.

EMPLOYEE RELATIONS PROCEDURE COVID-19 Telecommuting

No./Title: COVID-19 Telecommuting	Resp. Office: HUMAN RESOURCES	Effective Date: 08/03/2020
Category: Employee Relations	Last Review: 07/22/2020	Next Review: 07/22/2023
Contact: Rebekka Freeman	 901.448.3053	 rfreema8@uthsc.edu
Related Policies: HR0480 - Work Schedules		

OBJECTIVE

COVID-19 Telecommuting is a temporary measure in response to a crisis and is subject to change with or without notice. Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workweek during the COVID-19 pandemic.

UTHSC considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement (written or verbal). Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement; it is not a University-wide benefit, and it in no way changes the terms and conditions of employment with UTHSC.

PROCEDURE

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement; however, the supervisor has the final approval authority with guidance from the University and Human Resources.

Any telecommuting arrangement may be discontinued at will and at any time at the request of either the telecommuter or the University. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, childcare, and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

Eligibility

Departments will determine individuals eligible for telecommuting arrangements during the pandemic.

The following criteria should be considered when offering/extending telecommuting:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations, and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

Evaluation of telecommuter performance during the pandemic should include regular interaction by phone, ZOOM, and e-mail between the employee and the manager, and weekly meetings (phone or ZOOM) to discuss work progress and problems. Evaluation of telecommuter performance should be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process. The manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

During the COVID-19 pandemic, UTHSC may supply equipment needs for each telecommuting arrangement. However, when the University does not have available resources, employees may be required to supply their own equipment. Incremental home utility costs associated with working from home will not be paid or reimbursed by the University (i.e., personal cell phone and internet expenses.)

Responsible Use of University Resources: Employees must use University property, funds, technology, time, and other resources for legitimate business purposes. The human resource and information system 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. Computers and computer accounts are provided to employees to assist them in the performance of their jobs.

Employees do not have a right to privacy in anything they create, send, or receive on a University computer. The University has the right to monitor, for business reasons, any and all aspects of any University computer system, including employee e-mail. Employees must use University property, funds, technology, time, and other resources for legitimate business purposes.

UTHSC accepts no responsibility for damage or repairs to employee-owned equipment. UTHSC 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 telecommuter must sign an inventory of all UTHSC property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all UTHSC property will be returned to the University, unless other arrangements have been made.

UTHSC will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary by the department.

The employee will establish an appropriate work environment within his or her home for work purposes. UTHSC will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, lighting, nor for repairs or modifications to the home office space.

Security

Consistent with the University's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary UTHSC and customer information accessible from their home office. Employees must ensure technology used in your home is compatible and compliant with the University security protocols (i.e., VPN, password management, etc.). Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Responsible Use and Protection of Confidential Information: Employees are entrusted with a variety of confidential information about students, faculty, staff, alumni, donors, research sponsors, licensing partners, patients, and others. Employees must access, use, protect, disclose, preserve, and dispose of confidential information in compliance with applicable laws, regulations, contracts, and University policies. Verbal security may be more important in the performance of job duties, (i.e., working in public areas like coffee shops, home with family, libraries, using open access wi-fi). When performing job duties in public areas, ensure that your communications are private and held in the strictest of confidence.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with

his or her regular work duties are normally covered by the company's Workers' Compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members.

Time Worked

Pursuant to HR0480, the supervisor is responsible for setting the work schedule and may alter it based upon the needs of the department. A work schedule includes core business hours when employees are required to be at work. A flexible schedule may include a compressed work week (e.g. four 10-hour days) or allowing employees to vary their arrival and/or departure times (e.g. 7:30 to 4:30). An employee's Work from Home work schedule should be consistent with the core work day of their campus department unless a variation is approved by the supervisor, which will be determined on a case-by-case basis and may include the need for extended hours.

Departments and other units that permit alternate work arrangements, including compressed schedules, should develop written guidelines explaining when alternate work schedules may be considered. Employees are expected to maintain their assigned percent of effort (e.g., 100%, full-time = 40 hours per week) recorded in the official IRIS personnel system while performing work in a temporary Work from Home arrangement. If an employee is unavailable for a period of time during the workday (i.e., going to a doctor's appointment, taking vacation, etc.) the employee is to report and use their accrued sick/annual time. Time not reported as worked during a telecommuting arrangement should be recorded as leave, either annual or sick leave, when necessary and approved by the employee's supervisor, pursuant to UT Policy HR0380 – Sick Leave and HR0305 – Annual Leave.

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using UTHSC's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for 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.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.