



Alternative Work Arrangement Policy (HR 7.1)

POLICY STATEMENT

In seeking to become a premier employer of choice in our state and region, Nevada State recognizes the need to establish contemporary, well-designed policies that balance the changing needs of our workforce with our obligations to remain strong stewards of public resources, provide equitable and sustainable processes for all employees, and adhere to relevant State and NSHE laws, regulations, and policies.

This policy outlines alternative work arrangement options that are consistent with Title 4, Chapter 3, Section 51 of the NSHE Handbook and Chapter 4, Section 20 of the NSHE Procedures and Guidelines Manual (PGM) and includes Nevada State specific requirements, limitations, and considerations.

NSHE policies and procedures serve as the official governing documents and shall be used, where appropriate and applicable, to resolve policy conflicts that may arise between NSHE and Nevada State policies and procedures.

This policy applies during normal operations only. It does not apply to emergency work arrangements stemming from emergency closure, suspension, or mandated change to normal institutional, campus, or building(s) operations. Further, this policy does not apply to remote work that is approved as a reasonable accommodation under the Americans with Disabilities Act ("ADA").

Additionally, this policy does not remove or restrict an employee's rights as outlined in Title 4, Chapter 8, Section 14 of the NSHE Handbook as it relates to sexual harassment, discrimination, Title IX, or retaliation.

Given the complexities associated with managing alternative work arrangements, frequent shifts related to operational needs, and changes associated with positions, this policy and associated provisions will be reviewed and analyzed on an annual basis. These reviews may result in the revision, elimination, or expansion of alternative work arrangements for specific positions or position classification groups.

REASON FOR POLICY

This policy establishes consistent and equitable opportunities for providing alternative work arrangements for eligible employees which will add to the effective utilization of institutional space and increase efforts to recruit and retain top-tier talent.

DEFINITIONS

Alternative Work Arrangement (AWA): An approved work arrangement that differs from the standard work schedule and includes: fully remote work; temporary remote work; situational telecommute; compressed work schedule; and flex time.

Campus Executive: President, Provost, or Vice President level position.

Compressed Work Schedule: Regularly schedule work hours that are worked and fixed over fewer than five (5) days.

Exempt Employee: An employee who is exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act (FLSA) based on the position being classified as executive, professional, or administrative and meeting the specific FLSA criteria for exemption. For Nevada State, this include all Academic Faculty, Administrative Faculty, PTI, and Letter of Appointment.

Flex Time: Adjustment to an employee's starting and departure times that differ from the standard Non-Academic Faculty work schedule or standard departmental schedule. May include: *Fixed Flex Time* that occurs on a regularly-scheduled basis or *Ad-Hoc Flex Time* that occurs on a day-to-day basis.

Fully Remote Work: A remote work schedule that allows an employee to perform the duties and responsibilities of their assigned position at a remote work location on a full-time basis.

Modified Overtime Agreement: A mutual overtime agreement between an employee and employer allowing for overtime to be paid for hours worked over 40 in a work week in lieu of 8 hours in a workday. Agreements are available through NS's Human Resources Department.

Non-Exempt Employee: An individual who is not exempt from the overtime and minimum wage provisions of the FLSA and is therefore entitled to pay for all hours worked beyond 8 hours per day or 40 hours per week (with a modified overtime agreement). Non-exempt employees may be paid on a salary, hourly, or other basis. For Nevada State, this includes Classified, part-time hourly, and student workers.

Payroll Reciprocity: An agreement between two states that allows an employee that works and lives in different states to request an exemption from tax withholding in their employment state and only pay taxes in the state where they live.

Position Designation: An occupational job class and/or position identified by Campus Executives, and approved by the President, to be eligible for fully remote or temporary remote work.

Primary Worksite (post of duty): An employee's primary workspace and place where they normally perform work duties.

Remote Work Location: A worksite approved by Nevada State that is not an on-campus worksite.

Situational Telecommute: A work arrangement that allows an employee to work from a remote work location on a one-time or short-term basis to accommodate a special circumstance. This arrangement does not constitute an ongoing or regular remote work schedule.

Standard Non-Academic Faculty Work Schedule: Nevada State's standard work schedule is 8am-5pm, Monday-Friday, with limited exceptions based on documented business needs of individual departments.

Temporary Remote Work (TRW): A work arrangement that allows an eligible employee to work, on a periodic and regularly-schedule basis, from a remote work location.

Work Week: The standard work week for determining overtime for non-exempt employees is 12:00am Sunday to 11:59pm on Saturday as established by NSHE system-wide practice.

I. Eligibility & Limitations on Alternative Work Arrangements

Employees of Nevada State may be eligible for one or more of the alternative work arrangements as outlined in Section II of this policy. The following applies to all alternative work arrangements:

- A. Eligibility for a work arrangement does not guarantee that a request for such an agreement will be approved.
- B. In accordance with Title 4, Chapter 3, Section 51 of the NSHE Handbook, participation in an alternative work arrangement is not a right and is a discretionary privilege. The arrangements will vary among employee type and across departments, offices, and units depending on the needs of the particular area and the function and responsibilities of employees. Not all positions will be eligible for alternative work arrangements as some position by their nature and responsibility require daily onsite presence and interaction.
- C. In accordance with Chapter 4, Section 20 of the NSHE PGM, positions on the Executive Salary Schedule, Academic Faculty, and NS Classified employees are ineligible for Temporary Remote Work.
- D. Employees must have supervisory and/or Campus Executive approval prior to engaging in an alternative work arrangement.
- E. Employees whose performance evaluations are below "satisfactory" (Administrative Faculty) or "meet standards" (Classified), or employees who are currently on a performance improvement plan are not eligible for an alternative work arrangement.
- F. Upon termination of an alternative work arrangement, employees are expected to return to a standard non-academic faculty work schedule and/or return to an on-campus primary worksite (post of duty). Employees who elect not to return to the standard work schedule and/or to campus will agree to resign their position effective on the date on which the agreement is terminated. If the employee does not resign their position, the employee will be deemed to have abandoned their employment and NS will initiate the appropriate disciplinary proceedings.

- G. Alternative work arrangements must advance the institution's mission and shall not reduce or impede employee productivity, the quality of instruction or service provided to students, co-workers, and the campus community or Nevada State's access to or communication with the employee.
- H. While on an alternative work arrangement, the employee must be available for video/teleconferences scheduled on an as-needed basis and must be available to physically attend scheduled work meetings as requested or required by the needs of Nevada State, department, unit, or supervisor.
- I. Denial or revocation of an employee's alternative work arrangement request shall not be subject to any grievance, reconsideration, or appeal unless such complaint alleges sexual harassment or discrimination as the basis for the denial or revocation. Complaints of this nature shall be directed to Human Resources.

II. **Alternative Work Arrangements**

A. Academic Faculty & Part-Time Instructor (PTI):

Given the unique nature of academic and instructional positions, Nevada State recognizes the need to perform job duties and serve students through delivery methods that often don't align with a standard work week or schedule. Therefore, academic faculty and PTIs should refer to the Academic Workload Policy for requirements and restrictions related to alternative work arrangements.

B. Fully Remote Work:

Fully remote work is restricted to part-time instructor positions. All other employee types (Academic Faculty, Administrative Faculty, Classified, Student Worker, 1,000 hour, and non-PTI LOA hourly and salaried positions) are not eligible for fully remote work.

Positions must be designated as fully remote eligible as outlined in NS's Alternative Work Arrangement Procedures.

C. Temporary Remote Work (TRW):

Pursuant to Chapter 4, Section 20 of the NSHE Procedures and Guidelines Manual (PGM), TRW applies to select administrative faculty positions. Nevada State has, in accordance with PGM, adopted additional procedures to permit student workers, 1,000 hour, and non-PTI LOA hourly and salaried positions to engage in TRW arrangements. The following applies to TRW arrangements:

1. Administrative Faculty positions must be designated as TRW eligible as outlined in NS's Alternative Work Arrangement Procedures prior to the submission or approval of an alternative work arrangement request.
2. Designation of a position as TRW eligible does not guarantee approval of a TRW request.
3. Administrative Faculty employees must be employed in a TRW eligible position for no less than three (3) months before becoming eligible for a TRW arrangement.

4. TRW arrangements are limited to no more than three (3) remote workdays per work week.
5. TRW does not apply to authorized work performed away from the primary worksite that is part of the employee's standard job responsibilities, including but not limited to: work travel, sabbatical, community engagement, and conferences/training.
6. All TRW agreements must be reviewed and renewed at least annually to correspond with NS's fiscal year (July 1 to June 30), or whenever there is a modification to the agreement and a change in supervisor, employment status, office conditions, or job duties.

D. Situational Telecommute:

All Nevada State employees are eligible for situational telecommute work schedules. The follow applies to all situational telecommute arrangements:

1. Instances in which situational telecommuting may be approved include but are not limited to: operational need; short-term childcare; and need to maximize productivity when personal appointments or special work assignments impact the telecommuter's availability.
2. Situational Telecommute shall not be used for long-term childcare, personal or family medical leave.
3. The duration of a situational telecommute agreement should cover the time needed related to the identified instance but shall not exceed one (1) workweek. Exceptions may be granted upon approval of the campus executive in consultation with Human Resources.
4. Employees must receive pre-approval from their supervisor prior to working remotely. Approval must include the date(s) for the remote work and the address and location of the remote work location.
5. Situational telecommute approval does not constitute a regular or ongoing work arrangement. Approval is at the discretion of the supervisor and is not a requirement or entitlement.

E. Compressed Work Schedule:

All full-time Nevada State employees (Academic Faculty, Administrative Faculty, Classified) are eligible for compressed work schedules. The following applies to all compressed work schedules:

1. Exempt and non-exempt employees may request a compressed schedule as follows:
 - Four (4) ten-hour days (compressed schedule A)
 - Four (4) nine-hour days & one (1) four-hour day (compressed schedule B)
2. Non-exempt employees (Classified) must have a Modified Overtime Agreement in place with Human Resources in order to be eligible for a compressed schedule.
3. In considering requests for compressed schedules, the supervisor must consider departmental business needs, impact to operations, staffing levels, and their ability to provide effective supervision. Requests that would result in the closure of a

department/office or those that would reduce the services offered shall not be approved.

F. Flex Time:

All full-time Nevada State employees (Academic Faculty, Administrative Faculty, Classified) are eligible for flex time. The following applies to all flex time arrangements:

1. Fixed Flex Time:

- Regular or ongoing flex time arrangements shall not cause an employee to work less than the required 40 hours per work week.
- In considering requests for regular or fixed flex schedules, supervisors must consider departmental business needs, impact to operations, staffing levels, and their ability to provide effective supervision.
- Requests that would result in the early closure of a department/office or those that would reduce the services offered shall not be approved.

2. Ad-Hoc Flex Time:

- An exempt employee who works in excess of the number of their regularly scheduled workday hours may, upon the approval of the supervisor, reduce a future workday within the pay period (first day of the month through the last day of the month). To maintain the exemption status of the position, flexing of time shall not be based on a strict hour-for-hour basis. Approval for flextime is at the discretion of the supervisor and is not a requirement or entitlement.
- A non-exempt employee who works in excess of 8 hours in a day or 40 hours in a workweek (with an accompanying Modified Overtime Agreement) may, upon the approval of the supervisor, reduce a workday within the same workweek. Flex time must occur within the same workweek and may not be “banked” or adjusted to a different workweek. Flexing time shall be on a strict hour-for-hour basis. In the absence of approved flextime, the employee shall be entitled to overtime/compensatory time for any hours worked in excess of the standard work schedule. Overtime/compensatory time must be pre-approved by the supervisor.

III. Guidelines for Managing Alternative Work Arrangements

The following guidelines apply to all alternative work arrangements and detail additional requirements and limitations associated with AWA.

- A. Non-exempt employees shall not work more than eight (8) hours per day or forty (40) hours per work week with a Modified Overtime Agreement (Classified only).
- B. Supervisors, in consultation with the Dean/Director and Campus Executive, have the discretion to manage the conditions under which alternative work arrangements are approved, scheduled, and operationalized within their respective units.
- C. All alternative work arrangements must conform to the overtime/compensatory time, record keeping, meal and rest break, and any other provisions of the Fair Labor Standards Act and/or other relevant federal and state employment laws, regulations, or

policies. Meal and/or rest periods shall not be eliminated as a result of an employee's approved alternative work arrangement.

- D. Employees on a fully or temporary remote work or situational telecommute arrangement must be available by telephone, email, and/or other communication and collaboration technology as identified by the supervisor during scheduled work hours, with the exception of meal and break periods.
- E. Employees are required to have the appropriate technology and security measures in place to perform assigned job duties and responsibilities. In addition, employees must have access to the Nevada State email system and any other institutional system(s) and applications necessary to perform their job responsibilities.
- F. The supervisor retains the right to require an employee working remotely to be physically present at the institution on a day that conflicts with the agreed-upon arrangement. When possible, an employee will be given a minimum of 24 hours' advance notice of the need for a physical presence. The employee may request approval to swap their remote day for another day during the same work week, however the supervisor is not obligated to grant such requests.
- G. Employees with approved alternative work arrangements are subject to all terms and conditions of employment, law, policies, procedures, and regulations as outlined in the NSHE Handbook and Policies and Guidelines Manual, Nevada Administrative Code, NS policy, or any other relevant federal or state law or regulations.
- H. Classified employees with an approved alternative work arrangement are required to submit hours worked through the COE application.

IV. Holidays and Campus Closures

A. Fully Remote and Temporary Remote Work Arrangements

- 1. In the event of a delayed opening, early closure, or full-day closure of campus due to a holiday, inclement weather or other emergency condition, non-essential employees working on a fully or temporary remote work arrangement are not required to work remotely.
- 2. If administrative leave is granted for a non-holiday closure, employees must enter the appropriate leave in the Workday leave system.

B. Compressed Work Schedules

- 1. Holiday pay and non-holiday campus closure administrative leave (when provided) is granted for a maximum of eight (8) hours per workday.
- 2. Administrative leave will not be provided to employees on a compressed work schedule whose day off coincides with a non-holiday delayed opening, early closure, or full-day closure.
- 3. Employees on a compressed work schedule whose day off coincides with a holiday, or those scheduled to work on a holiday or non-holiday full-day closure will be responsible for making up any work time missed beyond the granted holiday pay or administrative leave.
 - Non-exempt employees may elect to: (1) record two hours of leave (annual or compensatory time) for the holiday or closure; (2) flex their remaining workweek to work eight-hour shifts; or (3) add two hours to a remaining workday(s) within the same workweek.

- Exempt employees may elect to: (1) flex their remaining workweek to work eight-hour shifts; or (2) add two hours to a future workday(s) within the same pay period (1st of the month through the last day of the month).

V. Revocation

In accordance with Chapter 4, Section 20 of the NSHE Procedures and Guidelines Manual, if an employee's alternative work arrangement becomes inconsistent with the needs of the institution or unit, the employee's agreement may, upon twenty-four (24) hours' written notice, and in consultation with the supervisor and Human Resources, be revoked by the appropriate Campus Executive.

All provisions outlined in Chapter 4, Section 20 of the NSHE Procedures and Guidelines Manual shall apply to this section.

VI. Supervisor and Employee Training

Nevada State will provide education and information, as appropriate, for supervisors and employees to enhance understanding and increase awareness of the Alternative Work Arrangement policy and Procedures related to alternative work arrangements.

A. Goals to be achieved through education and training are:

1. Ensuring that all supervisors and employees are aware of the eligibility, limitations, and requirement related to alternative work arrangements.
2. Deterring the misuse or abuse of alternative work arrangements.
3. Identifying efficiencies to be gained through alternative work arrangements.
4. Ensuring the equitable and consistent application of alternative work arrangements.

B. Supervisors and employees will be required to complete an alternative work arrangement training prior to submitting or approving an alternative work arrangement request. Additional education and information sessions may be developed and delivered by the institution.

VII. Remote Work Locations

The following outlines the requirements and limitations regarding all remote work locations:

- A. Remote work locations shall be limited to the State of Nevada. Part-time instructors (PTI) may be permitted to work in other states within the United States where NSHE has a payroll reciprocity agreement in place and for which Dean approval has been granted.
- B. Employees who are fully remote or are on a temporary remote work or situational telecommute agreement must designate a remote work location on the agreement request.
- C. The remote work location will be considered an extension of the Nevada State worksite. Therefore, the institution will be liable for job-related accidents that occur at

the remote work location during the employee's working hours while the employee is performing official Nevada State business.

- D. Nevada State reserves the right to inspect the workspace upon 24-hours' notice or to have the employee submit a self-certified safety checklist for determining that the site is safe and free from hazards.
- E. Worker's Compensation liability is limited to the designated workspace as opposed to all areas of the remote work location.
- F. Nevada State will not be liable for theft or damages to the employee's real or personal property while the employee is working at the remote work location and assumes no liability for injuries occurring at the remote work location outside of the established work hours.
- G. Employees are expected to maintain safe working conditions and to practice the same safety habits in the remote work location as they would in their on-campus workspace.
- H. Remote work locations must allow employees to maintain confidentiality of sensitive information (e.g. FERPA, employee information) and practice the same level of data security as they would in their on-campus workspace.
- I. Employees remain responsible for all insurance, utility, telephone, internet connections, and related costs at the remote work location.
- J. Employees should consult their tax advisor with respect to tax consequences.
- K. In the event of injury at the remote work location, the employee shall immediately (as circumstances permit) contact their supervisor and Human Resources. Failure to report an injury may result in the immediate termination of the alternative work arrangement.

VIII. Supplies and Equipment

Nevada State will not purchase equipment solely for the purpose of permitting an employee to engage in an alternative work arrangement, unless such arrangement is required by a condition of employment, as the result of an approved ADA accommodation, or as necessary during periods of mandated remote work. Any purchase is subject to budget limitations.

Employees are liable for any Nevada State property provided and should promptly notify their supervisor and/or ITS of any malfunction in equipment and take all appropriate actions to return such equipment if repairs are necessary.

All equipment and supplies provided by the institution remain the property of Nevada State and must be returned promptly at the conclusion of any alternative work arrangement.

Employees may use their own equipment, provided the institution incurs no cost. Repair and maintenance of employee-owned equipment is the responsibility of the employee.

IX. Campus Space

The decision to enter into an Alternative Work Arrangement may have the following implications related to campus space assignments:

1. An employee who is working remotely more than two (2) days per week will share an assigned office with one or more other employees. The workspace may be shared with an employee of dissimilar classification.
2. An employee who is working fully remote will not be assigned a dedicated on-campus workspace.
3. Nevada State will provide limited drop-in space for employees who are not assigned an individual workspace. The drop-in space will be equipped with a computer and related periphery. The drop-in space is available on a first-come, first-served basis and cannot be reserved in advance.

CONTACTS


SUBJECT	CONTACT	PHONE	EMAIL
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RELATED INFORMATION

Alternative Work Arrangement Procedures (PS ##)
 Alternative Work Arrangement Request Form

HISTORY

Revised 6/16/2023

SIGNATURES	NAME & TITLE	DATE
	DeRionne Pollard, President	6.28.2023



Kevin Butler, Senior Vice
President of Finance and
Business Operations

6/27/2023