

## **Texas Woman's University University Regulation and Procedure**

**Regulation and Procedure Name: Alternative Work Arrangements for Staff Employees**

**Regulation and Procedure Number: URP: 05.620**

**Policy Owner: Finance and Administration**

### **POLICY STATEMENT**

The purpose of this policy is to establish the authority for the Chancellor and President, Executive Vice Provost, and Vice Presidents to provide flexibility to supervisors and non-faculty employees in performing Texas Woman's University ("University") work at an alternative worksite, if it is in the best interests of the University.

The Chancellor and President, Executive Vice Provost, and Vice Presidents will have the option of establishing an alternative work arrangement for positions designated as eligible to perform work at an alternative worksite other than on the University's main or branch campuses or work a flexible schedule. Employees must be in a regular non-temporary status and the position must be designated as a position eligible to participate in an alternative work arrangement. Not all positions are eligible for an alternative work arrangement, and an alternative work arrangement is not a right and does not change the nature of the employment relationship or the terms and conditions of employment. Alternative work arrangements may be rescinded at any time. Employees with alternative work arrangements are subject to the same University regulations, policies, and procedures as other University employees.

Alternative work arrangements are not intended to change university office hours or a department's regular hours of operation, nor does it alter the responsibility or diminish the authority of supervisors to establish and adjust work schedules. Adequate staff coverage and supervision sufficient to meet the operational requirements of the University and insurance of quality service are required at all times.

### **APPLICABILITY**

This policy is applicable to TWU Employees in a regular non-temporary status and their position must be designated as a position eligible for an alternative work arrangement.

## DEFINITIONS

1. “Donated sick leave” means paid leave donated by one employee to another, meeting the eligibility requirements of this policy.
2. “Alternate Work Location” means an approved physical work site other than the employee’s regularly assigned place of employment where official university business is performed. Such locations may include, but are not limited to, an employee’s home.
3. “Alternative Work Arrangements” means an employee is approved to work hours other than 8:00 to 5:00, on days other than Monday through Friday, or from a location other than the employee’s regularly assigned place of employment at the University. Alternative work arrangements include flexible work schedules, telecommuting, or a combined arrangement with a flexible schedule and telecommuting.
4. “Alternative Work Agreement” means an agreement that documents the approved alternative work arrangement.
5. “Combined Flexible Schedule and Telecommuting” means an alternative work arrangement when an employee is approved to work hours other than 8:00 to 5:00, Monday through Friday, and a portion or all of the hours from a location other than the employee’s regularly assigned place of employment at the University. Example of combined flexible schedules and telecommuting include:
  - a. Employee works 7:00 a.m. to 5:00 p.m. Monday through Thursday in the Office and 4 hours on Friday at home telecommuting.
    - i. The 7:00 a.m. to 5:00 p.m. Monday through Thursday in the Office and 4 hours on Friday is a flexible schedule.
    - ii. Working 4 hours on Friday at home is telecommuting.
6. “Department” is a section or unit within the University or college with specific responsibilities reporting to a University Division. i.e. these departments report to the Division of Finance & Administration: Budget, Procurement, Controller, Department of Public Safety, Facilities Management, Risk Management, and Office of Human Resources.
7. “Flexible Schedules” means an approved alternative work arrangement that offers flexibility in arrival, departure and/or lunch times. Flexible schedules permit an employee to work a predetermined and preapproved variation of the employee’s standard work schedule. Flexible schedules do not alter the total number of hours worked in a week. Examples of flexible schedules include:

- a. Employee has approval to work an alternate arrival and departure time, for a total of eight hours of work per day. For example:
    - i. 9:00 a.m. to 6:00 p.m. Monday-Friday (with an hour lunch)
    - ii. 7:00 a.m. to 4:00 p.m. (with an hour lunch)
  - b. Or an employee has approval to work extended daily hours in order to take a portion of a day or a full day off during the work period. For example:
    - i. The "4-10" (or "4-40") work week (4 days at 10 hours per day)
      - 1. 8:00 a.m. to 7:00 p.m. or
      - 2. 7:00 a.m. to 6:00 p.m.
  - c. The "4-9-4" work week (4 days at 9 hours per day, and one 4-hour day)
    - i. 8:00 a.m. to 6:00 p.m. and 4 hours on Friday
    - ii. 7:00 a.m. to 5:00 p.m. and 4 hours on Friday
  - d. Lunch hours will remain 1 hour unless preauthorized by the supervisor.
8. "Regularly Assigned Place of Employment" means the location on the University campus where an employee usually and customarily reports for work.
9. "Standard Full-time Workweek" shall be no less than 40 hours. In general the normal office hours for the University are 8:00 a.m. to 5:00 p.m., Monday through Friday; but may vary based on departmental operational needs.
10. "Telecommuting" means an alternative work arrangement when an employee is approved to work routinely one or more days per week at a location other than an employee's regularly assigned place of employment.

## **REGULATION AND PROCEDURE**

### **I. Eligibility**

- A. Non-temporary staff positions may be suitable for an alternative work arrangement. Consult with the Division Vice President to determine the Division Vice President's preferred level of involvement with reviewing and approving alternative work arrangements and what positions or employees may be eligible for alternative work arrangements. Refer to the Alternative Work Arrangement Guide for position, employee, and supervisor characteristics suitable for alternative work arrangements.

- B. Employees must have a performance evaluation rating of at least “proficient” with the exception of a new employee that has not participated in an evaluation cycle or if a division necessitates an employee to work an alternative work arrangement when required by the job duties.

## II. General Responsibility

- A. Alternative work arrangements will be agreed upon by the employee and supervisor and must be predetermined and preapproved before implementation. However, the department or division may require an employee to work an alternative work arrangement when required by the job duties. Examples include telecommuting, flexible schedules, shift work, work on weekends and other schedules required by the job duties and responsibilities.
- B. Alternative work arrangements may remain in effect for a maximum of twelve months and the alternative work agreements must be renewed annually, unless terminated in accordance with the procedures elsewhere in this policy. These agreements do not constitute an employment contract. Management, at any level, reserves the right to review all alternative work agreements at any time.
- C. If conflicts arise with alternative work arrangements between employees and supervisors, an appeal may be made to the next level of management.
- D. All alternative work arrangements must comply with the Alternative Work Arrangement Guide.

## III. Application and Approval

Alternative working arrangements require prior approval by the supervisor, department head and in the case of telecommuting arrangements and combined flexible schedules/telecommuting arrangements, Division Vice President approval. Refer to the Alternative Work Arrangement Guide for required steps and required alternative work arrangement agreement.

## IV. Office Hours and Work Schedules

- A. The operational needs of the University take precedence over the employee’s alternative work arrangement. Employees participating in alternative work arrangements must forego the arrangement if needed as determined by the supervisor. However, employees should be given as much notice as possible.

- B. A department must maintain University hours and the department's regular hours of operation. The workday of personnel may be staggered; however, administrative offices will be open from 8:00 a.m. to 5:00 p.m. each weekday, Monday through Friday, except on designated holidays. Offices shall remain open during the noon hours each working day with at least one person on duty to accept calls, receive visitors, or transact business. Departments must ensure office coverage during normal office hours.
- C. The specific work schedule of an alternative work arrangement will be agreed upon by the supervisor and employee and described in the alternative work agreement. Supervisors may adjust employee work schedules based on the operational needs of the department. Alternative work arrangements are not intended to address the occasional or sporadic scheduling incidences within a workweek, but to address long-term arrangements where a flexible schedule or telecommuting is either required or requested and approved according to policy.
- D. Adequate staff coverage and supervision, sufficient to meet the operating requirements of the University and ensure quality service, are required at all times. Both internal and external "customer" needs must be considered to determine adequate staffing.
- E. State law sets the minimum workweek for regular full-time salaried employees at 40 hours. An alternative work arrangement does not limit the hours that an exempt employee must work to complete job requirements.
- F. Telecommuting employees must maintain the remote work site and perform the work in the State of Texas, unless approved by the Division Vice President.
- G. Telecommuting employees will be available for communication and contact during telecommuting as they would be if working at their regularly assigned place of employment.
- H. An alternative work arrangement does not alter an employee's work relationship with the University nor does it relieve an employee from the obligation to observe all applicable University rules, policies, and procedures. All existing terms and conditions of employment, including, but not limited to the job description, salary, benefits, vacation, sick leave, and overtime remain the same.

## V. Timekeeping

- A. Employees with alternative work arrangements will be required to maintain accurate documentation to support their hours worked and must submit regular timesheets. It is the responsibility of the supervisor to ensure employees are working agreed upon hours and that employees are submitting timely and accurate timesheets. Employees who misrepresent time and supervisors who knowingly allow misrepresentations on employees' timesheets are subject to disciplinary action up to and including dismissal.
- B. In accordance with the Federal Fair Labor Standards Act ("FLSA"), non-exempt employees will be compensated in pay or compensatory time for overtime that has been approved by the supervisor in accordance with the provisions of the FLSA. All overtime must be approved in advance by the employee's supervisor. Working unapproved overtime may result in disciplinary action up to and including dismissal.
- C. Pursuant to established University policies, employees must obtain supervisory approval before taking available accrued leave.
- D. If the employee misses work while alternative work arrangements are authorized, the employee must apply paid and/or unpaid leave to the employee's timesheet as appropriate.
- E. Employees using an alternative work arrangement shall receive their allotted holiday hours based on the employee's regular work day. If additional hours are scheduled to be worked, the employee must either take additional hours of vacation or work additional hours during the work week to make up the difference. For example: If an employee has chosen the "4-10" work week (4 days at 10 hours per day), they would be paid eight hours of holiday and would have to claim two hours of vacation or work two additional hours during the workweek.

## VI. Equipment and Supplies

- A. In general, Information Technology Solutions will provide a primary work computer to employees requiring access to information resources in order to perform their job duties. Information Technology Solutions has developed a standard specification for computers which will meet the needs of the vast majority of employees requiring a computer. Optionally, University departments may choose to provide additional equipment, funded by the department, to facilitate alternative work arrangements. Employees and supervisors will collectively work together to develop the alternative work

agreement, which includes the identification of any equipment requirements above the standard specification for the University and will work with Information Technology Solutions on how best to meet these equipment requirements. Any additional equipment requirements will be reviewed and approved by the supervisor and Information Technology Solutions prior to purchase. Purchases will be provided in accordance with applicable University policies.

B. In addition to the URP 04.700: Computer & Software Acceptable Use Policy, employees will adhere to the following requirements:

1. Employees will seek approval from their supervisor prior to taking any equipment and supplies from their office to an alternate work location for telecommuting purposes. The University will not reimburse employees for out-of-pocket expenses for materials and supplies that are reasonably available at the regularly assigned place of employment.
2. Employees are required to use University owned and provided computers while telecommuting. Exceptions will be addressed on a case-by-case basis. If personally owned equipment must be used, the personally owned equipment must be enumerated, and rationale or justification documented as part of the alternate work agreement. Employees utilizing personally owned equipment must adhere to the same mandated security requirements, and ensure their computer is up to date with patches.
3. University equipment located at the alternate work location is subject to all policies and restrictions related to use of state owned property. Participating employees are responsible for any equipment and software that is used at the alternate work location and accept financial responsibility for any equipment that is lost, stolen or damaged because of the employee's negligence, misuse or abuse.
4. When using University owned equipment for telecommuting, employees will provide for the physical labor, transportation and installation of equipment at the designated alternate work location.
5. Employees will bring University owned computers back to campus for updates, technology replacement, or troubleshooting when remote assistance is infeasible or unsuccessful.

6. Employees will utilize University owned and provided technology only for the purposes of performing their duties, and limit incidental usage as defined in the URP 04.700: Computer & Software Acceptable Use Policy. Employees will ensure that University owned computers are connected and accessible remotely from the alternate work location, such that patches and updates can be applied.
7. Employees shall notify their supervisor and Information Technology Solutions immediately upon the discovery of any inadvertent loss of confidential or sensitive information, or a security incident resulting in the unintentional exposure of University information.

## VII. Workplace Injury and Property Damage

Employees will agree to the following:

- A. Employees with telecommuting work arrangements or combined flexible schedules/telecommuting are expected to maintain the same standards of health and safety at their remote workplace as their regularly assigned place of employment. Employees are subject to University policies, regardless of work location.
- B. The University specifically assumes no liability for injury to any other person who would not be in the work area if the duties were being performed at the designated headquarters.
- C. The University retains the right to pre-arranged on-site inspections of this work area during work hours.
- D. Irrespective of work location, Worker's Compensation benefits, as determined by the State Office of Risk Management, may apply to injuries arising out of and in the course of employment within an employee's established work hours. An employee who sustains a work-related injury must notify the supervisor immediately and complete all requested documents regarding the injury.
- E. The University will not be liable for damages to employee-owned equipment being used in telecommuting or that may result from telecommuting. The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, insurance, etc.)



associated with the use of the employee's residence or designated alternate work location, when used for telecommuting purposes.

- F. The University will not be responsible for cost, damages or losses associated with transporting University property.

## VIII. Responsibilities

### A. Department Head/Supervisor Responsibilities

1. Alternative work arrangements must be approved in writing by the Supervisor and the Department Head. Employees should use the Alternative Work Arrangement Agreement form to apply for a flexible schedule, telecommuting or combined flexible schedule and telecommuting arrangement.
2. Consult with the Division Vice President to determine the Division Vice President's preferred level of involvement with reviewing and approving alternative work arrangements and what positions or employees may be eligible for alternative work arrangements.
3. Approvals
  - a. Flexible schedule: Supervisors will ensure arrangements for flexible schedules are documented on an Alternative Work Arrangement Agreement form and approved by the department head.
  - b. Telecommuting: Supervisors will ensure arrangements for telecommuting are documented on an Alternative Work Arrangement Agreement form and approved by the department head and Division Vice President.
  - c. Combined flexible schedule and telecommuting: Supervisors will ensure arrangements for combined flexible schedule and telecommuting are documented on an Alternative Work Arrangement Agreement form and approved by the department head and Division Vice President.
4. Ensure alternative work arrangements are administered consistently and equitably.

5. Ensure that the regulations, procedures and coverage requirements are understood and adhered to.
6. Manage employees' schedules resulting from alternative work arrangements.
7. Plan and schedule job assignments, ensuring that sufficient staff are available to meet the operating requirements of the university.

#### B. Employee Responsibilities

1. Discuss alternative work arrangements with the supervisor prior to completing an Alternative Work Arrangement Agreement form.
2. Complete the Alternative Work Arrangement Agreement form, if the supervisor is open to the alternative work arrangement, and forward it to their department head and Division Vice President as appropriate. Note: Flexible schedule arrangements do not require vice president approval; however, telecommuting arrangements or combined flexible schedules/telecommuting arrangements require vice present approval.
3. Not set their own random schedule to accomplish their required amount of hours worked. Schedules must be discussed and approved by the supervisor in advance.
4. Adhere to any meeting requirements established by their supervisor. The attendance requirements may be via videoconference, phone or face-to-face at the regularly assigned place of employment or alternate work location.
5. Not utilize alternative work arrangements to serve as a substitute for child day care or adult care.
6. Secure all information and materials related to University business from unauthorized access and disclosure regardless of the employee's work location.
7. In limited circumstances, an employee may be approved to telecommute 100% of the time and not expected to report to the University on a regular and recurring basis. Reimbursement for

traveling to the University location may be approved if the department has requested the employee travel to the University and the employee is required to travel more than seventy (70) miles each way. Prior approval from the supervisor, department head, and Division Vice President is required and must be kept on file within the employee's department for travel reimbursement for remote workers. Travel reimbursements must adhere to the travel guidance on TWU's University Travel website.

#### IX. Job Sharing

- A. Job sharing or work sharing is where two people are retained on a part-time or reduced-time basis to perform a job normally fulfilled by one person working full-time. Compensation is apportioned between the workers, thus leading to a net reduction in per-employee income.
- B. Two current employees may agree that they would both benefit from job sharing and jointly apply for this arrangement. To initiate the arrangement an employee must first discuss with their supervisor their desire to participate. Supervisors should contact the Division Vice President to discuss the request and determine if a job sharing plan is appropriate. If the decision is to proceed, a request form with details of the arrangement will need to be developed and submitted for approval. In addition, management must be given time to arrange the work schedules or to hire a second person interested in job sharing. The approval of a job sharing arrangement is completely at the discretion of management.

#### X. Modifications or Termination of Alternative Work Arrangement

- A. A supervisor may need to suspend the alternative work arrangement to provide adequate coverage during periods of high usage of vacation time or during peak work periods. It is recommended, when possible, that supervisors notify the employee regarding modifications to the alternative work arrangement within fourteen (14) calendar days.
- B. The University reserves the right to terminate the alternative work arrangement agreement if the University determines in its sole discretion that the alternative work arrangement is no longer in the best interest of the University. It is recommended, when possible, that supervisors provide the employee fourteen (14) calendar days' notice. The University also reserves the right to terminate the alternative work arrangement agreement without a notice period for any violations of University policy, a violation of the conditions of the agreement or when there is a relevant change in University

policy or law. Reasons for termination of the alternative work arrangement may include but are not limited to:

1. Adverse Impact – A negative impact to the University due to an employee’s physical absence from the official worksite. This would include, but is not limited to, the following:
  - a. A reduction of the department’s productivity. Examples include:
    - i. An employee’s or department’s inability or reduced ability to perform required tasks.
    - ii. An employee’s or department’s failure to meet performance goals.
    - iii. An employee’s or department’s unsuitability for alternative work.
    - iv. A reduced level of department teamwork and communications.
    - v. Physical or technological barriers to productivity at an alternative worksite.
    - vi. A reduced level of services provided to the University’s customers. Examples include, but are not limited to, the following:
      1. Not enough worksite staffing.
      2. An employee’s or department’s inability or reduced ability to provide essential services, products, and support to the University’s customers.
  - b. An increase in the cost of University operations. Examples include, but are not limited to, the following:
    - i. The cost of authorized overtime to carry out unit operations.
    - ii. Not enough resources to provide ongoing communications, data security, or other University equipment and resources needed to perform tasks at the alternative worksite.

- C. An employee may request the alternative work arrangement agreement be terminated by written notice. The University in its sole discretion may approve or deny the request based on whether the job duties necessitates an alternative work arrangement as designated by the Division Vice President.
- D. When a telecommuting alternative work arrangement or combined flexible schedule/telecommuting arrangement is terminated, the employee must promptly return all related telecommuting University property in the employee's possession.
- E. The University is not responsible for costs, damages, or losses associated with the termination of the agreement, unless specifically approved in advance.

## REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

## REFERENCES

Texas Government Code Title 6, Subtitle B, Chapter 658, [State Officers and Employees Hours of Labor](#)

[URP 04.700: Computer & Software Acceptable Use Policy](#)

## FORMS AND TOOLS

[TWU Alternative Work Arrangements Guide](#)

[Alternative Work Arrangement Agreement Form](#)

[University Travel Website](#)

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