

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Alternate Work Arrangements

EFFECTIVE DATE: November 17, 2021; Revised December 6, 2022

Purpose and Scope

The purpose of this policy is to set the standards for alternate work arrangements, including remote work, for Southwest Tennessee Community College (“Southwest” or “the College”) employees. Alternate work may enable Southwest to retain and attract employees, increase productivity, improve morale, and optimize the use of College space. Availability of an alternate work arrangement is at the discretion of the College and subject to change with or without notice. Given the nature of faculty work, not all provisions of this policy apply to faculty (see Policy/Procedure, section B below).

Definitions

- Remote Work- A work arrangement in which supervisors authorize employees to perform their usual job duties away from their central workplace in accordance with work agreements. Example Alternate Work Agreement attached.
- Central Workplace- The place of work to which an employee is primarily assigned.
- Flex- Adjusted work schedule where: 1) daily working hours can be outside of the hours of 8:00 am to 4:30 pm; 2) schedules can be adjusted to work the required 37.5 hours a week in less than five (5) days; 3) a schedule allows for work to be performed at the on-campus workplace certain days and at an alternate work location other days (e.g. three (3) days at the on-campus workplace and two (2) days at the alternate work location); or 4) another alternate work arrangement is agreed upon and authorized by the supervisor.
- On-Campus Workplace- A College facility to which an employee is primarily assigned or where the employee is usually located.
- Employee- A person employed by the College pursuant to Tennessee Board of Regents (“TBR”) policies.
- Alternate Work Arrangement Agreement (“Work Agreement”)- The written arrangement, as documented by an acknowledgement, that details the terms and conditions of the employee’s work schedule, whether away from or at the central workplace. A remote work arrangement is one type of alternate work arrangement. Work agreements are required for any alternate work arrangement. See AWA Form attached below.

Policy

- A. Requests for alternate work arrangements can be initiated by either the employee or supervisor and should establish the rationale for the request. Requests will be approved or denied pursuant to internal review procedures set forth by Human Resources. Note that the College reserves the right to require all employees to work at alternate work locations, for example, but not limited to, situations related to community health and safety crisis.
- B. In cases where a faculty member requests to work fully off-campus, alternate work arrangements may be considered. Those assignments will be considered temporary and are not expected to continue beyond a reasonable period of time. Approval for an alternate work arrangement and what constitutes a reasonable period of time will be determined by the respective Chairperson, Dean and Vice President for Academic Affairs. Any alternate work assignment must be documented so that expectations and outcomes are understood by all parties.
- C. Requests for alternate work arrangements from employees with health concerns may be considered under Section 504 of the Rehabilitation Act of 1973 or under the Americans with Disabilities Act.
- D. Alternate work arrangements are not a universal employee benefit or right. No employee is entitled to or guaranteed an alternate work arrangement. Management is responsible for the continued, successful operations of the College and thus management has the sole discretion to designate positions and/or individuals for an alternate work arrangement. At its sole discretion, the College may adjust alternate work schedules and/or rescind any and all alternate work arrangements. Supervisor's must ensure full coverage of their departments at all times, including when employees are on annual and sick leave.
- E. Alternate work arrangements do not change the conditions of employment or required compliance with laws and policies. Employees working on an alternate work arrangement are subject to the same policies, statutes, and procedures applicable to all employees including, but not limited to, outside employment, conflict of interest, Information Technology acceptable use, time and attendance, and leave policies. The College will ensure that procedures are in place to document the work hours of employees in alternate work arrangements and to ensure compliance with the Fair Labor Standards Act. Supervisors may require employees to report to the on-campus workplace, video meeting or telephone conference as needed for work-related meetings or other events, or may meet with employees in the alternate work location as needed to discuss work progress or other work-related issues. If a holiday falls on an employee's scheduled day off as a result of an alternate work arrangement, the employee's supervisor will make appropriate schedule adjustments to accommodate the holiday.
- F. When an employee opts to work on a flex schedule that condenses the work week, annual and sick leave will be applied accordingly, e.g. if the agreed upon schedule includes ten (10) hour work days Monday-Wednesday and a 7.5-hour day Thursday, the deduction for annual or sick leave Monday-Wednesday will be ten (10) hours.

- G. If approved for an alternate work arrangement, the employee is expected to maintain appropriate levels of productivity and quality of work. The supervisor will use the College's performance management system to clearly define the performance expectations and to assess the employee's performance. If a decline in performance is noted, the arrangement may be canceled.
- H. During agreed upon work hours, the employee may not perform tasks for others, including self-employment. Information regarding issues related to the performance of non-Southwest tasks during work hours is found in Southwest policy 5:01:05:00/48, Outside Employment and Extra Compensation to Faculty for Additional Assignments and in Southwest policy 1:02:03:10/11, Conflict of Interest.
- I. Approved alternate work arrangements must be supported by a written alternate work arrangement. At a minimum, this arrangement must include and establish:
1. That the arrangement may be revoked at any time without cause by written notification of the College. An employee may also request to rescind the agreement. If the supervisor agrees and can accommodate the request, considering the College's needs, available work space, and other relevant factors, the employee will revert to an on-campus assignment.
 2. That the agreement will be reviewed periodically (and no less than annually) for compliance and to insure the continued justification for the work arrangement;
 3. The employee's work schedule;
 4. The employee's work location(s);
 5. The employee will be responsible for the tax consequences of any alternate work arrangement; and
 6. The employee's status during emergency or weather-related closings. Employees whose alternate work location is in their home are expected to continue working during emergency or weather-related closings, unless otherwise determined by the College or the employee requests annual leave.
- J. Requests for alternate work arrangements as an accommodation for a disability will be addressed through the College's accommodation request process.

Remote Work Procedure

- A. Remote work may be viable in certain instances. Remote work arrangements may be for partial, or in certain situations, on a full-time basis. This policy does not apply to remote work on an informal basis, such as occasional work from home or while traveling.

- B. The majority of job positions require staff to be on campus to support students, faculty, fellow staff, and other members of the College community. Thus, remote work is not suitable for all employees and all jobs. In determining the appropriateness of a remote work arrangement, the supervisor should consider:
1. Job responsibilities- the amount of required in-person interaction with faculty, students, and other employees and the ability for the individual and operational unit to perform as competently and efficiently as if working at the central workplace.
 2. Needs of the unit and other units-whether the unit obtains optimal performance by collaborating in person, whether employees can interact sufficiently via remote means, and whether working remotely adversely affects other units.
 3. Resources- whether the institution can save money by having certain units and certain employees work remotely and whether the employee has appropriate resources at the remote location, including reliable, high-speed internet service.
 4. Employee suitability- whether the employee has demonstrated traits necessary to work remotely, such as the ability to work independently, good organization and time-management skills, satisfactory attendance and punctuality, and self-motivation.
- C. An employee working remotely has the same responsibility as one working at a central workplace for maintaining regular work hours consistent with the core workday of the institution (unless a variation is approved by a supervisor) and for devoting working time to work-related functions. The employee is responsible for maintaining a productive workplace and for limiting interruptions during working time, which includes making appropriate dependent-care arrangements. A remote work arrangement is not a substitute for dependent care or for taking leave. Requests for leave to address such issues should be made pursuant to the appropriate leave policy.
- D. The employee is responsible for arranging a safe work environment. Work related injuries occurring while working away from the central workplace should be reported consistently with those occurring at a central workplace.
- E. The supervisor should consider material and equipment needs when drafting a proposal for an alternate work arrangement with the goal of making the arrangement cost-neutral, i.e., no more equipment, supplies or expense should be necessary because of the alternate work arrangement than would be needed at the central workplace. However, at the College's discretion, funds may be used to provide office equipment, such as a docking station, scanner, or printer if doing so enhances the cost efficiency of the arrangement or is otherwise in the College's best interest.
- F. The College will not be responsible for any additional costs associated with alternate work locations such as utilities, internet service, structural maintenance, furniture, etc. Employees are responsible for maintaining reliable, secure high-speed internet and telephone service at their alternate work location.

- G. In the event an employee is unable to work remotely due to internet outages or other reasons, the employee should contact the supervisor and may be required to report to the central workplace or take leave.
- H. Employees with remote work arrangements shall not receive mileage for travel to their central workplace. Travel to a central workplace is not working time.
- I. For a home-based or similar work location, the employee is responsible for providing insurance coverage for equipment, supplies, etc. provided by the employee, as the College is not responsible for damage to an employee's personal property. The employee will be responsible for compliance with any local zoning ordinances or other restrictions related to maintaining a home-based or similar work site. The College will not be liable for any fines, penalties, taxes or other expenses that may accrue as a result of any violation of applicable restrictions.
- J. Employees must follow College approved data security policies and procedure for protecting confidential information. The employee is responsible for any material, documents or equipment owned by the College or transported from the College.
- K. Out-of-State Alternate Work Arrangements Locations
 - 1. Southwest employees are generally expected to have a central workplace in Tennessee. For this reason, Southwest will not routinely enter remote work arrangements that involve working entirely or primarily in another state. Any requests for out-of-state remote work must be approved by the President and Human Resources in advance. Because working outside of Tennessee may subject the College to the laws of other states, remote work will not be approved from all states. If a supervisor is considering hiring an employee who wishes to spend a significant amount of working time in another state, the supervisor should consult Human Resources and obtain the required approvals early in the recruiting process. The Tennessee Board of Regents Chancellor must approve all international remote work arrangement. Approval to work remotely is not needed for the following:
 - a. while traveling on Southwest business;
 - b. while traveling on a Tennessee Center for International Studies program;
 - c. while on personal travel or on weekends and holidays; and
 - d. where the employee commutes to a central workplace in Tennessee from across state lines.
 - 2. Working outside of Tennessee may create state and local income tax obligations for an employee. State and local income tax laws differ significantly and may be based on both personal residence and work location. The employee is responsible for understanding the

tax consequences associated with a remote work arrangement and for properly paying any applicable state and local income taxes that result from remote work. Southwest does not withhold income and remit taxes to other states. The employee must indemnify the institution for any unpaid tax liability resulting from a remote work arrangement.

- L. Employees working remotely must protect Southwest owned equipment, records, data, and material. Employees must follow the College's data security policies and procedures for protecting confidential information. The employee will be responsible for any materials and documents transported from the institution and/or printed at the alternate work location. The employee is responsible for appropriate disposal of records. Employees must report loss, damage, theft, or unauthorized access at the earliest opportunity and cooperate with the College in following up on such matters. Institution-provided equipment and supplies must be returned in good working order upon termination of the remote work arrangement, or at any time upon request by the College.

Source of Policy: Human Resources

Responsible Administrators:
Associate VP of Human Resources

TBR Policy Reference: 5.01.01.20

Related Policy: _____

TBR Guideline Reference: _____

Approved: _____



President

Date: December 6, 2022

SOUTHWEST

TENNESSEE COMMUNITY COLLEGE

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Alternate Work Arrangement Form

Employee's Name: _____ Banner ID: _____

Position Title: _____ Department: _____

Full physical address of alternate work location: _____

(Please be aware there could be tax implications if the location is outside the State of Tennessee)

Reason for the arrangement:

Operational Needs (i.e., minimizing disruptions)

Spacing Needs (i.e., limited space available to accommodate staff)

Personal Needs (i.e., expectation of greater productivity, efficiency, etc.)

Other (please briefly explain) _____

Arrangement begin date: _____ Arrangement end/review date: _____

<input type="checkbox"/> Exempt employee <input type="checkbox"/> Non-exempt employee (1 hr. lunch break must in the schedule)	Alternate Work Schedule (hours)				
Days	On-Site		Off-Site		Total hours
	Begin	End	Begin	End	
Monday					
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Total Hours (Must be equal to 37.5)					37.5

This agreement requires:

- May be severed at any time with advance written notification to the College or request from the employee.
- The employee will indemnify and hold the College, TBR, and the State harmless from all claims, demands, judgments, liabilities, losses, damages, or expenses resulting or arising from injury or property damage to third persons at employee maintained home-based work locations.
- The employee will indemnify and hold harmless the College, TBR, and the State from all claims, demands, judgments, liabilities, losses, damages, or expenses resulting or arising from any injury or damage to any person, corporation or entity caused directly or indirectly by the employee's willful, malicious, or criminal acts or omissions or for acts or omissions done for personal gain.
- If employee is on a Performance Improvement Plan (PIP), they may not be eligible to participate in an Alternative Work Arrangement.
- Employee will maintain communication with supervisors, colleagues, and others via:

Home #: _____ Cell #: _____ E-mail: _____

- During emergency or weather-related closings, the employee will (add alternative contact information as necessary):
