

SOUTHWESTERN LAW SCHOOL

L O S A N G E L E S

Telecommuting and Remote Work Policy

Administrative policy approved June 8, 2022. Effective immediately.

Revision history: Supersedes telecommuting guidelines distributed in July 2021 and revised in Spring 2022; revised December 7, 2022 (adding reservation of rights); revised March 23, 2023 (adding notification to IT when traveling and limited remote work outside the U.S.)

Related policies: Telecommuting Programs and Early Friday Release Policy; Guidelines for Intermittent Remote Work; Guidelines for Adjusting Work Schedules; Disability and Accommodations Policy.

Scheduled Review Date: May 2024 (President and Dean's Office)

A. Policy Statement

Telecommuting and remote work allows employees to work from an alternative workplace instead of their primary location at Southwestern Law School.

This Policy applies whenever a Southwestern employee telecommutes for work, including under the "Telecommuting Programs and Early Friday Release Policy" and the "Guidelines for Intermittent Remote Work," when a pandemic or natural disaster necessitates telecommuting, as an ADA accommodation, or when a position has been designated as fully or partially remote. Employees requesting to telecommute as a reasonable accommodation for a disability should follow Southwestern's procedures for requesting reasonable accommodations.

Southwestern reserves the right to direct employees to work remotely due to public-health concerns or to advance the school's mission, programs, and goals.

B. Types of Telecommuting

- 1. Intermittent telecommuting:** Intermittent telecommuting is approved on a case-by-case basis, is infrequent, and is not for a pattern of work (e.g., once a week or a certain number of days per month). For this situation, Southwestern employees should follow the "Guidelines for Intermittent Remote Work."
- 2. Regular telecommuting:** Regular telecommuting is for ongoing remote work that is either hybrid or remote and must be supported by a telecommuting

agreement on a Southwestern-approved template. The arrangement can, subject to the termination and adjustments section of this Policy (Section F), last for a defined period or can continue indefinitely with regular review.

C. Eligibility for Telecommuting

Telecommuting may be a viable work arrangement for many positions during a crisis, such as during a pandemic or following an earthquake if campus facilities are damaged. In addition, certain jobs may lend themselves to some or completely remote work, while other jobs may not support remote work or regular remote work.

A position's suitability for telecommuting is based on operational needs and the duties and responsibilities of the position as defined in the employee's position description. Factors that must be considered in determining whether and to what extent it is appropriate for a certain position to be telecommuting-eligible include, but are not limited to, position responsibilities, impact on a department, impact on the overall program of legal education (academic and non-academic), the ability for students in all J.D. programs to access services, and accreditation requirements.

It is the responsibility of the department head, in collaboration with Human Resources, to designate positions as eligible or ineligible for telecommuting, or to set parameters on telecommuting by indicating which job responsibilities can or cannot be performed remotely. Positions that can be designated as eligible for telecommuting are those where all or a significant portion of the core responsibilities can be accomplished at an equal or higher level remotely.

Even for telecommuting-eligible positions, the department head may deny a request for telecommuting or may discontinue or alter a telecommuting arrangement for a variety of reasons, including employee performance concerns and concerns about the suitability of the employee's remote workspace—especially concerning safety and information security.

Moreover, requirements for in-person attendance on certain days or for certain events can override even regular telecommuting schedules.

D. Specific Telecommuting Guidelines

- 1. Work hours:** Unless otherwise requested in advance and approved under Southwestern's "Guidelines for Adjusting Work Schedules," an employee's regular hours and days of work will not change when the employee telecommutes. The employee is expected to perform duties and responsibilities during work hours as the employee would do if the employee were on campus. Please see Section E for additional information about non-exempt employee hours.
- 2. Performance expectations:** Performance expectations and evaluations are neither changed nor waived while an employee is telecommuting. Employees who are approved for a telecommuting arrangement must continue to abide by all Southwestern policies and procedures. In addition, expectations for timely

completion of work, meeting attendance, responsiveness to email and other communications, and other performance criteria are the same for telecommuting employees and those working on campus. Supervisors should apply the same performance standards to employees, regardless of work location.

3. **Salary and benefits:** An employee's salary will not be affected by telecommuting. Some benefits will not be available to employees who work remotely at locations outside of California.
4. **Reimbursable expenses:** Employees who telecommute may submit reimbursement requests for necessary expenses incurred by the employee directly related to the job. Reimbursement requests must include itemized documentation and be submitted to the Administrative Services Office within 30 days of the employee receiving and paying the bill for the expense. Submitting untimely requests may be a basis for discontinuing telecommuting privileges.
5. **Using a personal vehicle:** While telecommuting, an employee may not use the employee's personal vehicle for Southwestern business unless specifically authorized by a supervisor.
6. **Professional environment/dependent care:** Each telecommuting employee is responsible for establishing a work environment free of interruptions and distractions that would affect performance, professional workplace conduct, or the confidentiality of records and conversations. Employees must make regular dependent-care arrangements during telecommuting periods and understand that telecommuting is not a substitute for dependent care. In pandemic circumstances, exceptions may be made for employees with caregiving responsibilities, but the employee should disclose this circumstance to their supervisor.
7. **Virtual meeting etiquette:** Employees should keep their audio muted unless speaking and typically should use an approved Southwestern Zoom background, a blurred background, or a room divider if not in a traditional office setting. Employees should give their full attention to the meeting and avoid multitasking.
8. **Safe work environment:** Each telecommuting employee is responsible for establishing and maintaining an adequate and safe work environment and ensuring their remote workspace is free of safety hazards and other dangers. Southwestern is legally obligated to provide its employees with a workplace that is free from hazards that might cause serious harm or injury. Southwestern reserves the right to request information about or review the safety of an employee's remote workspace, including inspections of an employee's telecommuting office. In-person visits or requests to view the workspace without a blurred background will be scheduled with reasonable advance notice.
9. **Employee accessibility:** Absent a separate, approved schedule adjustment, each employee telecommuting must be available starting at 9 a.m. Pacific Time and

remain available and communicative until 6 p.m. Pacific Time (4 p.m. Pacific Time on Fridays) via phone, email, video, or another platform designated by the supervisor (e.g., Teams). Exempt employees must also be available when needed to perform their job duties, even if outside of regular business hours. A supervisor may require any telecommuting employee to complete a daily or weekly assignment log or submit a written list of work accomplished and status of assignments.

- 10. Supervisor responsibilities:** Supervisors are expected to establish procedures for effective communication, including frequency of e-mails, other electronic communication, or telephone contact. A supervisor may require a telecommuting employee to respond to certain types of communications within a set timeframe (e.g., acknowledging a Teams message within one hour, during regular business hours; acknowledging receipt of an email within a certain number of hours, etc.). The supervisor should communicate these expectations to the telecommuting employee in writing.
- 11. Equipment and supplies:** Each telecommuting employee is responsible for ensuring they have the proper equipment and supplies at home to perform their regular job duties and responsibilities. Southwestern will provide basic equipment such as a laptop and at least one monitor. An employee who needs additional supplies or equipment at home should consult with their supervisor, who may in turn consult with Information Technology regarding equipment and software requests. Supplies should be ordered through regular departmental processes. All equipment and supplies provided by Southwestern will remain Southwestern property. Employees must allow Southwestern reasonable access to its equipment and other property and promptly comply with any Southwestern request to return property or equipment to campus for inspection, repair, reassignment, upgrades, maintenance, replacement, or other work. If the employee separates or is terminated from Southwestern, the employee must promptly return all Southwestern property. The employee must sign an inventory of all Southwestern property received and agree to take appropriate action to protect the items from damage or theft. If Southwestern property is damaged or stolen, the employee must notify their supervisor immediately. Southwestern accepts no responsibility for damage or repairs to, or theft of, employee-owned equipment.
- 12. No personal use:** Southwestern equipment and supplies should not be used for personal or other purposes beyond the incidental personal use they might receive if in the office. Employees may not duplicate Southwestern software for personal use. Additionally, no other individuals may use or have access to Southwestern property, equipment, or software in the telecommuting workspace or elsewhere.
- 13. Workers' compensation/reporting injuries:** Employees who telecommute will be covered by worker's compensation insurance only for work-related injuries

incurred during the normal course and scope of their employment and job duties, including being covered only during agreed-upon work hours. Employees must report any work-related injuries to their supervisor and Human Resources immediately, but no later than 24 hours after the injury, using Southwestern's standard injury-reporting process.

14. **ADA accommodations:** An employee who needs an accommodation may contact Human Resources to file a request. The request will be evaluated according to established policy and procedures.
15. **Requesting and recording leave time:** Employees must seek advance approval from their supervisor to use sick leave (when possible and as soon as practicable if not possible in advance), vacation, time off, or other leave credits. Each employee is responsible for recording vacation, sick, or other leave as they would for a day they would normally work on campus.
16. **Southwestern policies, practices, and procedures:** All employees are responsible for complying with Southwestern policies, practices, and policies while telecommuting.
17. **Tax and insurance consequences/zoning:** All employees are responsible for tax and insurance consequences, if any, of telecommuting, and for conforming to any local zoning regulations. Responsibility for fulfilling all obligations in this area rests solely with the employee.
18. **Written telecommuting agreement:** Each employee who is approved to telecommute will be asked to sign a written telecommuting agreement that specifies the location(s) from which the employee will telecommute and confirms work hours and compliance with this Policy.
19. **Travel reimbursement:** Southwestern will not reimburse employees for expenses incurred between the employee's resident and any approved telecommuting site.
20. **Information Security**
 - a. Telecommuting employees must adhere to all applicable security procedures to ensure confidentiality and security of data. They must use only secure wifi or hotspots, even at home.
 - b. Employees must maintain all Southwestern data on a Southwestern-provided device. Southwestern data may not be transferred to personal equipment.
 - c. An employee's work computer will be used and maintained in compliance with Southwestern guidelines for uses of hardware and software, including virus-protection software, licensing provisions, system security, and passwords.

- d. The employee will protect all confidential Southwestern documents from unauthorized access. Confidential documents should be secured and not left out (whether in hard copy or on a computer screen) for non-Southwestern employees to read or access.
- e. Phone conversations and video conferences that involve the discussion of confidential information should be conducted using headphones and other measures to prevent disclosure to others present at the telecommuting site.
- f. All products, documents, and records that are used, developed, or revised while telecommuting remain the property of Southwestern.
- g. Southwestern may provide hardware and software support; however, obtaining and maintaining an internet connection is the employee's responsibility.
- h. To avoid potential access disruption to work accounts, an employee who will be traveling outside of California or the state (other than California) identified in an approved telecommuting agreement should notify IT at least 3 business days in advance by emailing ithelp@swlaw.edu, with a copy to their supervisor, and providing the location (state or country), expected travel dates, and trip duration.

E. Non-Exempt Employees

Employees and supervisors must comply with all timekeeping and overtime regulations defined by state or federal law and Southwestern policy. Overtime-eligible employees must seek advanced written approval from their manager to work overtime.

Southwestern employees may perform job duties using a variety of electronic communications, depending on the nature of the work and responsibilities involved including cellphones and laptop computers. As with other types of authorized work, all time spent by non-exempt employees using electronic communications for work purposes will be considered hours worked; the time is compensable and will count toward overtime eligibility as required by law. Therefore, to avoid incurring unnecessary expenses, non-exempt employees should not check for, read, send, or respond to work-related emails or other communications outside their normal work schedules unless specially authorized based on job duties or expressly directed by their supervisor to do so.

Non-exempt employees are required to accurately record all hours worked using the Infinity system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee's supervisor. Non-exempt employees must take their scheduled one-hour meal break and required rest periods each workday and must obtain advance, written permission from their supervisor before working unscheduled overtime hours. Failure to comply with this requirement may result in the immediate termination of telecommuting privileges.

F. Terminating or Adjusting an Approved Telecommuting Arrangement

Southwestern may unilaterally discontinue or adjust an employee's ability to telecommute. Southwestern will endeavor to provide at least 30 days' notice that a telecommuting arrangement will be terminated or adjusted. However, situations may arise where little or no notice may be possible.

An employee who has been granted the ability to telecommute may return to fully on-campus work with the permission of the supervisor and Human Resources but should provide at least one business week for the conversion.

An employee must seek written approval to work from a location other than the one in an approved telecommuting agreement if they intend to work from the other location for more than 30 days. Any telecommuting employee who plans to work outside of California or outside of the United States for more than 30 days must obtain advance, written permission from their supervisor and Human Resources. Requests to work outside of California or the United States should be submitted at least 30 days in advance, except in emergency circumstances, and then as far in advance as possible. Southwestern will not approve a request to work outside of the United States for more than 30 days unless (i) the work is related to a Southwestern program or activity or (ii) the request is from a faculty member and has been approved by the President and Dean.

G. Consequences of Violating This Policy

Violation of this Policy may result in disciplinary action, up to and including termination or revocation of telecommuting privileges or of employment. All questions regarding this Policy should be directed to the Administrative Services Office at administrativeservices@swlaw.edu or (213) 738-6800.

H. Policy Revisions

Southwestern reserves the right to change or modify any aspect of this policy and the related protocols at any time with or without prior notice.