

**Subject: Alternative Work Arrangements**

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**1. Purpose**

This policy implements the Commonwealth’s telecommuting (“telework”) and alternative work schedule policy required by the *Code of Virginia* (§ 2.2-203.1 and § 2.2-2817.1) and policies of the Virginia Department of Human Resource Management (1.25 – Hours of Work and 1.61 – Telework).

The *Code of Virginia* (§ 2.2-2817.1) requires that “...the head of each state agency shall establish a telecommuting and alternative work policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both, to the maximum extent possible without diminished employee performance or service delivery.”

**2. Policy**

Tidewater Community College is committed to providing ready access to its services by the public, students, faculty, and staff. Therefore, this policy sets forth guidelines for the use of three types of alternative work arrangements within the limits of operational efficiency and effectiveness.

Each alternative work arrangement delineated in this policy will operate under the principle that its implementation: (1) will not interrupt service to the college's internal and external constituents, (2) will promote efficient college operations, (3) will not reduce employee efficiency, and (4) will support the college's Continuity of Operations Plan.

This policy applies to the college's classified staff and wage (hourly) employees, as well as to its administrative and professional faculty. By the very nature of their job responsibilities, teaching faculty typically work other than what might be considered a standard work schedule.

This policy is intended to be work-centric—i.e., decisions to alter the work schedule of one or more positions are to be made based on sound business rationale considering the specific responsibilities of each position as they relate to the college's operations and service to constituents. However, once a specific position is identified as eligible for an alternative work arrangement, consideration should be given to the ability of the incumbent employee to successfully work under the alternative arrangement. Employee characteristics indicative of success often include:

- the ability to work productively on one's own;
- thorough knowledge of position responsibilities;
- above average performance record;
- good organizational and time management skills;
- effective communication skills;
- honesty and dependability; and
- self-motivation and flexibility.

The assignment of an alternative work arrangement will not result in a change in the employee's compensation and benefits. Nor will such an arrangement be the cause of an employee exceeding a 40-hour work week.

The three types of alternative work arrangements and the guidelines for their application are delineated below.

## **2.1. Telework**

Tidewater Community College promotes telework as a means of achieving administrative efficiencies, reducing traffic congestion and commuting costs, and sustaining the hiring and retention of a highly qualified workforce by enhancing work/life balance. To effect this policy, supervisors will designate and approve specific positions for scheduled or intermittent telework within the parameters of the following criteria.

1. Typically, positions that do not require a physical presence at the central workplace or a high degree of face-to-face interaction are best suited for teleworking. Activities most suitable for teleworking can include, but are not limited to:

- a) work that requires thinking and writing;
  - b) data analysis;
  - c) reviewing grant applications;
  - d) writing reports; and
  - e) computer-oriented tasks, such as programming, web page design, data entry, or word processing using systems that do not require a physical presence at the central workplace.
2. Positions with primary responsibilities that require a physical presence at the central workplace, either to accomplish the required work or to provide face-to-face customer service are ineligible for telework. Employees in positions ineligible for telework are classified as Office/Facility Workers.
  3. The determination of whether a position is eligible for telework or not is normally made at the time the position is established. The eligibility of the position does not change unless the duties, responsibilities, or the requirements for the position change.
  4. Telework assignments do not change the conditions of employment or required compliance with policies.
  5. Telework may be established as a condition of employment, based on the college's business needs. In such cases, this requirement will be included when the position is advertised and in correspondence offering employment.
  6. The total number of hours that an employee is expected to work will not change, regardless of work location. Employees agree to apply themselves to their work during work hours.
  7. The supervisor must ensure that procedures are in place to document the work hours of an employee in a telework arrangement, in particular ensuring compliance with the Fair Labor Standards Act.
  8. The supervisor may require the employee to report to the central workplace as needed for work-related meetings or other events or may meet with employee in the alternate work location as needed to discuss work progress or other work related issues.
  9. Telework is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during the employee's work hours, some other individual must be present to provide the care.
  10. Telework for unplanned or temporary circumstances.
    - a) If the employee has a telework agreement, telework for unplanned circumstances such as school closings, family illness, etc. may be approved.
    - b) The supervisor, with their respective President's Cabinet member's approval, may exercise discretion in determining whether an employee

can accomplish at least some part of his/her duties from the telework site in such a situation and when leave should be used.

11. Telework temporarily in a different geographic location.
  - a) The employee must receive approval from his/her supervisor to temporarily shift their telework site to a different location from the one approved on the telework agreement.
  - b) The temporary change in telework location should be in writing and handled as an addendum to the telework agreement. It should outline the period (dates) for the temporary change in location and other expectations.
  - c) This approval is intended for temporary arrangements. If the short-term arrangement has to be extended, the agency should reassess the situation, focused upon whether the agency is willing to have the employee continue to perform work in a different location as a remote worker.
12. Telework is not intended to be used in place of leave, including sick leave, Family and Medical Leave, leave used under the Virginia Sickness and Disability Program, Workers' Compensation leave, or other types of leave. The college may determine that it is appropriate to offer telework arrangements as an opportunity for partial or full return to work based on this policy and the criteria normally applied to decisions regarding the approval of telework.
13. The college may provide equipment and materials needed by employees to effectively perform their duties under the conditions delineated below. In cases where full-time telework is a condition of employment, the college should provide the necessary equipment, software, and materials. When a position is being contemplated for full-time telework as a condition of employment, the Vice President for Information Systems shall be consulted regarding equipment, software, and telecommunications support that may be required for the position.
  - a) College-owned or issued equipment may be used only for authorized state purposes by authorized employees.
  - b) Employees are responsible for protecting College-owned or issued equipment from theft, damage and unauthorized use.
  - c) College-owned or issued equipment used in the normal course of employment will be maintained, serviced, and repaired by the college.
  - d) For each telework arrangement in which the college provides equipment, the Vice President for Information Systems will stipulate who is responsible for transporting, installing, and maintaining the equipment, and for returning it to the college for repairs or service.

14. Where telework agreements specify, employees may be authorized to use their own equipment. When employees are authorized to use their own equipment:
  - a) the college will not assume responsibility for the cost of equipment, software, repair, or service; and
  - b) compliance with the current Virginia Information Technologies Agency's (VITA) Information Technology Standard addressing Use of Non-Commonwealth Computing Devices to Telework must be assured.
15. The college will not assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes or other alternate work locations for telework. The college may use appropriated funds for telework costs as described below if there is a business need and funding permits:
  - a) installation and basic telephone service in employee's alternate work location;
  - b) cell phones or other devices for business use—if not provided, the college may reimburse employees for business-related long distance calls made from their personal telephones; or
  - c) Internet access and related services.
16. Employees must safeguard the college's information used or accessed while teleworking. Supervisors will comply with the college's policies and procedures for IT security and for protecting personal non-public information when granting permission for employees to work on restricted-access information or materials at alternate work locations. Employees must agree to follow all applicable security procedures in order to ensure confidentiality and security of data.
17. Each telework assignment will be formalized in a written agreement, finalized only after the college's Associate Vice President for Human Resources reviews and approves. The agreement will be reviewed annually to ensure that it remains relevant and not in need of modification or termination. The agreement will include the elements and conditions listed below:
  - a) the duration of the agreement, including the date of annual review;
  - b) the work schedule and how it can be changed;
  - c) how leave is to be requested and approved by the supervisor;
  - d) the status of the employee during emergencies or weather-related closings affecting the central workplace or alternate work location;
  - e) how routine communication between the employee, supervisor, co-workers, and constituents will be handled;
  - f) the employee's performance plan/expectations;
  - g) the equipment and/or supplies that will be used, and who is responsible for providing and maintaining them;

- h) the requirement that college-provided equipment and supplies are to be used for business purposes only, and that the supervisor must be notified immediately when such equipment malfunctions;
  - i) any applicable data security procedures;
  - j) compliance with all state and colleges rules, policies, practices, and instructions;
  - k) the requirement that the employee notify the supervisor immediately of any situation that interferes with the employee's ability to perform assigned duties and responsibilities;
  - l) that the supervisor must be afforded access to the alternate work location during the employee's work schedule;
  - m) the obligation of the employee to confirm that the alternate work location is free from hazards and to maintain safe work conditions and practice appropriate safety habits in the alternate work location;
  - n) the requirement that the employee notify the supervisor immediately of any injury incurring while working;
  - o) the employee's agreement to assume the risk for damages to real or personal property or physical injury resulting from participation in the telework program;
  - p) the employee's assumption of responsibility for the security of information, documents, and records in his/her possession or used while teleworking and agreement to not take restricted-access material to the alternate work location without the written consent of the supervisor; and
  - q) the expectation for continuing to work during emergency closings.
18. The college may terminate the telework agreement at its discretion. Although advance notice is not required, the supervisor should attempt to give the employee advance notice if a decision is made to terminate the agreement.
19. Prior to entering into a telework agreement, the supervisor and prospective teleworker shall complete training on this policy and the successful and appropriate use of telework arrangements.
20. The college will communicate to employees eligible to telework the expectations for continuing to work during emergency closings. Employees designated as essential personnel whose mission critical functions during an emergency do not require them to have a physical presence at the central workplace may be required to telework in the event the college is closed.

## **2.2. Alternative Work Schedules**

Tidewater Community College will authorize alternative work schedules, i.e., other than the standard workweek, in situations where such arrangements will

not adversely affect service to the college's internal or external constituents and where one or more of the following potential advantages will be achieved:

1. expanded hours of operation;
2. increased productivity due to less interference or distraction;
3. reduced commuting costs;
4. increased morale and personal commitment to the college;
5. enhanced employee recruitment and retention;
6. increased effectiveness or efficiency in managing the college's space, equipment, or parking;
7. decreased energy use at the college;
8. reduced campus traffic congestion, especially at the start and end of the day; or
9. decreased fuel consumption and other environmental impacts of driving.

Many of TCC's position types can be eligible for some form of alternative work schedule. In identifying specific positions that may be eligible for an alternative work schedule, supervisors should thoroughly analyze position descriptions, responsibilities, and how the position's work is performed. Consideration should also be given to the degree to which the position's presence is required during the college's core public service hours—8:30 AM to 5:00 PM, Monday through Friday. Appropriate positions may be those that:

1. can be accomplished by more than one employee;
2. require limited customer or co-worker interaction;
3. do not include supervision of others;
4. do not require access to equipment or files unavailable during non-business hours;
5. can be accomplished through independent work; and
6. can be evaluated by specific measurable outputs.

Each alternative work schedule assignment will be formalized in a written agreement, finalized only after the college's Associate Vice President for Human Resources reviews and approves. The agreement will be reviewed annually to ensure that it remains relevant and not in need of modification or termination. The agreement will include the following elements and conditions:

1. the alternative work schedule and how it might be changed;
2. the duration of the agreement/schedule;
3. how leave and holidays will be managed; and
4. how emergency or weather-related closings will be managed.

In general, TCC supervisors may authorize two types of alternative work schedules—compressed workweeks and flexible work hours.

### **2.2.1. Compressed Workweeks**

Organizational units within TCC may establish work schedules that allow full-time employees to observe four (4) ten-hour work days within a seven-day period under the terms described below, while ensuring that neither employee performance nor the delivery of service to the college's constituents is diminished.

1. Whether to establish a compressed workweek schedule for an individual employee or workgroup will be determined at the organizational unit level with the approval of the responsible member of the President's Cabinet. The determination will be based on the organizational unit's operational requirements.
2. For campus-based employees, including those reporting to a college vice president (e.g., learning resources centers, business offices, facilities, etc.), the "organizational unit" shall be the campus. Within a college-wide division or directorate, the definition of "organizational unit" shall be determined by the responsible President's Cabinet member.
3. Recognizing the organizational distinctions among the college's four campuses, implementation of alternative work schedules need not be uniform across the campuses. However, campus offices that provide services to the public, including students, shall maintain the college's operating hours as published in the class schedule book and on the college's website.
4. When an organizational unit head determines that the unit will establish compressed workweek schedules, s/he will designate which positions meet the eligibility criteria to participate.
  - a. Operational requirements may dictate that not all positions in the organizational unit will be assigned a compressed work schedule.
  - b. Operational requirements may dictate that there are certain periods of time in the college calendar when the organizational unit will suspend its compressed workweek schedules. The organizational unit head should identify those periods to the affected employees sufficiently in advance to permit them to make the necessary arrangements.
5. Employees serving in positions designated as eligible to participate may decline participation.
6. Individual employee participation will be documented in writing and approved by the organizational unit head with a copy provided to the Associate Vice President for Human Resources.

7. An employee opting to participate may revert to a five-day workweek only after providing sufficient notice to the organizational unit head to permit changing work schedules as necessary.
8. The responsible President's Cabinet member or an organizational unit head may terminate that unit's or an individual employee's four-day workweek.
9. Use of accrued leave for employees participating in the program shall correspond to the scheduled workday, i.e., an employee working a ten-hour day who takes a vacation day will be charged ten hours of leave.
10. State holidays each count as eight (8) hours of holiday leave.
  - a. Thus, an employee whose ten-hour work day falls on an observed holiday will need to work an additional 2 hours in that work week in order to achieve 40 hours.
  - b. And an employee who is not scheduled to work on an observed holiday may take the 8 hours of holiday time over the course of the pay period.

#### **2.2.2. Flexible Work Hours**

The normal workday at Tidewater Community College runs from 8:30 a.m. to 5:00 p.m., Monday through Friday. Supervisors are encouraged to consider flexible work hours—arriving and departing at other than the normal workday times—for particular positions where such arrangements will not adversely affect the organizational unit's operations, diminish employee performance, or interrupt service to the college's internal or external constituents.

### **3. Responsibilities**

The Associate Vice President for Human Resources shall develop and promulgate procedures to implement the policy delineated above. The Vice President for Finance shall develop and promulgate procedures for reimbursement of telework expenses that are consistent with the policies established by the Department of Accounts.

### **4. Procedures**

Standard operating procedures for implementing and carrying out of this policy are maintained by the Office of Human Resources and are revised annually, as applicable. Telework Agreements, Alternative Work Schedule Agreements, Telework Eligibility Determination Checksheets, and teleworking guidance and resources for supervisors and managers are provided on the [Human Resources SharePoint webpage \(Inside TCC\)](#).

## 5. Definitions

**Alternative Work Arrangement.** An arrangement in which the employee regularly works a schedule that differs from the college's standard workweek or at an alternate work location or both.

**Alternate Work Location.** Approved work sites other than the employee's central workplace where official state business is performed. Such locations may include, but are not necessarily limited to, employees' homes and satellite offices.

**Alternative Work Schedule.** Schedules that differ from the standard 40-hour workweek schedule, if such schedules are deemed to promote efficient college operations. Alternative work schedules may include, but are not limited to, four 10-hour days, rotational shifts, flexible hours, and job sharing.

**Central Workplace.** An employer's place of work where employees normally are located. (For TCC, the campus or other college location to which the employee is assigned is considered the central workplace for that employee.)

**Essential Personnel:** Employees who are designated as being required to work during authorized closings. Essential personnel are designated based on the situation. Managers and supervisors notify employees of their essential personnel status based upon the situation.

**Office/Facility Worker:** Office, campus, or facility based employee who reports to and works from a defined central agency workplace(s). Employee may from time to time travel off-site for work activities, meetings, or conferences when approved by management, but spends a clear majority of their time working at an assigned agency worksite(s).

**Standard Workweek.** The regular workweek for full-time positions, which consists of a five-day, 40-hour per week schedule for every seven calendar-day period.

**Telework.** A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace.

**Teleworker.** An employee who, under formal agreement with his/her supervisor, performs his/her usual job duties in an alternate work location. The telework arrangement may be full-time (entire work schedule at the alternate work location), hybrid (employee consistently teleworks 32 hours or month per month, typically one to two days a week), or limited (employee consistently teleworks less than 32 hours per month on a sporadic or task driven basis).

**Work Agreement.** The required, written agreement between the supervisor and employee that details the terms and conditions of an employee's work away from his or her central workplace.

**Work Schedule.** The employee's regularly scheduled hours of work in the central workplace and/or in alternate work locations.

## 6. References

[Virginia DHRM Policy 1.25 Hours of Work](#)

[Virginia DHRM Policy 1.61 Telework](#)

[Code of Virginia § 2.2-203.1](#)

[Code of Virginia § 2.2-2817.1](#)

## **7. Review Periodicity and Responsibility**

The Associate Vice President for Human Resources shall review this policy annually and, if necessary, recommend revisions.

## **8. Effective Date and Approval**

This policy is effective upon its approval by the College President on March 16, 2020.

Policy Approved:

Marcia Conston, Ph.D.  
President

Procedure Developed:

Sarah E. (Beth) Lunde  
AVP for Human Resources

### Review and Revision History

The initial version of this policy was approved October 23, 2008.

- Revision 1

Section 1. Corrected policy reference number for Virginia Department of Human Resource Management Teleworking from 1.60 to 1.61.

Section 2. Updated to include support of the college Continuity of Operations Plan.

Section 2.1. Removed listing of positions ineligible for telework, added unplanned or temporary circumstances, information technology details, and included emergency closings of the central workplace.

Section 4. Removed detailed procedures.

Section 5. Updated definitions.

Removed Appendices A, B, and C – Agreements and Checksheets will be maintained on the Human Resources SharePoint webpage (Inside TCC).

Position titles updated throughout to reflect current college organization.

Approved March 16, 2020, by President's Cabinet.