

5.01.01.20 Alternate and Remote Work Arrangements



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to set the standards for alternate work arrangements, including remote work, across the TBR system. Alternate work arrangements may enable an institution to retain and attract employees, increase productivity, improve morale, and optimize the use of institutional space. Availability of an alternate work arrangement is at the discretion of each institution and subject to change with or without notice. Any reference to institutions includes the TBR System Office. Given the nature of faculty work, only Sections I and Sections II (D, E, F, H, I, K, and L) of this policy are applicable to faculty. Institutions may have additional procedures applicable to faculty.

Definitions

- Remote work - A work arrangement in which a supervisor authorizes an employee to perform the usual job duties away from the central workplace.
- Flex Time - Adjusted work schedule where daily working hours may fall outside the hours of 8:00 am to 4:30 pm.
- Compressed Work Week - Adjusted schedule where the employee works a 37.5-hour week in less than 5 days.
- Flex Year - Any time period greater than 9 but less than 12 months scheduled to accommodate a cyclical workload.

- Job Sharing - Two or more people share a single job for which they are each accountable.
- Central Workplace - The place of work to which an employee is primarily assigned.
- Alternate Work Arrangement - The written arrangement, as documented by an acknowledgement, that details the terms and conditions of an employee's work schedule whether away from or at the central workplace. A remote work arrangement is one type of alternate work arrangement.

Policy/Guideline

I. General Procedures

- A. Alternate work arrangements should address and establish the business justification for the alternate work arrangement. Each institution must establish an internal procedure to review and approve/deny proposed alternate work arrangements, regardless of whether the institution, supervisor, or employee proposes the alternate work arrangement.
- B. 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 each institution, and thus management has the sole discretion to designate positions and/or individuals for an alternate work arrangement.
- C. 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, IT acceptable use, time and attendance, and leave policies. Institutions must 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 a central workplace or video conference as needed for work-related meetings or other events or may meet with employees in person as needed regardless of the alternate work arrangement. 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.

- D. 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 institution's normal 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 will be canceled.
- E. 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 any time without cause by written notification of the institution or upon request by the employee, if approved by the supervisor;
 - 2. That the agreement will be reviewed periodically (and no less than annually) for compliance and to insure the continued business justification for the work arrangement;
 - 3. The employee's work schedule;
 - 4. The employee's work location(s); and
 - 5. The employee will be responsible for the tax consequences of any alternate work arrangement;
 - 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 institution or the employee requests annual leave.

- F. Requests for alternate work arrangements as an accommodation for a disability will be addressed through the institution's accommodation request process.
- G. A sample Alternate Work Arrangement Acknowledgment is provided in Exhibit 1.

II. Remote Work Procedures

- 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 institutional community. Remote work thus 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 are able to 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 making arrangements for 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 as a result of the alternate work arrangement than would be needed at the central workplace. However, at the institution's discretion, funds may be used to provide office equipment, such as docking stations or scanner/printers if doing so enhances the cost efficiency of the arrangement or is otherwise in the institution's best interests.

- F. The institution will not be responsible for any additional costs associated with alternate work locations such as utilities, home maintenance, furniture etc. The employee is responsible for maintaining reliable, secure high-speed internet and telephone service at the 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 work location, the employee will be responsible for providing insurance coverage for equipment, supplies, etc. provided by the employee, as the institution 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 work site. The institution 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 are not permitted to have in-person, work-related meetings in their homes, unless with an individual employed by a TBR institution or State of Tennessee agency.
- K. Out of state remote work locations.
 - 1. Employees working for Tennessee Board of Regents institutions are generally expected to have a central workplace in Tennessee. For that reason, institutions will not routinely enter into remote work arrangements that involve working entirely or primarily in another state. Any request for out-of-state remote work must be approved by the president (or Chancellor for System Office employees) and human resources in advance. Because working outside of Tennessee may subject the institution 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 Chancellor must approve any international remote work arrangement. Approval to work remotely is not needed for the following:

- a. while traveling on institutional 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. TBR institutions do 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 institution-owned equipment, records, data, and material. Employees must follow the institution'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 institution 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 institution.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Authority

T.C.A. §§ 49-8-203, 9-8-307

History

TBR Meeting: December 4, 2008; TBR Meeting: December 5, 2013, this policy was revised and renamed. The previous revision was named "Telecommuting"; TBR Meeting June 17, 2022.

Related Polices

[P-020 Procedures for Implementation of the 37.5 hour Work Week](#)