

**BOARD OF REGENTS  
BRIEFING PAPER**

**AGENDA ITEM TITLE:** Limitations on Remote Work or Telecommuting Policies

**MEETING DATE:** June 10-11, 2021

**2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

A growing body of research, and employer experiences throughout the COVID-19 pandemic, have shown that working remotely or telecommuting increases employee productivity and reduces office costs without any negative impact on the quality of service or work performed by certain employee positions.

As NSHE institutions, as well as system administration, prepare for the systemwide office reopening on July 1, 2021, increased attention has been focused on remote work or telecommuting policies that have been or will be adopted by individual institutions. Accordingly, it is both timely and appropriate for the Board of Regents to establish systemwide limitations to govern any remote work or telecommuting policy.

This agenda item proposes a new policy be adopted by the Board and set forth in a new section as Title 4, Chapter 4, Section 51 of the Board of Regents Handbook. This new section will primarily establish that any remote work or telecommuting policy (1) cannot reduce or impede the quality of service or instruction provided to students, co-workers, and the community, (2) is a privilege (not a right) limited to certain positions pursuant to a supervisor's discretion, (3) can be amended or revoked, (4) may not constitute a basis for any grievance, reconsideration, or appeal (5) and must comply with all other applicable Board policies.

**3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Approve the new policy and Handbook section as drafted.

**4. IMPETUS (WHY NOW?):**

Offices and campuses throughout NSHE will re-open on July 1, 2021.

**5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:**

Not Applicable to NSHE Strategic Plan Goals

**INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL**

N/A

**6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

A new policy and section in the Handbook placing limitations on remote work and telecommuting policies will achieve the following:

- Establish consistent systemwide parameters and guidelines that will govern all institution policies;
- Mandate that no policy may impede the quality of service or instruction to any student, co-worker, or member of the public;
- Recognize that only certain positions may qualify for remote work or telecommuting;
- Clarify that any policies do not establish any new employee rights and entirely discretionary; and
- Provide that any policies must comply with all other applicable policies and procedures.

**7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

Some may want limitations that are more relaxed or strict.

**8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

N/A

**9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:**

The Chancellor's Office recommends that the Board approve the new policy and section as drafted.

**10. COMPLIANCE WITH BOARD POLICY:**

Amends Current Board Policy: Title 4, Chapter 3, Section 51 (New Section)

Fiscal Impact: Yes No X

Explain: N/A

## **POLICY PROPOSAL**

### **Title 4, Chapter 3, *new* Section 51**

#### **Limitations on Remote Work or Telecommuting Policies**

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

#### **Section 51. *Limitations on Remote Work or Telecommuting Policies***

***Any policy enacted by an institution or system administration that authorizes an employee to work remotely or telecommute for a temporary or extended period of time must advance the institution's mission and shall not reduce or impede the quality of instruction or service provided to students, co-workers, and the community.***

***Working remotely or telecommuting is not a right. It is a discretionary privilege, and if approved by a supervisor, it is subject to conditions on a case-by-case basis that may be amended or revoked. Not all positions will be eligible for working remotely or telecommuting, as some positions by their nature and responsibilities require daily in-person presence and interaction. Denial of an employee's request to work remotely or telecommute shall not be subject to any grievance, reconsideration, or appeal. Any policy developed pursuant to this Section must comply with all applicable policies and procedures set forth in the Board of Regents Handbook, the Code, and the Procedures and Guidelines Manual.***