

TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Number: 02.05.17

SUBJECT: Alternative Work Arrangements

Alternative work arrangements help employers recruit and retain talented employees. Alternative work arrangements can lead to greater work-life balance, which in turn may lead to greater employee satisfaction, fewer unscheduled absences, increased retention, enhanced individual performance, and increased business productivity. Alternative work arrangements are any scheduling pattern that deviates from the traditional on-site, Monday through Friday 8:00 am – 5:00 pm work schedule. Texas Southern University permits alternative work arrangements so long as they are in the best interest of the University, maintains the productivity of the employee, and follows University rules, procedures, and policies.

I. PURPOSE AND SCOPE

The purpose of this document is to describe Texas Southern University's policy and procedure for alternative work arrangements for its staff employees in accordance with Texas Government Code Sections 658.010 and 659.018. This policy only applies to staff employees, not faculty, temporary employees, or student workers.

This policy does not supplant requests under the Family Medical Leave Act of 1993, as amended (FMLA). Family Medical Leave requests should follow the process outlined in policy. Remote work that is offered and approved as a workplace accommodation should follow the employee workplace accommodation/adjustment request process.

II. POLICY STATEMENT

It is the policy of the University to permit alternative work arrangements when it is in the best interests of the University, and the productivity of the employee is maintained. This policy covers all alternative work arrangements including, but not limited to: Telecommuting/Remote Work (100% off-campus), Hybrid Work (some work on-campus and some off-campus), Compressed Workweek (ex. 4 ten-hour days a week), Alternate Work Schedules (ex. 7 a.m. – 4 p.m.), and Temporary Alternate Work Locations (occasional off-campus work).

A staff employee seeking an alternative work arrangement must submit a written request to the employee's immediate supervisor. The written request must include:

1. A proposal of an alternative work arrangement (as specific as possible);
2. Proposed methods for the completion of all assigned tasks and job responsibilities related to that alternative work arrangement; and
3. A means of conducting job-related communications with required individuals.

Written requests that do not contain all three of the aforementioned requirements will be returned, unprocessed.

Approval of an alternative work arrangement will be considered by the employee's immediate supervisor in conjunction with additional management approval(s) as delegated by the responsible Vice President.

Arrangements for alternative work must not cause or contribute to the need for additional staff or for existing staff to perform additional duties or work additional overtime hours. Such arrangements must not adversely affect the services that are provided to students or internal or external customers of the department. The quality, quantity, and timeliness of a participating employee's work must be unchanged or enhanced.

Arrangements for an alternative work location will be reviewed annually on the anniversary date of the alternative work location approval, to assess continued feasibility in light of any reduction in the employee's productivity, changes in work needs, or service to students or internal or external customers. Reviews may take place on a more frequent basis, as needed and as scheduled by the respective supervisor. The availability of an alternative work arrangement is not intended to replace a department's regular hours of operation.

The alternative work arrangement is voluntary and does not change the conditions of employment or required compliance with University policies and procedures. The alternative work arrangement does not alter an employee's at-will status. All existing terms and conditions of employment, including but not limited to the position description, salary, benefits, vacation, sick leave, and overtime, remain the same.

III. DEFINITIONS

- A. Regularly Assigned Place of Employment (Principal Location): The location on the University campus where an employee usually and customarily reports for work. The Regularly Assigned Place of Employment is considered an employee's workstation for all pay, leave, and travel purposes.
- B. Alternative Work Arrangement Agreement: A written agreement setting forth the terms of the agreed upon alternate work arrangement.
- C. Alternate Work Locations: Approved work locations 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, employee's home and satellite offices. Work locations must be disclosed and approved as part of the Alternative Work Arrangement Agreement. Work locations must be located in the State of Texas and also must be reasonably close enough to the University campus so, if necessary, the employee can be physically present at their Regularly Assigned Place of Employment on the same day as needed.
- D. Work Schedule: The employee's hours of work at the Regularly Assigned Place of Employment or off-campus at an Alternate Work Location.
- E. Telecommuting/Remote Work: The performance of normal work duties 100% remotely by an employee at a location away from the employee's Regularly Assigned Place of Employment. This off-campus location is most often the employee's home, but can also be a satellite office or, if traveling, a virtual office. Positions eligible for 100% remote work must be classified as such by Human Resources in conjunction with the responsible Vice President. Requests for positions classified as 100% remote must be approved by the responsible Vice President.

- F. Hybrid Work: The performance of normal work duties both on-campus at the employee's Regularly Assigned Place of Employment where official University business is performed and off-campus at an Alternate Work Location. Hybrid Work can occur at an Alternate Work Location for up to two days per week or, for part-time employees, up to 40% of their hours. Hybrid Work must be approved by the responsible Vice President.
- G. Compressed Workweek: The scheduling of a traditional 40-hour workweek into fewer than five full days by adjusting the number of hours worked per day. An example of a compressed schedule is working four ten-hour days with one full day off each week. A Compressed Workweek requires approval as delegated by the responsible Vice President.
- H. Alternate Work Schedules: A modified Work Schedule with variable arrival, departure, and/or lunch times. It is typically designed to enable employees to come in earlier or leave later than the organization's normal hours of operation. This approach enables the department to ensure and maintain necessary office coverage, customer service, and staff interactions during the core hours. Alternate Work Schedules require approval as delegated by the responsible Vice President.
- I. Temporary Alternate Work Locations: The occasional unscheduled performance of normal work duties remotely by an employee at an Alternate Work Location. Temporary Alternate Work Locations require approval as delegated by the responsible Vice President.

IV. EMPLOYEE ELIGIBILITY AND POSITION REQUIREMENTS

To be eligible for participation in an alternative work arrangement, an employee must hold a position within a work group or unit which, according to their supervisor, lends itself to flexibility in location or schedule. Employee must not currently be on a performance improvement plan or under formal discipline for the preceding year.

Positions that may be considered for alternative work arrangements are those that:

- A. Have job functions that can be performed at a location other than the employee's Regularly Assigned Place of Employment without diminishing the quality of the work or disrupting the productivity of a unit;
- B. Do not require an employee's presence at the Regularly Assigned Place of Employment on a daily or routine basis;
- C. Allow for the employee to be as effectively supervised as they would be if the job functions were performed at the Regularly Assigned Place of Employment;
- D. Have an emphasis on the electronic production and/or exchange of information by means of electronic devices, applications, or phones;
- E. Involve measurable or quantifiable work product; and
- F. Have a minimal or flexible need for specialized materials or equipment available only at the Regularly Assigned Place of Employment.

Positions that are not suited to alternative work arrangements are those that:

- A. Require regular face-to-face contact with a supervisor, other employees, students, members of the University community, or the public; or

- B. Require routine access to information or materials that are available only at the Regularly Assigned Place of Employment.

A non-exempt employee must maintain a 40-hour workweek. An employee who is exempt under the Fair Labor Standards Act (FLSA) must maintain either a 40-hour workweek or an 80-hour schedule over two consecutive workweeks. An Alternate Work Schedule does not reduce the hours that an exempt employee must work to complete the job requirements. An employee in a position determined to be eligible for an Alternate Work Location is allowed to request work at a location other than their Regularly Assigned Place of Employment for up to two days a week, subject to approval as delegated by the responsible Vice President.

V. 100% OFF-CAMPUS TELECOMMUTING/REMOTE WORK (TEXAS NON-RESIDENT EMPLOYEES)

A. General Rule

- a. In general, an employee's regular work location where they perform onsite or remote work must be within the State of Texas. Permitting an employee to work outside of Texas may subject both the employee and the University to the tax, employment, and other laws of another jurisdiction, resulting in additional risk and administrative burden.
- b. Employees of Texas Southern University are required to live and work within the State of Texas (MAPP 02.05.17). This restriction does not apply to occasional remote work done while an employee is out of state for a brief period (generally less than one (1) month per year) or while an employee is out of state on official assignment by the University. Unless an exception is granted, an employee's failure to comply with the in-state work requirement may result in disciplinary action, up to and including termination.
- c. Texas does not have a state income tax. Therefore, work performed in Texas is not subject to state income tax withholding.
- d. Most other states have a state income tax, and an employee's pay may be subject to state income tax withholding if the employee works in a state that has an income tax. It is the employee's responsibility to ensure they are not responsible to pay state income tax in any state in which they do occasional remote work (As outlined in paragraph "b").

B. Requesting an Exception to the In-State Work Requirement

- a. Employees hired to perform services in Texas are required to complete their duties within Texas. If an employee later needs to work outside of Texas on a limited or permanent basis, departmental and HR approval is necessary. Please contact campus HR for more information.
- b. The University recognizes that there may be unique cases where an exception to the in-state work location requirement is warranted due to the mission-critical nature of the position and its necessary functioning to the mission of the University. Exceptions may be granted when:
 - i. the position is difficult to acquire talent or
 - ii. when the University seeks to retain or hire an individual who is
 1. widely renowned in their field,

2. has expertise in a highly specialized field or
 3. has other unique or notable accomplishments.
 - c. In such cases, the supervisor or hiring authority must seek an exception in accordance with MAPP 02.05.17 and agree to pay the additional cost associated with the exception. All employees working out-of-state must comply with MAPP 02.05.17.
 - d. For individuals whose work eligibility is based on a non-immigrant visa sponsorship (i.e., H1-B, TN, E-3, O-1), the supervisor/hiring authority and employee/applicant must contact the Human Resources department to determine whether out-of-state work is permitted by U.S. immigration regulations and, if so, what the requirements are.
 - e. To request an exception to the in-state work requirement, the employee's supervisor (for existing employees) or the hiring authority (for applicants) must submit an Alternative Work Arrangement Justification Form including:
 - i. The name of the employee or applicant
 - ii. FLSA Status
 - iii. Title of position
 - iv. Percent appointment (full-time or part-time)
 - v. Whether the employee or applicant is or will be on a visa
 - vi. The location(s) in which the employee or applicant wants to work (city and state)
 - vii. Whether out-of-state work is intended to be temporary (and duration of temporary appointment) or permanent
 - viii. The reason(s) that out-of-state work is essential to the mission of the University
 - f. Exceptions are not granted to a candidate/employee who is classified as non-exempt according to the Fair Labor Standards Act (FLSA).
- C. Employee Responsibilities
- a. Texas Southern University is responsible for complying with state tax reporting rules. Employees who work outside of Texas are responsible for ensuring that they have appropriate authorization to work outside of Texas and that their W-4 reflects the state they work from.
 - b. Employees are responsible for knowing whether they work in a state that has a state income tax and checking that state tax deductions are reflected correctly on their paystubs. All employees are encouraged to check their paystubs to verify that their state income tax withholding, if applicable, is accurate.
 - c. Employees approved for 100% off-campus work, and non-residents of Texas are responsible for verifying that appropriate state tax deductions are withheld from their pay. Additionally, all employees are responsible for updating their home and mailing addresses to reflect their current residence using employee self-service.
 - d. Employees are responsible for knowing the tax consequences of any work performed outside of Texas and complying with any applicable laws of the jurisdiction in which they work. Except where otherwise required by law, employees who work out-of-state are not eligible for travel reimbursement to/from their

respective University campus location. Such employees must pay transportation and lodging expenses to attend mandatory in-person meetings or training sessions at the Houston or regional campuses.

- e. Should the employee intend to move from the original location where the exception was granted to another out-of-state location, the employee must receive approval using the process outlined above prior to the move. The employee may not work in the new location until approval is received. Failure to do so may result in disciplinary action, up to and including termination. Employees must also notify their supervisor if they move back to Texas from an out-of-state location.

D. Manager Responsibilities

If any conditions of employment change for an employee for whom an exception has been granted, the manager must (immediately upon being notified by the employee) report this information to Human Resources. Examples of a change in the condition of employment include a change in FTE, a change in position title, etc. Additionally, if a manager becomes aware of a change in the employee's work location, the manager must report that information to Human Resources and require the employee to complete the approval process outlined above.

E. Procedure

The Alternative Work Arrangements Justification Form must be approved and signed by the appropriate requesting Unit leader, administrative equivalent, or designee; Senior Associate Vice President for Human Resources & Payroll; and General Counsel.

Out-of-state employment cannot begin until appropriate systems (i.e., payroll, benefits, etc.) are updated to account for any state and local taxes or other benefits.

F. Workspace, Ergonomics, Safety and Security

Employees are required to use any University-issued or -approved equipment and software if provided when performing work for the University. The University may determine the appropriate equipment needs (including hardware, software, phone and data lines, and other office equipment) for each remote work arrangement.

The University will apply its usual policies and procedures to maintain and update equipment provided for at-home use. While maintenance and updates will be performed at the remote worksite, when possible, employees are expected to bring equipment to campus upon request. Employees should not purchase any item to perform work unless the use and/or the reimbursement of the expense is expressly approved in writing.

An employee must be able to provide a secure and safe working environment to be allowed to work remotely and must identify in writing what additional items and expenses are necessary to provide a compliant workspace prior to entering into a remote work arrangement. If a change occurs necessitating additional items or expenses to maintain a compliant workspace, the employee shall immediately notify his or her supervisor in writing. The supervisor may approve the additional items or expenses or terminate the remote work arrangement.

A supervisor must review the guidelines with an employee candidate for remote work and should obtain satisfactory responses from the employee before approving

the remote work arrangement. Employees should complete the Remote Work Agreement. Remote work is not authorized until the agreement is completed and approved.

Employees who require particular equipment or other accommodations to perform the work remotely must raise those requests with the employee's supervisor. If the request is related to a disability, the employee should contact the Human Resources department at 713-313-4246.

VI. EMPLOYEE RESPONSIBILITIES

Employees working pursuant to an alternative work arrangement **must**:

- A. Be responsible for making sure they have access to any resources necessary to perform any assigned activity when working from a location other than the employee's Regularly assigned place of employment including a secure and reliable internet connection.
- B. Have access to a computer and telephone that they are willing to use for University business. The location away from the employee's Regularly Assigned Place of Employment must be safe and free of all hazards. This location must also have access to electrical outlets, a cellular network or landline phone access, and internet connectivity. This location must be free from non-work-related events and activities that would disrupt or interfere with work.
- C. Be able to complete any task assigned in a location at which any confidential and/or sensitive information or data can be kept safe and secure. Also, understand that no confidential or proprietary information or data can be downloaded or otherwise placed or maintained on a non-University device or equipment.
- D. Be available for communication and contact during the Work Schedule as if they would be if working at their Regularly Assigned Place of Employment. Employees and their supervisors shall agree on how their communications shall be handled. During the agreed upon Work Schedule, the participating employee is expected to be available for contact by phone, e-mail, or video conferencing.
- E. When operational needs are required, be willing to report to the Regularly Assigned Place of Employment upon the supervisor's request. Employees will be given as much advance notice as feasible under the circumstances presented.
- F. Be willing and able to securely dispose of any confidential and/or sensitive information.
- G. Discuss with their supervisor any change to the alternative work arrangement once it is established, including termination of the arrangement.
- H. Understand that all University policies apply to any alternative work arrangement, including whether the employee is performing Telecommuting/Remote Work, Hybrid Work, a Compressed Workweek, Work Alternate Work Schedules, and/or Temporary Alternate Work Locations. This includes having a performance evaluation completed each year.
- I. Understand that all leave policies and procedures continue to apply regardless of whether the work is being performed at their Regularly Assigned Place of Employment or at an Alternative Work Location.
- J. Understand that information or data related to University business is subject to collection and review by the University.

VII. SUPERVISOR RESPONSIBILITIES AND CONSIDERATIONS

- A. Upon receipt of an employee's written request for an alternative work arrangement, the immediate supervisor must review the request to determine the employee's eligibility as authorized by the employee's responsible Vice President and evaluate department issues/needs that may be impacted by the alternative work arrangement.
- B. Be responsible for confirming that the employee has access to any resources necessary to perform any assigned activity when working from an Alternate Work Location.
- C. It is within the discretion of the immediate supervisor, the supervisor's manager, and/or responsible Vice President to deny the employee's alternative work arrangement request in its entirety.

Supervisors should consider the following criteria when deciding whether to approve an alternative work arrangement:

- A. The level of student and/or faculty interface of the unit and/or employee;
- B. The impact on the unit's ability to fulfill its mission;
- C. The productivity of the employee can be maintained;
- D. The employee will be able to follow University rules, procedures, and policies; and
- E. Doing so is in the best interests of the University.

Alternative work arrangements are appropriate for employees who:

- A. Have the demonstrated abilities to successfully organize, manage time, work independently and productively with minimal supervision;
- B. Have demonstrated a thorough knowledge and understanding of their job functions and the equipment required for the alternative work arrangement;
- C. Have access to an Alternate Work Location that is safe and free from interruptions; and
- D. Are able to provide the security necessary to adequately protect any University information and equipment used at an Alternate Work Location.

An employee working pursuant to an approved alternative work arrangement, the Supervisors **must**:

- A. Develop a system for assessing work done by any employee on an alternative work arrangement.
- B. Be responsible for ensuring that the employee has adequate and appropriate safeguards in place before providing the employee with access to any confidential and/or sensitive information.
- C. Be responsible for demonstrating employee and department productivity, including identifying and establishing key performance indicators.
- D. Be responsible for determining and monitoring eligibility for employee's participation in the
- E. alternative work arrangement.
- F. Be responsible for maintaining optimal services and operation of their departments.

Understand that all University policies apply to the alternative work arrangement, including whether the employee is performing Telecommuting/Remote Work, performing Hybrid Work, working a Compressed Workweek, working an Alternate Work Schedule, and/or working at Temporary Alternate Work Locations. This includes ensuring that the employee's performance evaluation is completed each year.

VIII. WORK DOCUMENTATION, TIMEKEEPING, AND LEAVE

- A. Participating employees and supervisors should identify work items for review and discussion on an ongoing basis to ensure that tasks are fully described and timely performed and/or completed.
- B. Timekeeping. Participating non-exempt employees must maintain accurate time accounting documentation to support their work hours and submit regular weekly time reports detailing hours worked. Departments shall maintain all-time records for the employee.
 - i. Overtime. Under the Federal Fair Labor Standards Act (FLSA), non-exempt employees will be compensated in pay or compensatory time for overtime approved by the supervisor per the provisions of the FLSA.
 - ii. State Compensatory Time. With the approval delegated by the responsible Vice President, an employee may earn state compensatory time for work performed at an Alternate Work Location.
 - iii. Pursuant to established University policies, employees must obtain supervisory approval before taking accrued and available leave.

IX. USE OF EQUIPMENT

- A. The employee must use only University approved software for connecting with the University's network (VPN) from their Alternate Work Location.
- B. The employee is responsible for providing workspace, telephone, printing, networking, and/or internet capabilities at their Alternate Work Location.
- C. Internet access must be via DSL, Cable Modem, or a current bandwidth network.
- D. Employees must always run current anti-virus software and follow University security rules, copyright laws, and procedures.

The employee must follow all other software licensing, copyright laws, precautions, and requirements related to working at their Alternate Work Location.
- E. University-owned equipment and University office supplies are only to be used for official University work needs and business in accordance with University policy.

Employee agrees to protect University-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure.
- F. Employee understands that all equipment, records, and materials provided by the University shall remain the property of the University.
- G. No Protected Health Information or other confidential and/or proprietary information may be stored on personal electronic equipment.

X. PROCEDURE

The procedure for requesting an alternative work arrangement varies depending on which type of arrangement the employee is seeking:

- A. Temporary Alternate Work Locations: Employees seeking Temporary Alternate Work Locations must make a request in writing to their immediate supervisor. Immediate supervisors have the authority to grant, modify, or deny the request.
- B. Alternate Work Schedules and Compressed Workweek: Employees seeking Alternate Work Schedules and Compressed Workweek arrangements shall submit an alternative work arrangement request to their immediate supervisor via the Alternative Work Arrangement Request Form. As delegated by the responsible Vice President, immediate supervisors have the authority to grant, modify, or deny the request. If an immediate supervisor grants the request, then the immediate supervisor and employee must execute an Alternative Work Arrangement Agreement.
- C. Hybrid Work: Employees seeking a Hybrid Work arrangement shall submit an alternative work arrangement request to their immediate supervisor via the Alternative Work Arrangement Request Form. Immediate supervisors must review the request and have the authority to deny any request. If an immediate supervisor agrees with the request, then the immediate supervisor and employee must execute an Alternative Work Arrangement Agreement, subject to the approval of the employee's responsible Vice President. Hybrid Work arrangement requests must be approved by the employee's immediate supervisor and responsible Vice President in order to become effective.
- D. Telecommuting/Remote Work: Employees seeking a Telecommuting/Remote Work arrangement shall submit an alternative work arrangement request to their immediate supervisor via the Alternative Work Arrangement Request Form. Immediate supervisors must review the request and have the authority to deny any request. If an immediate supervisor agrees with the request, and the position has been classified as 100% remote by Human Resources, then the immediate supervisor and employee must execute an Alternative Work Arrangement Agreement, subject to the approval of the employee's responsible Vice President and Human Resources. Telecommuting/Remote Work requests must be approved by the employee's immediate supervisor, responsible Vice President, and Human Resources in order to become effective.

XI. LIABILITY

- A. The University assumes no liability for injury at an Alternate Work Location to any person who would not be in the work area if the duties were being performed at the Regularly Assigned Place of Employment. An injured employee participating in an alternative work arrangement must notify their supervisor immediately and complete all requested documents. Workers' Compensation benefits may apply to injuries arising out of and in the course and scope of employment.
- B. The University is not liable for damages to employee-owned equipment being used as part of an alternative work arrangement. The employee is liable for any equipment lost, stolen, or damaged, including because of negligence, misuse, or abuse. The University is not
- C. liable for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, insurance) arising out of or relating to the employee's flexible workplace arrangement.

XII. TERMINATION

- A. The University, including the employee's immediate supervisor, can discontinue the

employee's participation in an alternative work arrangement at any time and for any reason.

- B. Employees may request an alternative work arrangement be terminated by providing their immediate supervisor with ten business days' written notice.
- C. The University is not liable for any and all costs, damages, and/or losses arising out of or relating to the termination of an alternative work arrangement.

XIII. REVIEW AND RESPONSIBILITIES:

Responsible Party: Senior Associate Vice President for Human Resources & Payroll

Review: Every three years, on or before September 1

XIV. APPROVAL



Senior Associate Vice President for Human Resources & Payroll



Interim President

Date: March 7, 2024

XV. REFERENCES

Texas Government Code §§ 658.010

Texas Government Code §§ 659.018

Alternative Work Arrangements Justification Form

Alternative Work Location Agreement Form