



Policy on University Flexible Work

WORKING DRAFT

Office of the President
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Purpose and Scope

New Mexico Tech (“NMT”) is committed to promoting work-life balance, the ability to recruit and retain a more diverse workforce, enhancing productivity and efficiency and sustaining the services and support provided to its students, faculty, staff, alumni, partners, and other members of the NMT community. Furthermore, NMT is committed to a resilient culture built on principles of empowerment, purpose, trust and accountability. A resilient NMT will allow our community to prepare for, bounce back from and thrive from major challenges. As part of these commitments, NMT established this Flexible Work Policy to support a strong, vibrant, productive, and engaged workforce while meeting and exceeding the needs of the NMT community.

NMT is committed to the following Resilient Principles:

- A. Organizational agility;
- B. Adaptive capacity;
- C. Promote employee input whenever possible, and let individuals do their jobs;
- D. Reward good work when needed to maintain good physical and mental health;
- E. Provide access to services and support when needed to maintain good physical and mental health;
- F. Allow Flexible schedules whenever appropriate; and
- G. Be reasonable about work expectations.

Several considerations were made when determining the viability of remote work at a university campus. One of the most significant areas of consideration is maintaining a vibrant and engaging campus for the student population. Much of the work done by the Instructional staff and Instructional support staff must be conducted in person in order to maintain the critical services to the patrons of the University campus. The University has other facets that lend themselves more easily to remote and/or hybrid work. This document was developed for the purpose of providing remote and hybrid work guidance to employees while maintaining a vibrant campus for students at the University.

The purpose of these guidelines is to assist supervisors and directors with information to determine what positions and employees are well-suited for regular, hybrid, and remote work. The plan must consider models that support the mission of New Mexico Tech. Recognizing that some work can only be done on site, NMT supports the use of appropriate flexible and alternative work options for employees where remote work or hybrid work is not an option.

Remote work is viable when both the employee and the job are suited to such an arrangement with appropriate approvals to do so. Remote work does not change the terms and conditions of employment with NMT; it may be appropriate for some employees and jobs, but not for others.

Policy

Definitions

Compressed Workweek(s) means an approved work schedule that is compressed by varying the length of the workday into fewer than five days. This arrangement may be offered seasonally, on an occasional short-term basis or IF the work necessitates, to achieve workload efficiencies of the department.

Core Hours means a set time that NMT requires employees to be available. NMT operates 24 hours a day, seven days per week which necessitates varying Core Hours for employees depending on the nature of the work. Generally, for business hours, Core Hours are 8:00 a.m. to 5:00 p.m. Mountain Time (MT), Monday through Friday, but will vary by department, position and sometimes the time of year depending on business necessity.

Flexible Work Plan (FWP) means an approved arrangement where an employee works an alternate schedule from the area's Core Hours. FWP may refer to Remote Work, Flextime Schedules, and Compressed Workweeks.

Flexible Work Plan Agreement (FWPA) is the governing document that codifies the agreed to flexible work plan.

Flextime Schedule means an officially agreed upon arrangement that allows an employee to alter the starting and/or end time of their workday. Employees still work the same number of scheduled hours as they would under a traditional schedule.

Hybrid Remote Work means an officially approved work schedule that allows employees to work part or all of their work hours from a location other than their regular work site.

Remote Work means an officially approved work schedule that allows employees to work from a location other than their regular work site.

Situational Remote Work (e.g. Pandemic Situation, Natural Disaster, State of Emergency) means an unforeseen temporary remote work arrangement without a pre-established Flexible Work Plan Agreement. An example of this is a temporary remote work assignment due to inclement weather. Duties and assignments, communication, work environment, safety, equipment, and reimbursable expenses are all items to be addressed between the employee and supervisor at the time of situation telecommuting is needed.

Policy Statement

All Flexible Work Plans ("FWP") must be approved in advance and such approval must ensure that service to NMT is met in a highly effective and efficient manner. Remote work or Hybrid Work does not change the condition of employment or applicability of NMT policies. The employee must abide by all NMT

policies including annual and sick leave, holidays, overtime, etc. See Exhibit 1 – Procedures for guidance on establishing an FWP.

Because of the wide range of responsibilities amongst NMT employees, any FWP that is implemented must balance the needs of NMT and the duties of the position.

All FWPs are subject to applicable employment laws, including, but not limited to, the Fair Labor Standards Act, Family and Medical Leave Act, New Mexico Department of Workforce Solutions requirements and the New Mexico Workers' Compensation Act.

Responsibilities

Employees must work directly with their supervisor to discuss their FWP request and obtain their supervisor's approval with the concurrence of the cognizant head. The employee will maintain regularly scheduled work hours as agreed upon in the Remote/Hybrid work plan and will be fully accessible during those hours. This pertains to both exempt and non-exempt employees. Work schedules may change at the supervisor's discretion in order to meet the needs of the department. Any employee requests to change the work schedule must be approved by the supervisor in advance. Employees may also be requested to return to the NMT worksite either temporarily or permanently for business continuity reasons.

Non-exempt employees must not work overtime without prior approval of the supervisor.

The employee and supervisor are required to develop a work plan that outlines the work to be done remotely with established timelines, work product, etc. The employee's responsibilities, standards of performance and performance reviews will remain the same as if working from any NMT worksite. The supervisor reserves the right to assign other appropriate work as deemed necessary at any NMT worksite.

Eligibility

A Flexible Work Plan (FWP) arrangement may be approved for an exempt or non-exempt employee. The opportunity is at management's discretion and must take into consideration numerous factors, including the job/position, nature of the work performed, operational needs, impact on the department and employee performance. The change in a work location must not impact productivity, customer service, operational efficiency, or team collaboration. Two critical steps must be considered to determine remote/hybrid work suitability:

1. Determine the suitability of the positions based on the essential job functions, duties and responsibilities.
2. Determine the suitability of the employees based on past work performance.
 - Factors for determination of suitability should include, but not be limited to, performance history including any disciplinary action, time management and organizational skills, computer skills, understanding of role and ability to self-start and manage time, and

consistently meeting deadlines. If the employee is denied remote/hybrid/flexible work based on any of the factors listed, it is best to communicate that reasoning with the employee.

- The employee has a minimum performance rating of “Fully Effective” for the previous 2 years and is a successful performer, works independently, and does not need to be on campus to perform the work in the best interest of NMT.

Remote work arrangements may be approved under the following circumstances:

- **Voluntary** – employee who works voluntarily away from the NMT worksite to perform all or part of their work. Management approval is required and considered on a case-by-case basis, subject to business need when both the employee and the job are suited to such an arrangement.
- **Required** – employee who is required by the department to perform all or part of their work away from the NMT worksite. Remote work is mandatory for the employee and may commence at hire when the job posting advertises accordingly, and is in effect until other work arrangements are required and approved by management.

Work Environment

The employee is responsible for ensuring a worksite environment suitable for accomplishing their regular job duties during scheduled hours of work. Employees must plan for dependent care during work hours, if needed. Technology that will allow an employee to join meetings and communicate with others is required for remote/hybrid work.

NMT may provide equipment, software, data, supplies and materials for use during remote/hybrid work based on the requirements of the position and within the resources available at the department. Equipment for video and audio conferencing will be the responsibility of NMT; a secure reliable network connection will be the responsibility of the employee. Any equipment used at a remote work site must be checked out and documented to ensure accurate tracking of all NMT property. NMT will provide for repairs to equipment when damage to that equipment is incurred by an employee during the course and scope of their job duties and the employee’s work hours. The employee is responsible for repairs and maintenance of personal equipment, software, data, supplies and furniture. All NMT records, furniture, and equipment must be returned to NMT within 5 business days of the end of the remote/hybrid work.

The employee will be responsible for the safety and security of a NMT-owned equipment, records, and materials at the remote worksite. This includes data security and record confidentiality in the same manner as when working on site at NMT. The employee is responsible for reporting any loss or damage to data or equipment or unauthorized access to such data or equipment as soon as possible. The employee must follow all policies, agreements, FERPA, and HIPAA state and federal regulations while working remotely.

Employees who will be working remotely or hybrid model should be expected to have:

- Consistent availability by cell phone or land line

- Consistent access to a laptop or desktop with high-speed internet and printer
- Fluency in Zoom and other relevant software
- Employees should be aware of their child-/elder-care obligations during work hours and find adequate support for these needs to assure an uninterrupted work environment.
- It is expected that if the off-site internet connection is down for more than 2 hours, the employee will report to work on campus. Travel time is not counted as work time.

Supervisors are responsible for reviewing and recommending employee's FWP requests to their cognizant head (Director/Dean, etc.) for approval or denial within 10 business days of receiving the request.

Cognizant Heads are responsible for reviewing and approving or denying the employee's FWP request within 10 business days of receiving the request from the supervisor. Cognizant Heads must also compile the FWPs for their area for overall review by their Associate Vice President/Vice President.

Vice Presidents are responsible for reviewing the entirety of the FWPs for each area and ensuring the area operations continue to meet the needs of the NMT community while FWPs are in place.

For Remote Work arrangements that include employees residing outside of the State of New Mexico, the Cognizant Head is required to work with and seek approval from HR regarding the out of state status and then making a recommendation to their Associate Vice President/Vice President. The Vice President is responsible for approving or denying any out of State Remote Work arrangement. Supervisors are responsible for managing their employees' agreed upon FWP Agreement. Travel costs back to NMT's campus shall be the responsibility of the employee.

While remote working, the employee is expected to maintain the same productivity, performance, communication and responsiveness standards as if working at the regular NMT worksite.

The employee and supervisor will establish an agreed upon work plan outlining general remote work applicable standards (e.g. variable schedules, communication requirements, office coverage, electronic meeting protocols, shared office space, how assignments will be received and returned, phone coverage and reporting in to the supervisor). The employee's job responsibilities, standards of performance and performance reviews remain the same as if working at the regular NMT worksite. The supervisor reserves the right to assign other appropriate work, as necessary, at any worksite.

Employee Responsibilities:

- A. While remote working, the employee is responsible for ensuring a worksite environment suitable for accomplishing their regular job duties during scheduled hours of work and, if applicable, arranging for appropriate dependent care.
- B. The employee is responsible for completing a Self-Certification Safety Checklist and maintaining a safe and secure work environment, including maintaining the alternate worksite in an ergonomically sound manner.

- C. The employee will agree to hold the University harmless for injury to themselves or others at the alternate worksite. Any claim to Worker's Compensation must be researched and approved by Human Resources as a documentable work injury.
- D. If the employee will have custody of NMT-owned equipment at a location other than a NMT worksite, the items being removed must be logged on an Equipment Checkout Form to ensure accurate tracking of all tagged and untagged NMT property.
- E. NMT-owned equipment, records and materials may be used for purposes of University business only and must be protected against unauthorized or accidental access, use, modification, destruction, loss, theft, or disclosure.
- F. Incidental personal use is not permitted to interfere with the use of the equipment for University business or add any more than an immaterial cost to the unit.
- G. All NMT-owned equipment must be returned to the University by the employee for inspection, repair, replacement or repossession with five (5) business days' written notice. The employee must agree to return University equipment, records, and materials within 5 business days of termination of the FWP Agreement.
- H. Employees working from home or other alternate locations are not on travel status and not eligible for meal reimbursement. Similarly, meals taken at home or other alternate locations (or delivered) during a web conferencing business meeting are not reimbursable. Employees are not eligible for travel reimbursements when they travel to any NMT campus/site for any business purpose whether the supervisor or the employee initiated the travel.
- I. The employee will be solely responsible for any and all tax and/or insurance consequences/deductions, if any, of this arrangement and for conformance to any local laws/regulations (including but not limited to local zoning laws regulations). The University will not provide any individual guidance to the employee regarding potential tax or insurance implications arising from the Remote Work nor any guidance regarding any local laws/regulations that may apply. Should the employee have any tax, insurance, or legal questions relating to remote work, the employee is encouraged to consult with their own legal and/or tax professional.

Flexible Work Plan Agreement

Flexible Work Agreements ("FWA") will be required for eligible employees after receiving approval from their cognizant Vice President. FWA will be implemented through Procedures that will provide the guidance for developing, approving and implementing FWAs. FWA objectives are: 1.) Retain and attract the right talent in the right positions at the right time, 2.) intentional and thoughtful communication between supervisors and employees to maintain accountability and drive a positive work experience, 3.) set expectations of service to NMT, 4.) set clear expectations about employee work schedules and position responsibilities, and 5.) identify technology and resources staff need in their daily work to be successful. 6.) The FWA and Plan will be maintained by the employee, supervisor with a copy sent to Human Resources.

The Policy and Procedures related to Flexible Work Plans do not address health related or disability related working arrangements. Exclusions to this Policy and Procedures will be addressed by Human Resources in accordance with the Americans with Disabilities Act.

Compliance and Enforcement

Any employee operating under an FWP Agreement that has not been approved in advance may be subject to disciplinary actions up to and including termination of employment.

Failure to follow this Policy and Procedures for an approved FWA may result in termination of the FWP Agreement. Changes in FWP Agreement shall not be made without prior discussion and a revision to the agreement.

Review of Policy and Procedure

Any proposed modifications to this policy shall be submitted by following the New Mexico Tech's Policy Development, Amendment and Rescindment Policy. Changes to the procedure in Appendix A must be approved by the President.