



**UNIVERSITY OF THE
INCARNATE WORD**

**CHAPTER 21 - TELEWORK AND
ALTERNATIVE WORK SCHEDULE
POLICY**

Effective Date: September 1, 2022 - May 31, 2024
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PURPOSE

The purpose of this document is to establish UIW’s policy on telework and alternative work schedules and to provide the guidelines and criteria to be used to determine, review, and manage telework and alternative work schedules.

This policy provides a general framework for teleworkers and employees approved for alternative work schedules. It does not attempt to address all employees’ special conditions and needs, nor is it intended to interfere with existing faculty schedules driven by teaching, research, service, and/or clinical responsibilities, which can vary daily.

SCOPE

Unless otherwise noted in this policy and within a specific policy, all references to “UIW” in the policies and in this document are applicable to and inclusive of St. Anthony Catholic High School (SACHS). This policy was developed in compliance with the Bylaws of the University of the Incarnate Word, which stipulate that the UIW Board of Trustees shall formulate and determine such general policies as shall be deemed necessary for the development and administration of UIW.

DEFINITIONS

These definitions apply to the following terms as they are used in this policy:

- **Alternate Workplace:** A worksite other than the employee’s primary workplace. The alternate workplace may include the employee’s home
- **Alternate Work Schedule:** A work schedule other than the core operating hours.
- **Core Operating Hours:** Each school or department may establish core operating hours according to the school or department’s operational needs. The core operating hours are when employees would normally be expected to be present, and the offices are to be open for business and are adequately staffed.
- **Flextime:** A work period for an individual that varies from the core operating hours established for a school or department, with the start and end times adjusted to ensure a forty (40) hour workweek.

- **Compressed Workweek:** Working the equivalent hours of a full-time workweek in fewer than five (5) days.
- **Mobile Worker:** An employee who travels continuously and whose current work location is their home or an assigned office. The duties of these positions generally require the employee to meet and work off-site with clients/customers who are dispersed throughout a geographic territory. For the purposes of this policy, mobile workers are not considered teleworkers.
- **Occasional Telework:** A work arrangement for an employee who works at an alternate workplace on an infrequent basis with the approval of their supervisor. Approval is usually task or project-specific and normally approved at least the day before the employee teleworks. Occasional teleworkers do not telework on a scheduled basis. The occasional teleworker doesn't need to complete the formal Teleworking Agreement.
- **Primary Workplace:** The employer's usual and customary place of business and worksite.
- **Telework:** A work arrangement for an employee who works at an alternate workplace, usually home, at least one day per work week with the approval of their supervisor and divisional vice president. Teleworkers work on a scheduled basis. All teleworkers must complete the Telework Agreement.
- **Teleworker:** An employee who engages in telework and occasional telework. A teleworker is not a mobile worker.

LEGAL STATUS

UIW establishes policies that govern the conduct and activities of UIW and its employees, students, and others while they are on the main campus or other UIW sites, conducting UIW business off-campus, or otherwise representing UIW.

UIW policies are not intended to be contractual in nature and will not under any circumstances be construed as creating a contract with any person, firm, or entity, nor to provide terms or conditions of employment which are binding on UIW.

In the event of any interpretive differences between UIW policies and division or department policies, UIW policies will take precedence. UIW retains the right at its sole discretion to resolve all issues, including interpretation and resolution of all issues arising under these policies. All interpretations and resolutions made by UIW regarding UIW policies are binding upon UIW employees and any affected non-employees.

UIW policies are effective on their publication date unless otherwise specifically noted, and remain in effect until modified, superseded, withdrawn, or canceled in writing, or expire on their own terms.

OVERSIGHT RESPONSIBILITIES FOR THIS POLICY

1. Oversight of this Policy is assigned to the Associate Vice President for Human Resources.
2. The policy will be published as a chapter in the Employee Handbook and placed online as a public web resource.

3. The Associate Vice President for Human Resources will assure its compliance.
4. This policy will be reviewed for possible revisions in the first 18 months of implementation.

First Approved: 07/05/2022

Revised:

CHAPTER 21 – TELEWORK AND ALTERNATIVE WORK SCHEDULE POLICY

Scope: University Staff and Administrators. Also applies to all University facilities and locations. This policy does not replace workplace requirements, conduct, and other policies set out in the Employee Handbook and other applicable UIW policies. The University reserves the right to consider workplace regulations of local, state, national, and international locations in determining and approving the applicability of the Telework and Alternative Work Schedule Policy.

Section 21.1 – General

Telework and alternative work schedules are voluntary options that are appropriate for some employees and positions. No university employee is entitled to or guaranteed the opportunity to telework or have an alternative work schedule. Certain positions are ineligible for telework and/or alternative work schedules, and certain positions may be eligible for one or both telework and alternative work schedules. An employee's eligibility for telework or an alternative work schedule is determined on a case-by-case basis and taking into consideration an evaluation of the likelihood of the employee succeeding in telework or an alternative work schedule and an evaluation of the supervisor's ability to manage the employee. Telework or an alternative work schedule must be approved by the supervisor and divisional vice president.

Employees who are approved for telework or alternative work schedules will be required to sign a Work Agreement with UIW consistent with this policy.

All telework employees perform the same work they would in their primary workplace and with the same performance expectations. Telework agreements may be established for long-term or short-term periods.

All employees working alternative work schedules perform the same work they would if they were working during core operating hours and with the same performance expectations. Alternative Work Schedule agreements may be established for long-term or short-term periods.

An employee's classification, compensation, and benefits will not change if the employee is approved for telework or an alternative work schedule.

The University may establish telework as a condition of employment based on the University's business needs. In such cases, this requirement should be included when the position is advertised and in correspondence offering employment.

Divisional vice presidents and supervisors are responsible for ensuring UIW Mission integration of engagement for their departments and divisions for all employees, including employees on a telework or alternative work schedule.

Employees on telework or alternative work schedule options will comply with applicable federal and state laws and all UIW regulations, rules, policies, and practices.

Section 21.2 – Telework

Eligible Positions and Employees

Several factors should be considered in determining the feasibility of telework, including the supervisor's ability to supervise the employee adequately and whether any duties require the use of certain equipment,

tools, or ergonomic needs that cannot be replicated at home. Other critical considerations include whether:

- The telework arrangement will not impact service quality, hinder operations, or increase the workload for other employees;
- The position is structured to be performed independently of others with minimal need for support and little face-to-face interaction;
- Performance can be measured by quantitative or qualitative results-oriented standards and not time spent doing the job;
- There is not a need for face-to-face interaction and coordination of work with other employees;
- In-person interaction with outside colleagues, clients, or customers is not necessary;
- The position does not require the employee to have immediate access to documents or other information located only in the workplace;
- Specific equipment needs that may not be available to the employee in their alternate workspace, such as a printer;
- Appropriate security conditions for the type of work, such as confidential student records, are not available; and
- Local, state, national, and international regulations of the alternative workspace are met.

Telework eligibility can be partial or full-time at an alternate workplace, but all telework employees must have an established and predictable schedule.

Positions that are not eligible for telework include, but are not limited to, direct service and place-specific positions; such as, police officers, facilities workers, parking support staff, student health employees, residence life employees, coaches, athletic support and operation positions, receptionist positions, administrative assistant positions, library paraprofessional staff, vehicle services, and postal operation employees. This list of positions is not exhaustive, and the Office of Human Resources reserves the right to identify other positions that are not eligible for telework.

If an employee is in an eligible position and requests approval for telework, the supervisor first will determine whether the employee is eligible in consultation with Human Resources. Generally, the following conditions must be met prior to approving an employee for teleworking:

- The employee has no active formal disciplinary actions on file;
- The employee's annual evaluation is current, and the employee meets or exceeds expectations;
- The employee has a demonstrated ability to work productively on his/her own and is self-motivated and flexible;
- The employee's alternate worksite is conducive to productive work;
- The employee has completed the Telework Self-Assessment form; and
- The primary workplace is appropriately staffed and can remain open during core operating hours.

Supervisors must ensure that telework decisions are made for appropriate work-related and non-discriminatory reasons.

General Expectations and Conditions

The teleworker's conditions of employment remain the same as for non-teleworking employees. Teleworkers understand that they must still comply with UIW rules, policies, practices, and instructions. Failure to comply may result in the termination of the telework agreement and/or disciplinary action, up to and including dismissal. As in the physical workplace, telework is not intended to permit employees to attend to personal business, such as performing outside employment or providing child or adult care,

while they are working.

Teleworkers must meet the same level of productivity as employees at the primary workplace.

Hours of Work

Teleworkers shall work during the core operating hours unless an alternate work schedule is submitted in advance to the employee's supervisor in writing, and the supervisor agrees in writing to the alternative work schedule. While working, the teleworker is expected to maintain contact with the office as specified in the work schedule, department policy, the supervisor, and the telework agreement. Reasonable amounts of time for breaks and meal breaks are permitted as would be allowed in the primary workplace.

Supervisors may require teleworkers to report to the primary workplace upon reasonable notice of at least two (2) hours for work-related meetings or other events as needed to discuss work progress or other work-related issues.

A teleworker's personal activities outside the time of work will be deemed to be in the employee's own personal time, unconnected with work activities.

Nonexempt employees (staff) engaging in telework will record their time and attendance through Banner web time entry to ensure that such time is accurately reported as hours worked. As would be required in the primary workplace, staff employees must obtain approval from their supervisors before performing overtime work. A staff employee working overtime without such approval may cause the department to terminate the teleworking agreement and/or take other appropriate or disciplinary action.

Use of Leave

Teleworkers must obtain approval in advance from their supervisor before taking leave during a designated telework day, as would be required in the primary workplace.

Teleworkers must notify their supervisors if they are not able to work their regular schedule, just as they would if they were in the primary workplace. Attendance will be monitored for teleworkers in the same manner as employees in the primary workplace. Attendance issues may result in the termination of the telework arrangement and/or disciplinary action up to and including termination of employment.

When child(ren) or adults are sick, and the teleworker will be responsible for the care of the child or adult at the alternate workplace, the employee will be required to use the appropriate accrued leave.

Employees cannot use telework in place of sick leave, Family and Medical Leave (FMLA), or other types of leave. However, the Human Resources office may determine whether or not it is appropriate to offer telework as an opportunity for a partial or full return to work following an injury or illness under the ADA or Workers' Compensation.

Child and Adult Care

Teleworking is not a substitute for childcare or adult care. The teleworker shall continue to plan for child or adult care to the same extent as if the teleworker were working at the primary workplace. If child(ren) or adults in need of care are in the alternate workplace during employees' work hours, another person must be present to provide the care.

As noted in the **Use of Leave** section above, when child(ren) or adult for which the teleworker provides care is sick, and the employee will be responsible for the care at the alternate workplace, teleworkers are required to use the appropriate accrued leave time.

If the supervisor is concerned that another person is not present to provide primary care for the child(ren) or adult during the teleworker's work schedule. In that case, the teleworker may be asked to demonstrate that another individual is present to provide the care. Managers may request reasonable verification they find acceptable, such as a good faith representation by the employee, a credible representation from the care provider, or other confirmation of the care.

Liability

UIW assumes no responsibility for injuries occurring in the teleworker's alternate workplace outside the scheduled work hours or for injuries that occur during working hours but do not arise out of and within the course and scope of employment. UIW also assumes no liability for damages to a teleworker's real or personal property or to third persons who may sustain injury resulting from the teleworker's participation in the telework program.

Workers' compensation coverage is limited to designated work areas in employees' homes or alternate work locations. Employees agree to practice the same safety habits they would use at UIW and maintain safe conditions in their alternate workplace.

If an injury occurs during teleworking work hours, the teleworker shall immediately report the injury to their supervisor. The employee and supervisor should follow UIW's policy regarding reporting work-related injuries.

UIW is not responsible for any injuries to family members, visitors, and others in the employee's home. The teleworker may not have business guests at the alternate workplace.

Safety Guidelines

As part of the application for telework, the employee will need to complete a self-certification checklist. The self-certification checklist assists in surveying the overall safety and adequacy of the alternate workplace. Safety deficiencies, if any, are the teleworker's responsibility, and the teleworker shall repair any deficiencies in a timely manner at their own expense. Teleworkers should present any safety concerns in writing to their supervisor to determine if telework is suitable.

Equipment and Information Security

UIW provides equipment and materials needed by employees to perform their duties effectively at the primary workplace. UIW will not duplicate resources between the primary workplace and the alternate workplace. However, teleworkers will be provided certain basic office supplies (e.g., pens and paper) by their department. Teleworkers should pick up the basic office supplies at the primary workplace.

Teleworkers are responsible for providing space, furniture, telephone, printing, networking and/or internet capabilities at the alternate workplace and shall not be reimbursed by UIW for these or related expenses.

Teleworkers are responsible for transporting and installing computing equipment and returning it to the primary workplace during days scheduled to work onsite or for repairs and service. The telework agreement may authorize employees to use their own computing equipment upon written request to the Chief Information Officer or designee authorizing the use of such specific computing equipment.

When teleworkers have been authorized to use their own computing equipment, UIW is not responsible for the employee's personal equipment's cost, repair, or services.

Employees must secure and safeguard university information used or accessed while teleworking, according to UIW's Acceptable Use Policy and other applicable policies and regulations to ensure confidentiality and security of data.

All equipment, records, and materials provided by UIW shall remain the property of the University.

Telework employees are responsible for protecting university-owned equipment from theft, damage, and unauthorized use. Employees must report to their supervisor any incidents of loss, damage, or unauthorized access immediately.

Personal vehicles may not be used for university business unless specifically authorized in writing by the employee's supervisor and approval from the vehicles services department in advance of such use.

All UIW owned equipment, records, and materials will be returned within seven (7) business days of termination of the Telework Agreement.

Teleworkers are responsible for tax consequences, if any, of working remotely and in accordance with any zoning regulations.

Costs of Teleworking

UIW is not obligated to assume responsibility for operating costs, home maintenance, or other costs incurred by teleworkers working from their homes or any other alternate workplace.

Telework Agreement

The Telework Agreement is intended to identify all the specifics of the telework arrangement. The Telework Agreement must be approved and signed by the supervisor, divisional vice president and human resources. The Telework Agreement will be kept on file within the department and in Human Resources Office as part of the employee's personnel file. Any changes to the agreement will require an updated agreement to be completed.

Termination of the Telework Agreement

The opportunity to telework is a management option and is not an employee right. Unless telework is a condition of employment in the job description, an employee's participation in the telework program is entirely voluntary. The Telework Agreement can be terminated by the supervisor or the employee at any time without cause unless telework is a condition of employment, or as otherwise set out in this policy and the Employee Handbook.

When terminating the Telework Agreement, unless a termination date was agreed upon in advance, the employee will be provided seven (7) business days' notice unless extenuating circumstances make such notice impracticable.

If the employee seeks to end the Telework Agreement, the employee must provide a seven (7) business days' notice to their direct supervisor in writing.

Any notice of termination of a Telework Agreement must be sent to the Human Resources Office at uiwhr@uiwtx.edu, concurrent with the notice to or from the employee.

Section 21.3 – Alternative Work Schedule

Flextime

Flextime is a type of alternate work schedule. It allows employees to adjust their arrival and departure times from the department's core operating hours. The individualized start and end times should remain constant each workday. Flextime does not reduce the total number of work hours in a given week.

Compressed Work Week

A compressed workweek is a type of alternate work schedule. It allows employees to work longer days for part of the week in exchange for one additional day off or half a day off each week. Compressed workweeks are most appropriate in situations in which employees do not need to keep pace with incoming work daily or where several employees perform the same job function. The compressed workweek option available to employees is to work four 10-hour days or four 9-hour days and one 4-hour day. The schedule must be fixed for the term of the agreement, and the day or half-day off cannot vary week to week or month to month.

Eligibility

An alternative work schedule is subject to the operational business needs of the department. It shall not interfere with the primary workplace to remain open during core operating hours. An alternative work schedule will not be granted automatically but considered on a case-by-case basis. It should not negatively affect the workload or productivity of coworkers either by shifting burdens or creating delays or additional steps in a workflow. Therefore, a flextime or compressed work schedule is not appropriate for all positions, in all settings, or for all employees.

In addition, because working an alternative work schedule is regarded as a privilege, to be eligible for consideration, the employee must meet the following criteria:

- The employee has no active formal disciplinary actions on file;
- The employee's annual evaluation is current, and the employee meets or exceeds expectations;
- The employee must meet deadlines, produce quality work, and have sustained acceptable work performance, conduct, behavior, and attendance.

Employees interested in being considered for flextime or compressed work schedule should discuss the option with their supervisor. If the supervisor agrees to the arrangement, the employee and supervisor shall complete the Alternative Work Schedule Agreement and obtain the appropriate approvals and signatures. The agreement must be sent to the office of Human Resources to be maintained in the employee's personnel file.

General Expectations

Supervisors must ensure that alternative work schedule decisions are made for appropriate, non-discriminatory reasons.

Any changes to an employee's approved alternative work schedule; a new agreement must be completed and signed with appropriate signatures and sent to the Office of Human Resources to be maintained in the employee's personnel file.

The supervisor shall maintain open communication, ensure that the employee's work hours do not fall below the normal workweek hours, and discuss with the employee any concerns as they arise.

The employee shall work the hours agreed upon, and staff employees must obtain approval from the supervisor in advance of working any overtime.

The employee must be willing and able to alternate their work hours as requested by the supervisor to attend to operational needs. Therefore, there may be times when they will be required to work or travel outside of the scheduled work hours.

In emergency situations, supervisors may require employees working an alternative work schedule to report to the primary workplace during core operating hours upon reasonable notice for work-related urgent meetings as needed.

Employees on an alternative work schedule understand that they must still comply with UIW rules, policies, practices, and instructions.

Use of Leave

Employees on an alternative work schedule taking leave, i.e., sick or vacation time, would take off the number of hours they were scheduled to work that day. For paid holidays, employees receive 8 hours of holiday pay.

Staff employees who would have normally worked more than 8 hours on holiday can accept the 8 hours of pay or can:

- elect to use however many hours of accrued vacation time that would cover the normally scheduled time beyond 8 hours that day; or
- With the approval of their supervisor, request to work the additional hours on a different day during the same workweek.

If a holiday occurs on a day when the staff member is not scheduled to work. The staff member has eight hours of holiday time available to apply to other days during the same pay period before, during or following the holiday. This allows for the equitable benefit of holiday time for all in the work environment.

Termination of the Alternative Work Schedule Agreement

The supervisor reserves the right to immediately suspend or terminate the alternative work schedule in case of circumstances regarding employee performance, attendance, or operational needs.

When terminating the Alternative Work Schedule Agreement, unless a termination date was agreed upon in advance, the employee will be provided seven (7) business days' notice unless extenuating circumstances make such notice impracticable.

Any notice of termination of the Alternative Work Schedule Agreement must be sent to the Human Resources Office at uiwhr@uiwtx.edu.