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RESPONSIBLE OFFICER Vice President for Human Resources		ADMINISTRATIVE OFFICE Division of Human Resources

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PURPOSE

This document establishes a telecommuting program for staff and administrators within the University of South Carolina pursuant to Section 8-11-15 (B) of the South Carolina Code of Laws, as amended. Section 8-11-15(B) of the South Carolina Code of Laws permits the university to “use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.” Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for the university and the taxpayers.

DEFINITIONS

Alternate Workplace – A workplace other than the employee’s usual and customary workplace (primary workplace) and may include the employee’s home. The alternative workplace is not a University of South Carolina office location.

Primary Workplace – The telecommuter’s usual and customary workplace. The University of South Carolina office location to which the employee is assigned. For employees who primarily work in the field, or who are full-time telecommuters, the primary work location should still be the University office.

Telecommuting Agreement – The signed documents that outline the understanding between the university and the employee regarding the telecommuting arrangement.

Telecommuter – An employee who has an approved telecommuting agreement during which they are expected to work at an alternate workplace rather than the primary workplace.

Telecommuting – A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with a work agreement. Also known as remote work. Work from home on days when the office is closed due to hazardous weather OR field work where employees work at client or customer locations throughout the workday except for incidental and de minimis times where the employee needs to work from home or an alternate work location does not constitute telecommuting.

Telecommuting Coordinator – The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program.

POLICY STATEMENT

The President has the authority to establish a telecommuting program within the institution, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting and Remote Work Policies and Procedures established by the South Carolina Department of Administration's (Admin) Division of State Human Resources (DSHR). The President or his designee has the ability to set the work schedule and work location for institution employees subject to the requirements set forth in the South Carolina State Government Telecommuting and Remote Work Policies and Procedures regardless of whether an employee telecommutes or not.

If the University intends to allow regular telecommuting for any employees, in addition to this policy, a telecommuting plan must be approved by DSHR prior to the institution allowing telecommuting. DSHR reserves the right to revoke the approval of a telecommuting plan for any University found out of compliance with its approved telecommuting plan or if telecommuting is found to be adversely affecting the quantity or quality of work at the agency. If this occurs, employees within the institution will not be permitted to continue regular telecommuting arrangements.

Telecommuting is a management option and not a universal employee benefit or right. Telecommuting may not be suitable for all employees and/or positions. It does not change the basic terms and conditions of employment. The decision to allow an employee to telecommute is solely at the discretion of the university. The university may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.

The decision to allow telecommuting should be based on clearly defined and measurable benefits for the institution.

Selection and approval for telecommuting must be done in a non-discriminatory manner that does not violate state and/or federal law.

Columbia Campus Specific Criteria:

Telecommuting for the Columbia campus must also follow the [Telecommuting Guidelines](#).

The Division of Human Resources may grant exceptions to portions of this policy. Departments and divisions must contact the university Telecommuting Coordinator in the Office of Employee Relations to request such exceptions.

Types of Telecommuting

Periodic: Remote work that is intermittent and short in duration. Periodic telecommuting arrangements include short-term projects or specific work assignments that require uninterrupted time to complete. This type of telecommuting does not require a formal telecommuting agreement. The supervisor must document approval of the periodic, intermittent telecommuting arrangement in writing with the employee. Periodic telecommuting arrangements are not to exceed 30 days in a six-month period. Departments should utilize regular or reoccurring agreements for instances where consecutive or frequent assignments of this nature may occur. These telecommuting arrangements must be reported to the USC Division of Human Resources.

Temporary or Emergency: Remote work that may be used during short-term illness other similar unplanned emergent events. This type of telecommuting does not require a formal agreement but requires verbal agreement between the employee and the supervisor. These arrangements should be limited to the duration of the short-term illness or other similar unplanned emergency events. These telecommuting arrangements must be reported to the USC Division of Human Resources.

Supervisors are to exercise judgment in determining if the nature of the event will allow the employee to focus on their job duties and if the employee can perform the essential functions of their position remotely. As an example, in the case of a short-term illness, employees must be well enough to fully concentrate on their job duties and cannot be under the influence of any medications that would inhibit their ability to mentally focus.

Temporary telecommuting arrangements for natural disaster or pandemic health crisis require university approval.

Temporary telecommuting agreements are not to exceed 30 days in a six-month period. Longer periods of telecommuting are considered Regular Telecommuting and must be covered by a telecommuting agreement or, if appropriate, through an ADA accommodation.

Regular Telecommuting: Remote work that Happens every week unless operational needs change and may be full-time or part-time, such as one or two days a week, or parts of each workday. This type of telecommuting arrangement requires a Formal Telecommuting Agreement, and the time telecommuting must be tracked. Regular Telecommuting is limited to no more than two days per week. Telecommuting for more than two days per week may only be permitted if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. An employee is not permitted to telecommute on: (1) both Monday and Tuesday; (2) Thursday and Friday; or (3) Friday and the following Monday as part of a regular telecommuting arrangement.

Hybrid: A remote work arrangement with work time scheduled in both the primary workplace and alternate workplace, where time worked remotely is less than 100 percent.

Fully Remote: A remote work arrangement which expects the employee to work from the alternate workplace 100 percent of the time, except when required to report to the primary work location for departmental meetings, trainings and other situations whenever deemed necessary by a supervisor.

A. Formal Telecommuting Agreements

Telecommuting agreements are based on the needs of the university, the department or unit, and the employee.—Once an agreement is in place, the employee may not terminate the agreement without approval by the supervisor.

Generally, an employee's participation in telecommuting is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the Division of Human Resources. The President may, however, designate a position as telecommuting only, if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. In this case, telecommuting would not be voluntary.

For formal telecommuting arrangements, the primary workplace is the university office location to which the employee is assigned. The alternative workplace is the employee's telecommuting work address. The employee will work at the primary workplace or the approved alternate workplace, and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement, and other appropriate disciplinary action.

If an employee is approved to designate an alternate workplace outside of South Carolina, it is the responsibility of the employee to notify the Payroll Office and to ensure appropriate taxes are withheld. Under no circumstances may an employee conduct work from a location outside of the state of South Carolina unless specific prior approval is received from their supervisor and Human Resources and the President or designee. No staff may perform work at a location outside of the United States.

Prior approval from Talent Acquisition is required before any out-of-state posting is advertised or posted to USC jobs. Postings should remove remote work opportunities as a benefit on postings.

The employee may be required to report to the primary workplace without advanced notice, upon request by the university.

A formal telecommuting agreement must be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the telecommuting agreement changes. Telecommuting agreements are not transferable from one

position to another.

PROCEDURES

A. Telecommuting as a Reasonable Accommodation

Telecommuting may be considered a reasonable accommodation under the Americans with Disabilities Act (ADA).

To be covered under the ADA, the employee must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

When notified of a need for an accommodation, the department or unit must notify Employee Relations. An Employee Relations representative shall initiate the interactive process with the employee to determine the type of accommodation needed.

All accommodation requests that request telecommuting as an accommodation must go through Employee Relations for the interactive process.

To determine if any or all job duties can be performed at an alternate workplace, the supervisor must ensure that all essential functions of the position have been identified and consideration given to the feasibility of telecommuting on a full-time, part-time, or intermittent basis.

The university may waive certain telecommuting eligibility requirements, modify the telecommuting policy, or waive or modify other workplace policies to allow an employee with a disability to work remotely as a means of reasonable accommodation. Employees will not be permitted to telecommute as an accommodation if telecommuting prevents the employee from performing the essential job functions of their position or causes undue hardship to the department or unit.

While telecommuting may be a possible accommodation, the university is not obligated to allow telecommuting. If another reasonable accommodation is appropriate and effective, the university has the right to deny the request to work remotely even if this is the accommodation preferred by the employee.

If telecommuting as a result of an ADA accommodation, a formal agreement is not required and will **not** be entered into the Remote Worker tile in HCM. A telecommuting accommodation approval and details will be maintained by Employee Relations.

B. Formal Telecommuting Agreements.

1. Employee Eligibility and Selection/Approval Criteria

- a. The department should identify job classes or positions with duties considered appropriate for telecommuting. If only some duties are appropriate for telecommuting,

a schedule where the employee works part of their time out of the office may be an option. It is not necessary that every employee in these job classes or position be allowed to telecommute. This decision will be based on various factors:

- i. Needs of the department/unit and the employee;
- ii. Employee's work duties and the ability to measure or assess work performed;
- iii. Availability and costs of needed equipment;
- iv. Employee's current and past job performance, as documented in performance evaluations, including time management, organizational skills, self-motivation, and the ability to work independently;
- v. Assessment of other employees in the immediate work unit performing similar responsibilities to determine interest;
- vi. Effect on the provision of services and on the remaining employees of the unit or department;
- vii. Measurable objectives and results mutually agreed to by the employee and the supervisor;

If on the Columbia campus, it is compliance with the [Telecommuting Guidelines](#); and

- viii. Other items deemed necessary and appropriate.
- C. The President and their Executive Staff are not permitted to telecommute. This includes Deputy Directors, Division Directors and managers or supervisors who report directly to the President and anyone else who reports directly to the President.
- D. Employee subject to a warning period of substandard performance or performance improvement plan or those who were recently subject to disciplinary action are not eligible for telecommuting.
- a.
- E. To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with the University. This requirement may be waived if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee.
- a.
 - b. Initiation of a telecommuting agreement must be completed by the employee through the Remote Worker tile in HCM and go through the workflow for review and approval.
 - c. A specific position may be designated as telecommuting only. In this case, telecommuting is not voluntary, but is a condition of employment.
 - d. The Telecommuting Agreement must be approved in HCM prior to the employee beginning the telecommuting program.

- e. The Telecommuting Agreement must be reviewed and updated as conditions change but at minimum the agreement will be renewed annually.

2. Conditions of Employment

- a. The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the employee's USC office workplace. The telecommuter's supervisor may, however, assign additional duties related to communication, work progress and productivity. The employee will continue to comply with all federal laws, state laws, and university policies and procedures while working at the alternate workplace. The employee remains subject to all university disciplinary policies and procedures while performing work at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.
- b. Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.
- c. The employee will be compensated for all time worked to include overtime, if applicable, leave, and travel in accordance with the provisions of the FLSA and university policy HR 1.84 Minimum Wage, Official Workweek, and Overtime Compensation.
- d. Travel expenses relating to commuting between the university and the employee's alternate workplace are not reimbursable travel expenses. Qualified travel is a reimbursable expense when the employee telecommutes full-time. Required work hours, compensatory time, performance evaluations, and leave benefits will not change as a result of telecommuting.
- e. Requests to work overtime, accrual of compensatory time, or use of sick, annual, or other leave must be approved in the same manner as when the employee works at the primary workplace and are subject to the same rules and regulations.
- f. An employee shall not work overtime unless authorized in advance by their supervisor or otherwise authorized by university policy HR 1.84 Minimum Wage, Official Workweek, and Overtime Compensation.
- g. The actual work schedule of the telecommuter will be determined by the supervisor, department chair and/or dean/director and will be documented in the Telecommuting Agreement.
- h. The university must be able to contact the employee by telephone and email during the scheduled work hours.
- i. If the employee works less than the employee's normal workweek, salary and benefits must be adjusted accordingly.

- j. Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.
 - k. Telecommuters are expected to be working and focused on the performance of their job duties during all work hours. Telecommuters may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Telecommuting is not a substitute for childcare, dependent care or other personal responsibilities. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for an ill household member or other person. Telecommuters are expected to follow University leave policies and procedures to request time off from telecommuting to engage in non-work activities.
 - l. Telecommuters are responsible for maintaining the confidentiality and security of any information created or accessed via telecommuting arrangements and for adhering to the university rules, policies and procedures regarding security and confidentiality for the computer, its data and information including sensitive data such as protected health information (PHI) under HIPAA and personally identifiable information (PII) protected under FERPA, confidential university information and any other data to include paper files used in the normal course of work. This includes keeping such information in a secure place (lock and key) and/or the computer properly locked to prohibit unattended access.
 - m. Working hours cannot coincide or overlap with any other type of employment. Regular communication through weekly or monthly meetings, teleconferencing, or in-office days is required. The employee may be directed to report to the primary workplace on a scheduled or an as-needed basis. The intervals and the means by which the telecommuting employee should check-in with their supervisor must be documented in the Telecommuting Agreement (i.e., frequency of face-to-face meetings, expected response times, standards of conduct for video conferencing, deliverables, status report on a weekly/monthly basis).
 - n. A supervisor may require a test period of up to 6 months to evaluate the success of the telecommuting arrangement.
3. Designating the Alternate Workplace
- a. The employee must agree to designate a separate workspace in the alternate workplace for the purposes of telecommuting and maintain this area in a safe condition, free from hazards and other dangers to the employee, the university's equipment, and confidential information.

- b. To ensure the safety of the workspace, the employee agrees to complete the Safety Checklist included in the Telecommuting Agreement prior to the employee beginning the telecommuting program. It is the employee's obligation to ensure the safety of the offsite workspace and compliance with all health, safety, and confidentiality requirements. The employee should consult with the university before moving any heavy equipment or furniture in the alternate workplace.
- c. The employee agrees that the university shall have reasonable access to the designated offsite workspace for all reasonable purposes, including but not limited to inspection of the space, supervision of the employee, and retrieval of university-owned property and information.
- d. No employee engaged in telecommuting will be allowed to conduct face-to-face, university-related business at the alternate workplace except for those employees with a primary work location designated as offsite as a condition of employment or as required in paragraph B.3.c. The employee will be liable for injuries or damages in the alternate workplace to the person or property of third parties or any members of the employee's family and agrees to indemnify and hold the University harmless from any and all claims for losses, costs, or expenses asserted against the University by such third parties or members of the employee's family..
- e. The employee understands that the university will not reimburse the cost of designated workspace expenses for telecommuters, including but not limited to rent, heat, water, electricity, insurance, or any other incidental costs (e.g. cellphone or internet).
- f. It is the responsibility of the employee to review any applicable lease documents, insurance documents, and zoning regulations to ensure a home office/ home workspace is permitted.

4. Workers' Compensation

The offsite workspace, as approved, is considered an extension of the employee's USC office work location; therefore, workers' compensation benefits will continue to exist for the employee when performing official work duties in the defined, offsite workspace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately, and the employee must complete all necessary or management requested documents regarding the injury.

5. Equipment Information

The university may provide all or part of the equipment necessary for accomplishing work assignments, as determined by the appropriate authority. However, where agreements specify, employees may be authorized to use their own equipment.

- 6. Telecommuting employees must abide by the university's policies concerning information security, software licensing and data privacy. All official university records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace whenever requested by the university. The employee agrees to abide by any university rules concerning computer equipment

(including protecting personal computers against “viruses”), agrees to follow university procedures for network access and to take all necessary steps to protect the integrity of the systems. Specific guidance regarding security for remote access is provided at: https://sc.edu/about/offices_and_divisions/division_of_information_technology/security/policy/index.php

a. State-Owned Equipment and Documents

- i. The university established security controls and conditions for use of the state-owned equipment for the primary workplace will also apply to the alternative workplace.
- ii. Data must be backed up to the university network on a regular basis to ensure the university has records, particularly as required for State and federal grants and other record keeping requirements.
- iii. Telecommuting employees must abide by University Purchasing and Accounting policies, to include obtaining appropriate advance approval, for all purchases and expenditures incurred for telecommuting equipment or services. The Telecommuting Agreement will be required as documentation for purchases and expenditures related to telecommuting and must be attached to all transactions.
- iv. Support, maintenance, and repair of university-owned equipment will be performed only by a university authorized technician. The employee will be responsible for notifying the supervisor and bringing the equipment to the employer-designated repair location. Necessary maintenance and repairs on university-owned equipment will be performed at the university's expense. The telecommuting arrangement may be suspended/modified until functioning equipment is in place. The employee will return all university equipment, files, documents, and supplies to the university immediately upon termination of telecommuting or of the employee's employment.

b. Employee-Owned Equipment

- i. When employees are authorized to use their own equipment, the university will not assume responsibility for the cost of repair, maintenance, or service even if the employee is engaged in university work at the time of malfunction. The employee must make repairs or arrangements for repairs as quickly as possible and the telecommuting arrangement may be suspended/modified until functioning equipment is in place.
- ii. Telecommuters using their own equipment must use the same security controls and protect data privacy.
- iii. Employees will coordinate with their department IT specialist for the download of any required software to ensure it meets the university standards. This equipment and software may be provided by the university or the employee.

7. Termination of Participation

- a. The university may terminate the telecommuting arrangement at any time with or without cause. This termination is final in terms of administrative review. The employee may request that the arrangement be terminated but it is at the university's discretion to end the arrangement.
- b. The university will give two weeks' notice of termination of agreements, if feasible.

Telecommuting forms and additional guidance are available on the Human Resources website.

8. Reporting Requirements

- a. Staff who telecommutes as part of their normal telecommuting schedule must record telecommuting hours each day they work at the alternate work location. Note that both FLSA exempt and non-exempt employees will be required to enter their telecommuting time.
- b. Each division or office is required to provide a weekly report to the USC Division of Human Resources documenting any deviation from the University's approved telecommuting plan. This includes employees working in the office on days they are scheduled to telecommute or telecommuting on days they are scheduled to be in the office. This also includes employees who telecommute who do not have a normal telecommuting schedule.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

[Fair Labor Standards Act \(FLSA\)](#)

[HR 1.84 Minimum Wage, Official Workweek, and Overtime Compensation](#)

[IT 3.00 Information Security](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
March 25, 2020	Updated to new format Removed requirement of a formal agreement for short-term or emergency telecommuting arrangements when employee has access to university network or information.
August 6, 2021	Revised to correspond to updated Division of State Human Resources model policy.
April 29, 2022	Removed one year of service eligibility requirement; clarified annual renewal of agreement.

July 1, 2025	Updated to expand scope to faculty, include reference to Columbia campus telecommuting guidelines document and changes as a result of automating agreements in HCM and eliminating paper processes, adjust timeframes for periodic and temporary telecommuting.
October 6, 2025	Updated to comply with State HR Telecommuting Policy changes.