

**RESOLUTION OF THE
BOARD OF REGENTS OF
NAVAJO TECHNICAL UNIVERSITY**

Approving the Telework Policy and Procedures for Navajo Technical University and adjust the Navajo Technical University Personnel Handbook to reflect these changes

WHEREAS:

1. The Board of Regents of Navajo Technical University is responsible for the administration, operations and the development of policy as stated in Navajo Nation Council Resolution, CO-58-16, enacted on November 10, 2016, that amended the University's enabling legislation, codified at 15 N.N.C. §§1201-1210; and
2. Pursuant to the University's enabling legislation, Navajo Technical University (NTU) is organized as an institution of higher learning for the primary purpose of providing post-secondary and post-graduate education programs that serve both the academic and vocational/technical needs of the Navajo Nation and its citizens, 15 N.N.C. §1203(A); and
3. Pursuant to the University's enabling legislation, the Board of Regents of Navajo Technical University is authorized to manage and control the University for the effective governance and administration of the University; 15 N.N.C. § 1205(A); and
4. Pursuant to the University's enabling legislation, the Board of Regents of Navajo Technical University is authorized to review and approve all administrative policies and procedures, and all publications setting forth such policies and procedures, 15 N.N.C. §1205 (I); and
5. In light of the COVID 19 Pandemic, the President's team has developed a Telework Policy and Procedures to guide the University in implementing a telework plan for NTU employees to ensure the efficient operation of the University; and adjust the NTU Personnel Handbook accordingly; and
6. The Administration of Navajo Technical University recommends that the NTU Board of Regents approve the Telework Policy and Procedure and adjustments to the NTU Personnel Handbook.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Regents of Navajo Technical University hereby approves the Telework Policy and Procedures and authorizes adjustments to the NTU Personnel Handbook to reflect the adoption of this new policy in light of the pandemic.
2. The President of Navajo Technical University is hereby authorized, directed and empowered to do all things necessary to effectuate the purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was discussed and considered by the Board of Regents of Navajo Technical University at a duly called meeting held in Crownpoint, NM at which a quorum was present, and that this resolution was passed by a vote of 6 in favor, 0 opposed, and 0 abstained, this 18th day of April 2020.



Tom Platero, Chairperson
NTU Board of Regents

Telework Policy and Procedure

Objective

Telework allows employees to work at home, on the road or in a satellite location for all or part of their workweek. Navajo Technical University considers telework to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telework may be appropriate for some employees but not for others. Telework is not an entitlement, nor is it a company-wide benefit. It does not change the terms and conditions of employment with Navajo Technical University and will be granted on a case-by-case basis.

Procedures

Telework can be informal, such as working from home for a short-term project or on the road during business travel, or it can be formalized to accommodate a set schedule of working remotely as described below. Either an employee or a supervisor can suggest telework.

All telework arrangements will begin on a trial basis for three (3) months and may be discontinued at the request of either the telecommuter or the University. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telework arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telework arrangements must be employed with Navajo Technical University for a minimum of 12 months of continuous, regular employment must have a satisfactory performance record and must be eligible for benefits (**temporary** employees are not eligible unless it is approved by the University President). Any employees who have not reached the twelve (12) months of continuous, regular employment requirement will be evaluated on a case by case basis with approval by the University President.

Before entering into any telework agreement, the employee and Supervisor, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and Supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and Supervisor will discuss the job responsibilities and determine if the job is appropriate for a telework arrangement.
- Equipment needs. Workspace design considerations and scheduling issues will also be considered. The employee and Supervisor will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Supervisor agree and the Human Resource department concurs, a telework agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of teleworker performance during the trial period will include regular interaction by phone and e-mail between the employee and the Supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and Supervisor will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with on campus responsibilities. This includes work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be formalized during the trial period. After the conclusion of the trial period, the Supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

Navajo Technical University will determine equipment on a case-by-case basis involving appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for the telework arrangement. The Human Resource department and Information Technology departments will serve as resources. Equipment supplied must be checked out according to Information Technology's protocols and must be properly maintained by the employee.

Equipment supplied by the employee, if deemed appropriate by the University, will also be maintained by the employee. Navajo Technical University accepts no responsibility for damage or repairs to employee-owned equipment. Equipment supplied by the University is to be used for business purposes only. The telecommuter must sign an inventory of all Navajo Technical University property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of the remote work or employment, all university property will be returned to NTU officials, unless other arrangements have been made.

Navajo Technical University will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Navajo Technical University will limit reimbursement to the employee for business-related expenses, such as phone calls and shipping costs that are reasonably incurred in carrying out the employee's job to an agreed dollar amount. Prior approval will need to be received before incurring the costs. The responsibility for requesting and reporting costs lies with the employee. Every attempt should be made to ensure that telecommuters stay within a budget agreed upon. When claiming reimbursement, all claims must follow NTU Fiscal Policy and Procedures.

Navajo Technical University will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Information security is expected of all employees working remotely. Telework employees will be expected to ensure the protection of university, student, vendor and proprietary information accessible from their remote work space. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free of safety hazards. Navajo Technical University will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are covered by the university's workers' compensation policy. Telework employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telework is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telework with family members prior to entering a trial period.

Time Worked

Telework employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Navajo Technical University's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telework agreement.

Each employee is afforded a 15-minute break in the morning and afternoon as stated in NTU's policies and procedures. Any changes to work schedules that include emergency errands, must be reported to a supervisor.

Training

Training will be provided upon request with the Information Technology department and the Human Resource Department.

Ad Hoc Arrangements

Temporary telework arrangements may be approved for circumstances such as inclement weather, special projects, business travel or local or national emergency including global pandemics and emergencies. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

All informal telework arrangements are made on a case-by-case basis, focusing first on the needs of students and the business needs of the University.