

## Telework Management Frequently Asked Questions

**This information is current as of 3/20/20 20. NMSU is aware of legislative actions in progress. Information will be updated regularly as necessary.**

### Telework

**1. Q: How do I report my time when I am teleworking?**

**A:** Regular leave policies and procedures should be followed for employees who are unable to report to work. Non-telework employees are expected to report to work as scheduled unless otherwise notified.

Employees on telework should maintain accurate time records, and supervisors are accountable for management of those records. Under the federal Fair Labor Standards Act (FLSA), non-exempt employees will be compensated for overtime (Employees in exempt (salaried) positions are exempt from overtime regulations). Overtime must be approved in advance by the supervisor in accordance with the provisions of the act.

Pursuant to established NMSU policies, employees must obtain supervisory approval before taking leave.

**Annual Leave** - Regular leave policies and procedures should be followed for employees who do not or are unable to report to work. Employees who have not been provided work to be performed at home, must be available to work at any time. Time not worked at the direction of the supervisor should be recorded as "Other Leave Taken" on the timesheet. Should an employee decide to take time off, with the superiors' approval, they must use annual leave.

**Sick Leave** - If an employee is asked to remain home or leaves work due to illness or to care for a sick family member, they will be able to use sick leave or annual leave accrued during the absence. If they have exhausted their accumulated sick leave, annual leave should be used. If both their sick leave and annual leave are exhausted, employees will be allowed to accrue a negative leave balance up to 5 days. As leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of five (5) days, a Personnel Action Form (PAF) will need to be completed in the employee's department to place them on leave without pay and another PAF completed when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

If an employee does not accrue leave, they will be placed on leave without pay. The department will need to prepare a PAF to place the employee on leave without pay and another PAF when the employee returns to work. FMLA eligibility requirements remain the same. For more information on FMLA procedures, visit the NMSU Benefits page.

- 2. Q: Are there guidelines for managing employees on a telework arrangement?**  
**A:** Supervisors and employees can access the [Temporary Telework Guidelines](#), the [Telework Checklist](#), and the [Frequently Asked Questions](#) on the HRS website.
- 3. Q: Can an employee take their desktop computer home to facilitate working from home?**  
**A:** Supervisors will need to consider the ability of the employee to set up the desktop computer in their home and the check-out process for the equipment.
- 4. Q: How do I determine what jobs can be done at home?**  
**A:** Supervisors have the authority to determine what jobs in their department can be performed through telework.
- 5. Q: How is essential personnel defined?**  
**A:** Essential Personnel are defined in [ARP 16.10 Emergency Preparedness and Response](#) as those employees who perform job duties or functions deemed by their unit's administrative head to be critical to operations. Essential Personnel are required to work and/or to be available to work in the event of any emergency and especially during emergencies of extended duration.
- 6. Q: Do I have to allow my employees to work at home?**  
**A:** NMSU executive administration has directed that all employees, except those employees essential to the on-campus operations, to telework.

## Sick Leave

- 7. Q: Can an employee use sick leave if they are not sick (and they are not caring for a sick family member)? What if they need to care for their children while LCPS is closed?**  
**A:** Employees have the option of using annual leave to care for their children during local school closures. **Pending State and federal legislation.**
- 8. Q: Can an employee choose self-quarantine?**  
**A:** Yes, an employee can self-quarantine if they have a legitimate reason to do so, for example: they are showing flu-like symptoms, a family member is showing symptoms, they have a compromised immune system, they or someone in their family has recently traveled out of state or country (excluding typical trips to El Paso) in the last 14 days.
- 9. Q: Will there be any paid leave available?**  
**A:** Employees needing to take leave to care for themselves or family members may either use their sick leave or annual leave. When an employee's sick leave is exhausted, annual leave will automatically be paid if available. If all leave balances are exhausted, employees will be allowed to accrue a negative leave balance of up to 5 days. As sick or annual leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of five (5) days, a Personnel Action Form (PAF) will need to be completed in the employee's department to place them on leave without pay and another PAF completed

when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

**10. Q: Will there be paid leave available for employees who don't have available accrued leaves (sick and annual)?**

**A:** If all leave balances are exhausted, employees will be allowed to accrue a negative annual leave or sick leave balance of up to 5 days. When an employee's sick leave is exhausted, annual leave will automatically be paid if available. As sick or annual leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of five (5) days, a Personnel Action Form (PAF) will need to be completed in the employee's department to place them on leave without pay and another PAF completed when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

**11. Q: Will there be paid leave available for employees who do not accrue paid leave (students, temps, etc.)?**

**A:** Students and temp employees who are planning to work during the telework period need to be available to work when called or perform work at home as directed by their supervisor. If the employee is told to be available to work by their supervisor, but was not asked to work, that time should be recorded as worked.

**12. Q: If the university closes, will there be Essential Personnel pay available? And when would the additional pay apply?**

**A:** Yes, if the university closes, essential personnel will be paid in accordance with [ARP 7.21 – University Closure Pay.](#)

### **Student assistants, Graduate Assistants, Temporary Employees**

**13. Q: Are graduate assistants required to come in during Spring Break?**

**A:** Students able to work during the two-week Spring Break may do so, up to 40 hours as directed by their supervisor. If students prefer not to work during this time, that should be discussed with their supervisor.

**14. Q: Are work study, student assistants, and graduate assistants still expected to show up to work during the two-week Spring Break?**

**A:** Students who are not leaving for Spring Break may continue to work their normal work hours or may choose to pick-up extra hours as per direction from their supervisors.

Student Regular - All student regular employment categories are restricted to 20 hours average per week during the academic year and 40 hours per week during the summer and academic break periods.

Graduate Assistants - Graduate assistants are entitled to fall and spring breaks as well as the same holidays of faculty and staff. Refer to the current academic calendar for information

on reporting dates and holidays. Students can also speak to their supervisors about make-up hours during fall and spring breaks.

**15. Q: If the university closes, can employees choose to come to work?**

**A:** No, if the university is closed due to the coronavirus pandemic, employees cannot come on campus during the closure. Telework employees must get approval in advance from their supervisor to come to any NMSU campus.

**16. Q: I supervise an employee who I believe is sick. When can I invite them to go home?**

**A:** As soon as you determine there is a need to reduce the risk to the campus community.

**17. Q: If the employee refuses to leave, what are my options?**

**A:** Stress the importance of the health and welfare of our campus community. Employees will need to leave if invited to do so.

**18. Q: We have an employee who is planning on going to Cancun for Spring Break. We have other employees who do not want this employee to return to work for 2 weeks once he comes back. As a security guard he cannot work from home nor can the other employee being security guards. Can the supervisor say that they must self-quarantine for 2 weeks once they are back home, and they can use sick leave or annual leave?**

**A:** Currently, the NM Health Education department is requiring anyone traveling to or from another state to New Mexico self-isolate for 14 days after entering the state. Refer to the [NMSU Coronavirus website](#) for current information.

**19. Q: Can we require a doctor's note before allowing a sick employee to return to work?**

**A:** If an employer applies the practice consistently, clearance from a health care provider to return to work can be required. However, guidance from the Centers for Disease Control and Prevention (CDC) suggests employers remove such requirements during a health crisis as access to health care providers may be limited.

**20. Q: Do I have to pay exempt employees who are sent home from work because they are sick?**

**21. A:** An exempt employee must be paid for partial-day absences but may have his or her salary reduced for full-day absences due to sickness and the employee has exhausted that leave or is not yet eligible for the leave. See [What is a "bona fide" sick leave plan under the FLSA Salary Basis Regulation?](#)

**22. Q: Do I have to pay exempt employees who are sent home from work because they are sick?**

**A:** An exempt employee must be paid for partial-day absences but may have his or her salary reduced for full-day absences due to sickness and the employee has exhausted that leave or is not yet eligible for the leave. See [What is a "bona fide" sick leave plan under the FLSA Salary Basis Regulation?](#)

## General Questions

**23. Q: Do I have to allow an employee to wear a face mask at work?**

**A:** No. The CDC advises against wearing a face mask unless an individual is sick with symptoms of the virus or is taking care of someone with the virus at home or in a health care setting.

**24. Q: Does an employee need to let someone know if they have traveled outside the country in the last 14 days or plan to travel internationally or out of state via commercial carrier for personnel travel?**

**A:** If an employee has recently traveled out of state or country (excluding typical trips to El Paso) or will be traveling internationally or out of state via commercial carrier for personal travel, they will need to register their travel on the University [travel reporting portal](#).

**25. Q: How are employees paid if their work location is closed?**

**A:** At this point, supervisors are to instruct employees to telework. This directive includes when their work location closes. If their work cannot be performed at home, they still need to be available to work during their normal work hours. If they take time off they need to use annual leave. If they are sick or caring for a sick family member, sick leave needs to be used. If they are not called into work (non-exempt employees) but were told to be available to work, they are to record their hours as "other leave taken".

The same directive above applies to exempt employees except they do not need to record their hours.

These guidelines may change given the recent legislative actions. The FAQs will be updated accordingly as soon as possible. Keep watching for updates.