



University of New Mexico (UNM)
Remote and Telecommuting Guidelines for Staff
In-State Residents Only
Effective Aug. 2, 2021

OVERVIEW

Telecommuting is an alternative work arrangement that allows an employee to perform all or part of their work away from a UNM worksite within the state of New Mexico. With appropriate approvals, UNM considers telecommuting/remote work to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs, but not for others. It is not an entitlement, and in no way changes the terms and conditions of employment with the University or any collective bargaining agreement, if applicable.

These guidelines describe the terms for remote work/telecommuting to assist leadership in assessing whether an alternative work arrangement is suitable for their department(s) or particular employees in their department(s). Leadership at the Dean/VP levels are encouraged to review these guidelines and communicate expectations for remote work/telecommuting that will provide equitable use across departments while maintaining business continuity. The specific conditions will be defined in the Remote Work/Telecommuting Agreement that is developed by the employee and the supervisor and approved by the department chair/director.

The following are work categories defined by work site/location:

- Standard Work – Employees whose regular work location is a UNM worksite.
- Telecommuting (working part-time off-site) – Provides employees and supervisors with requirements for established telecommuting work arrangements, including eligibility, work schedules, availability, communication, and worksite safety.
- Remote Work (working full-time off-site) – Provides employees and managers with requirements for established remote work arrangements, including eligibility, work schedules, availability, communication, and remote worksite safety.
- Situational Telecommuting (e.g. Pandemic Situation) – Provides employees and supervisors with expectations and requirements for working remotely without a pre-established Remote Work/Telecommuting Agreement for In-State Staff (“Agreement”). Duties and assignments, communication, work environment, safety, equipment, and reimbursable expenses are all items to be addressed between the employee and supervisor at the time situational telecommuting is needed.

DEFINITIONS

- UNM Worksite: Physical UNM campus or a UNM-designated location.
- Employee Regular Worksite: Primary worksite location at which the employee is expected to perform their work.
- Telecommuting: Working off-site, within commuting distance to the UNM worksite, that is part of an established arrangement that allows an eligible employee (whose regular worksite is at a UNM worksite) to work on a regular, part-time basis at an alternate location other than a UNM worksite.

The arrangement can be a set schedule or variable/upon request (describe variable schedule in the Work Plan section of Agreement). Telecommuters may be provided a temporary or permanent work location or may be asked to reserve a space/office at the UNM worksite.

- **Remote Work:** Working off-site, within the state of New Mexico, that is part of an established arrangement that allows an employee to work entirely at an alternate work location other than a UNM worksite. Remote work can occur anywhere in the state of New Mexico. In most situations, remote workers will not have an assigned UNM worksite.
- **Situational Telecommuting:** Working off-site as determined by UNM and is NOT part of a previously established alternative work arrangement. In the event of circumstances in which conditions for remote work or telecommuting agreements are not feasible (e.g., a pandemic, natural disaster, strike, etc.), staff employees will follow UNM Situational Telecommuting Guidelines. Situational telecommuting can also be used for occasional incidental remote work for a few days and approved by the supervisor.

ELIGIBILITY

A remote work/telecommuting arrangement may be approved for an exempt or non-exempt staff employee. The opportunity is at management's discretion and must take into consideration numerous factors, including the job/position, nature of the work performed, operational needs, impact on the department and employee performance. Telecommuting/remote work arrangements may be approved under the following circumstances:

- **Voluntary** – employee who works voluntarily away from the UNM worksite to perform all or part of their work. Management approval is required and considered on a case-by-case basis, subject to business need when both the employee and the job are suited to such an arrangement.
- **Required** – employee who is required by the department to perform all or part of their work away from the UNM worksite. Telecommuting/remote work is mandatory for the employee and may commence at hire when the job posting advertises accordingly, and is in effect until other work arrangements are required and approved by management.

PROCESS FOR ESTABLISHING A TELECOMMUTING/REMOTE WORK ARRANGEMENT

- **Self-Assessment:** This is a tool completed by the employee, which allows the supervisor/manager to evaluate the employee's compatibility for remote work/telecommuting. The supervisor should evaluate the responses and discuss the responses as part of the decision process. This form is a tool only and is intended to promote a discussion for remote work/telecommuting. It does not need to be attached to the Remote Work/Telecommuting for In-State Staff Agreement.
Access the [Remote Work/Telecommuting Self-Assessment form here](#).
- **Remote Work/Telecommuting Agreement for In-State Staff:** The form has been implemented through Adobe Sign and will route for signature approval as entered by the form-filler. It is recommended the employee and supervisor develop the agreement together prior to submitting the agreement form.
Access the [Remote Work/Telecommuting Agreement for In-State Staff here](#). A copy of the signed Agreement is submitted to Human Resources for the employee's personnel file.

POLICIES

Remote work/telecommuting does not change the conditions of employment or applicability of University policies. The employee will agree to abide by all UNM policies and procedures, including collective bargaining agreements regarding overtime, holidays and annual and sick leave just as they would if working at the regular UNM worksite.

UNM STAFF REMOTE WORK/TELECOMMUTING AGREEMENT

A Remote Work/Telecommuting Agreement for In-State Staff may be completed when a supervisor requires, suggests, or when the employee requests an alternate worksite arrangement. The employee and supervisor jointly develop the Remote Work/Telecommuting Agreement for In-State Staff that outlines specific conditions and agreed-upon work arrangements. It is at the discretion of the supervisor and department chair/director and is subject to ongoing review. Many university services are still directed toward students who are seeking an in-person experience. With that in mind, supervisors will need to consider many factors when approving remote work and telecommuting arrangements, including:

- Evaluation for equitable program participation, which include:
 - Impact to operational/business needs;
 - office coverage;
 - equitable distribution of work;
 - number of employees requesting remote work/telecommuting;
 - days and times requested for remote work/telecommuting.
- The position has tasks which are portable and can be performed away from the main worksite.
- The employee has a minimum performance rating of “successful” in the previous year.
- The employee is a successful performer, works independently and does not need to be on campus for meetings with campus staff/PIs or internal meetings on a daily basis. If personal contact is intermittently required, the supervisor must outline how the employee can meet the requirements for necessary face-to-face contact required by the job.
- The employee has the requisite technical skills and has a designated space at the off-site location which would be necessary for the completion of tasks. By ‘requisite technical skills,’ the employee must be able to access all needed applications and data, and be able to accomplish basic trouble-shooting from the off-site location.
- Work of the position can be monitored with quantifiable tasks; quantity and quality should be measured as is currently being done in the office; for non-quantifiable or project-oriented tasks, measuring normally involves: establishing the nature and objective(s) of the tasks; setting a deadline or due date; and setting progress or status report/meeting dates.
- It is expected that if the off-site internet connection will be down for more than two hours, the employee will travel to the campus location. Travel time is not counted as work time.
- Consideration may include approved accommodation requests.

An Agreement may be voluntary or a requirement of the position, which may be subject to modification or termination at any time based on performance, operational or business needs and may be withdrawn or terminated with approval or by the department chair/director. Every effort will be made to provide a minimum of two (2) weeks’ notice prior to modification or termination of an agreement.

Human Resources is committed to providing reports to assist with keeping you informed about those staff on remote work/telecommuting agreements within your unit. The reports will be accessible to your HR Agents as needed to assist you with monitoring and tracking employees on remote work/telecommuting agreements.

WORK SCHEDULE

The employee will maintain regularly-scheduled and approved work hours as agreed upon in the Remote Work/Telecommuting Agreement and will be fully accessible during those hours. This includes exempt employees who will be available during specific agreed-upon work hours, typically during core business hours.

Work schedules are subject to ongoing review, and changes are at the supervisor’s discretion (in a manner that meets the specific requirements of the department and whenever possible that meets the

needs of the employee). Any requests by the employee for changes to an approved schedule or alternate work location must be reviewed and approved by the supervisor in advance. Employees may be required to work at the UNM worksite or temporarily revise the work schedule for business continuity reasons (i.e. attend meetings, trainings, workforce coverage, etc.) at the discretion of the supervisor.

While telecommuting/remote working, the employee is expected to maintain a presence using agreed-upon technology and to be available to their supervisor, coworkers and customers with the same response times and available hours as if at the regular UNM worksite.

Non-exempt employees must not work overtime without prior approval from their supervisor and are required to accurately report work hours and strictly adhere to required rest and meal breaks in full compliance with UNM policies, relevant collective bargaining agreements, and federal, state and local guidelines.

DUTIES AND ASSIGNMENTS

While remote working/telecommuting, the employee is expected to maintain the same productivity, performance, communication and responsiveness standards as if working at the regular UNM worksite.

The employee and supervisor will establish an agreed upon work plan outlining general remote work/telecommuting applicable standards (e.g. variable schedules, communication requirements, office coverage, electronic meeting protocols, shared office space, how assignments will be received and returned, phone coverage and reporting in to the supervisor).

The employee's job responsibilities, standards of performance and performance reviews remain the same as if working at the regular UNM worksite. The supervisor reserves the right to assign other appropriate work, as necessary, at any worksite.

WORKING ENVIRONMENT

While remote working/telecommuting, the employee is responsible for ensuring a worksite environment suitable for accomplishing their regular job duties during scheduled hours of work and, if applicable, arranging for appropriate dependent care.

When developing a remote work/telecommuting arrangement, supervisors should consider the availability of UNM worksite space and technology that will provide capabilities at the UNM worksite for a remote work/telecommuting employee to join department meetings and communicate with coworkers.

SAFETY

The employee is responsible for completing a Self-Certification Safety Checklist and maintaining a safe and secure work environment, including maintaining the alternate worksite in an ergonomically sound manner. The employee is responsible for reviewing resources that provide information on a safe and ergonomically sound work environment at <https://ehs.unm.edu/occupational-safety/ergonomics.html>.

The University's liability for job-related accidents will continue to exist if the injury was incurred in the course and scope of the employee's job duties and during the employee's scheduled hours of work (as articulated within the Remote Work/Telecommuting Agreement) since the employee's alternate worksite shall be considered an extension of the regular University worksite.

The employee is responsible for reporting any work-related injuries to the supervisor at the earliest opportunity, and injuries will be handled in the same manner as reports of injury at a regular University worksite.

The employee will agree to hold the University harmless for injury to others at the alternate worksite. The employee may not conduct in-person work-related meetings at the alternate worksite.

EQUIPMENT AND RECORDS

The University may provide equipment, software, data, supplies and materials for use during the remote work/telecommuting assignment, based on the position requirements and within the resource limitations of the department. For most positions, the ability of the department to provide equipment capable of supporting the employee joining audio and video of web conferencing meetings with the supervisor and coworkers will be a requirement for supporting a Remote Work/Telecommuting Agreement. The employee will be responsible for ensuring that they have a reliable and secure network connection to support these activities.

If the employee will have custody of UNM-owned equipment at a location other than a UNM worksite, the items being removed must be logged on an [Employee Equipment Checkout Form](#) to ensure accurate tracking of all tagged and untagged UNM property.

University-owned equipment, records and materials may be used for purposes of University business only and must be protected against unauthorized or accidental access, use, modification, destruction, loss, theft, or disclosure. Incidental personal use is not permitted to interfere with the use of the equipment for University business or add any more than an immaterial cost to the unit reference [Administrative Policies and Procedures Manual - Policy 2500: Acceptable Computer Use](#).

The University will provide for repairs to University equipment when damage to that equipment is incurred by an employee during the course and scope of their job duties and the employee's work hours. When the employee uses personal equipment, software, data, supplies and furniture, the employee is responsible for the maintenance and repair of these items unless other arrangements have been made in advance and in writing with the supervisor.

The employee will agree to allow the University access to maintain, repair, inspect or retrieve University-owned equipment, software, data, supplies and furniture at the alternate worksite, upon reasonable notice.

All University-owned equipment must be returned to the University by the employee for inspection, repair, replacement or repossession with 14 days' written notice. The employee must agree to return University equipment, records, and materials within 14 days of termination of the Remote Work/Telecommuting Agreement.

The employee is responsible for reviewing [Administrative Policies and Procedures Manual - Policy 6020: Records Management, Retention, and Disposition](#).

REIMBURSABLE EXPENSES

Employees working from home or other alternate locations are not on travel status and not eligible for meal reimbursement. Similarly, meals taken at home or other alternate locations (or delivered) during a web conferencing business meeting are not reimbursable.

In telecommute agreements, where the employee arranges a workday to be divided into a block worked at home and a block worked at the office, separated by a block reserved for the employee to use for their own purposes, the reserved time is not compensable as travel, even if the employee uses some of that time to travel between home and the office or vice versa.

Departments will evaluate on a case-by-case basis if reimbursement is necessary for employees with specific needs that are not already met with existing resources and only allowable if the University-issued

office equipment (e.g., computer, printer, keyboard) can't be relocated or the employee does not already have personal equipment at the alternate worksite to enable them to perform their work duties. Only business-related equipment that can be returned to the University at the end of the arrangement may be reimbursed. If any item needs to be installed, charges related to the installation are the responsibility of the employee.

Employees may request UNM provided equipment. Departments have the discretion to evaluate reimbursement of costs in accordance with the below policies:

- [Administrative Policies and Procedures Manual - Policy 4030: Travel](#)
- [Administrative Policies and Procedures Manual - Policy 4000: Allowable and Unallowable Expenditures](#)
- [Administrative Policies and Procedures Manual - Policy 4320: Purchasing Goods Off Campus](#)

SECURITY

The employee will be responsible for the safety and security of all University-owned equipment, records, and materials at the alternate worksite. This includes remaining up-to-date with [Administrative Policies and Procedures Manual - Policy 2550: Information Security](#) and maintaining data security and record confidentiality in the same manner as when working at the regular University worksite.

UNM employees working with UNM data from any computer or mobile device, whether UNM-owned or personally owned, onsite or offsite, should comply with the [Working with UNM Data guidelines](#). The employee must check with their supervisor when there are specific questions about the security of information systems or data. Additionally, the employee must report any instances of loss, damage, or unauthorized access to UNM's Information Security and Privacy Office (ispo.unm.edu) and to the supervisor as soon as possible.

The employee must follow all UNM policies, including not duplicating University-owned software and adhering to manufacturer's licensing agreements. Restricted-access materials will not be taken out of the office or accessed through the computer unless approved in advance by the supervisor and department chair/director. The employee must ensure information is not disclosed in violation of FERPA, HIPAA, or other state or federal laws, regulations, or UNM policies and procedures and is responsible for reviewing University policies and guidelines for protecting information, including:

- [UAP 2000: Responsibility and Accountability for University Information and Transactions](#)
- [UAP 2500: Acceptable Computer Use](#)
- [UAP 2520: Computer Security Controls and Access to Sensitive and Protected Information](#)
- [UAP 2550: Information Security](#)
- [UAP 2560: Information Technologies \(IT\) Governance](#)
- [UAP 2580: Data Governance](#)
- [Information Privacy and Security Awareness Training](#)

OTHER

The employee will be solely responsible for any and all tax and/or insurance consequences/deductions, if any, of this arrangement and for conformance to any local laws/regulations (including but not limited to local zoning laws regulations). The University will not provide any individual guidance to the employee regarding potential tax or insurance implications arising from the Remote Work/Telecommuting Agreement nor any guidance regarding any local laws/regulations that may apply. Should the employee have any tax, insurance, or legal questions relating to remote work or routine telecommuting, the employee is encouraged to consult with his/her own legal and/or tax professional.

REFERENCES

- Fair Labor Standards Act (FLSA) and [UAP 3200: Employee Classification](#)
- Family and Medical Leave Act (FMLA) and [UAP 3440: Family and Medical Leave](#)
- Americans With Disabilities Act (ADA) and [UAP 3110: Reasonable Accommodation for Employees, Job Applicants, and Participants with Disabilities](#)
- [UAP 3630: Workers' Compensation](#)
- [UAP 3210: Recruitment and Hiring](#)
- [UAP 2520: Computer Security Controls and Access to Sensitive and Protected Information](#)
- [UAP 7730: Taking University Property Off Campus](#)
- [UAP 2500: Acceptable Computer Use](#)
- [UAP 3300: Paid Time](#)
- [UAP 3305: Overtime](#)
- [UAP 4030: Travel](#)
- [UAP 3215: Performance Improvement](#)
- [UAP 3270: Suspected Impairment](#)
- [UAP 3225: Separation of Employment](#)