



BOARD OF EDUCATION POLICY

**TELEWORK DURING EXTENDED TECHNOLOGY CENTER CLOSURE
OR FOR INTERMITTENT USE**

THIS POLICY SHALL BE IN EFFECT WHEN TECHNOLOGY CENTER SITES ARE CLOSED FOR AN EXTENDED PERIOD DUE TO EXIGENT CIRCUMSTANCES OR WHEN INTERMITTENT TELEWORK ARRANGEMENTS ARE WARRANTED; THESE PROCEDURES WILL NOT BE USED WHEN THE TECHNOLOGY CENTER IS OPEN FOR IN-PERSON INSTRUCTION EXCEPT AS DETERMINED NECESSARY BY THE SUPERINTENDENT.

The board of education, while preferring that all technology center employees perform their work duties at their Primary Work Locations, does recognize that under certain extenuating circumstances it may be necessary to require or authorize some technology center employees to work from an alternative work location.

The purpose of this policy is to ensure the technology center is able to effectively continue educating and serving its students when it is required to temporarily close technology center work sites for an extended period due to extenuating circumstances, including, but not limited to, pandemic health emergencies and closure orders from federal, state, or local authorities or when the Superintendent determines that intermittent telework arrangements are necessary and meet technology center needs.

Definitions

- **Technology Center Work Location:** A location, either on or off technology center property, to which a Teleworking Employee must physically report to complete a task or work assignment by his/her supervisor.
- **Primary Workplace:** The Teleworking Employee's usual and customary workplace or work site.
- **Telework/Teleworking:** A flexible work arrangement in which the superintendent or designee directs or allows Teleworking Employees to perform their essential job functions at pre-approved Telework Locations in accordance with their same performance expectations.
- **Telework Employee(s)/Teleworking Employee(s):** technology center personnel who have been authorized by technology center administration to Telework during a Telework Event to produce an agreed upon work product and/or complete work-related duties.
- **Telework Event:** A potentially recurring situation during which time designated employees may Telework in lieu of physically reporting to their Primary Workplace.

- **Telework Location:** A work site or space not owned or leased by the technology center, but which is an approved location from which Teleworking Employees may perform their assigned job functions, which can include an employee's home. A Telework Location is one which is safe, secure, free of undue distractions, adequately equipped to allow the Teleworking Employee to complete assigned work tasks and duties, and one which allows the employee to be immediately available and accessible by electronic or telephonic communication means during regular work hours and any other assigned or designated hours (e.g., required office hours pursuant to any virtual or distance learning policy).

Generally

In circumstances which necessitate extended cessation of in-person instruction and/or closure of some or all technology center work sites, the technology center considers Telework to be a viable alternative work arrangement for the delivery of instruction and services to students from designated instructional employees and support staff. Therefore, under certain circumstances, the board of education (board) delegates authority to the superintendent or designee to designate employees, individually or collectively, who may or must Telework until further advised.

Teleworking, in part or whole, will continue as an acceptable work arrangement as long as, in the superintendent's sole discretion, such conditions continue to exist which necessitate the use of Teleworking as a means to deliver instruction and/or services to students. The superintendent will consider local, state and/or federal guidance related to the Telework Event when making this determination.

The decision of whether Telework is appropriate or required for a particular employment position is at the sole discretion of the superintendent. The superintendent or designee is authorized to establish any necessary guidelines or procedures to be used in identifying suitable work positions and employees who are eligible to Telework and may require any employee to Telework or not Telework. Teleworking arrangements may be discontinued at any time with reasonable advance notice.

Telework may be appropriate for some employment positions and employees; however, Teleworking is not an entitlement. Telework may be denied to certain employees at the sole discretion of the superintendent or designee, and any such denial is not appealable to the board. The superintendent's discretion under this policy shall, in compliance with federal and state antidiscrimination laws, be exercised in a non-discriminatory manner.

Notwithstanding the provisions above, if the assignment or denial of Telework to an employee effectively results in a demotion, suspension, or termination, this policy shall not prevent a qualified employee from exercising due process rights under the technology center's policies related to that demotion, suspension or termination.

Not all employees may be eligible for Teleworking. Employees who may not be eligible to Telework can include, but are not limited to, those employees that are identified as emergency personnel, members of critical infrastructure pursuant to any federal or state order, or employees whose physical presence at their Primary Workplace is essential to the performance of their duties (e.g., food service, maintenance, administrative personnel, etc.). If an employee

is not eligible for Telework and the employee is unable to work during assigned hours, the employee may be required to take any available accrued leave, whether paid or unpaid, in compliance with relevant technology center leave policies, unless the employee is eligible for other state or federal leave benefits available at the time.

Neither this policy, nor the procedures outlined herein, are intended to and do not confer additional employment rights on any technology center employee, including the right to Telework or be assigned to a position that is eligible for Teleworking under this policy.

Telework Location Approval

Any and all telework locations must be approved prior to the employee beginning telework assignments.

All teleworking employees must be available with reasonable advance notice to report to the technology center worksite location at all times during work hours unless a health consideration exists.

Conditions of Telework

Employees may not Telework on a full-time, permanent basis.

Employees who Telework via electronic means must be computer literate and have access to a pre-approved, appropriate Telework Location, along with the required computer and telecommunications resources necessary for completion of work responsibilities. Technology center-owned software may be installed on a Telework Employee's personal computer equipment in compliance with and subject to applicable software license agreements and must be removed from the employee's personal electronic equipment upon direction by technology center Administration. In all cases, if an employee separates from the technology center for any reason, all technology center software must be removed from the employee's personal electronic equipment.

Employees must seek prior approval to remove district-owned technology or equipment, except portable computing devices, from the pre-approved telework location. Absent approval, teleworking employees may not remove technology center technology or equipment from the pre-approved telework location for any reason.

Teleworking Employees must be available by phone and email during their regularly-scheduled work hours and during any alternate or staggered schedule hours as necessary under the circumstances and assigned by the employee's supervisor (e.g., scheduled office hours pursuant to any virtual or distance learning policy). Attendance at the employee's Primary Workplace for mandatory on-site meetings, training sessions, or other official technology center business activities is required when scheduled by the technology center.

All technology center and professional standards of performance and conduct that apply in the employee's Primary Workplace continue to apply at Telework Locations. Furthermore, employees shall adhere to all technology center policies, rules, and regulations while Teleworking, unless specifically preempted pursuant to this policy. Employees with questions

as to how a specific policy or procedure will be effective in the Telework environment should contact their direct supervisor for guidance.

The technology center may, but is not required, to give the employee a list of directives regarding teleworking in relation to this policy. Any work-related injuries that occur while the employee is teleworking must be reported to the technology center.

Impact on Salary and Benefits

- Any change in salary and hourly pay or benefits will be done in accordance with Oklahoma law. Teleworking employees unable to Telework due to illness or other reasons should contact their supervisor in accordance with technology center leave policies.

Teleworking as an ADA Accommodation

This policy does not apply to employees who Telework as an accommodation under the Americans with Disabilities Act (ADA). Should the technology center determine that Teleworking is a reasonable accommodation under the ADA and does not impose an undue burden on the technology center, the technology center and employee shall follow the technology center's applicable ADA accommodations procedures and policies with respect to such accommodation.

Reference: 29 U.S.C. 201–209; 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35