



ADMINISTRATIVE POLICY

Alternative Work Arrangement Policy (HR 7)

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 and provide equitable and sustainable processes for all employees.

This Alternative Work Arrangement policy and procedures establishes consistent and equitable opportunities for providing flexible 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. This policy applies during normal operations and outlines alternative work schedules available to Academic Faculty, Administrative Faculty, Classified, and Part-Time Instructor employees. This policy also addresses the implications of alternative work arrangements, such as access to campus-based space and equipment.

Alternative work arrangements are not a right but are discretionary privileges. All approved arrangements are subject to conditions on a case-by-case basis and may be amended or revoked at any time. Not all positions will be eligible for an alternative work arrangement and, in accordance with Title 4, Chapter 3, Section 51 of the NSHE Handbook, denial of an alternative work arrangement request shall not be subject to any grievance, reconsideration, or appeal.

This policy does not apply to authorized work performed away from an employee's assigned work location which is part of an employee's standard job responsibilities, including but not limited to: travel, sabbatical, community engagement, conferences/training, etc. Further, the policy does not address emergency work arrangements stemming from emergency closure, suspension, or mandated change to normal institutional, campus, or building(s) operations. Guidance related to emergency work arrangements will be issued by HR in accordance with federal, state, NSHE, or NSC guidance and directives.

This policy and associated provisions and procedures in no way removes or restricts an employee's rights as outlined in Title 4, Chapter 8, Section 13 of the NSHE Handbook as it relates to sexual harassment, discrimination, Title IX, or retaliation.

DEFINITIONS

Alternative Work Arrangement: An approved work agreement that differs from the standard work schedule. Includes: remote work; telecommuting (hybrid schedule); compressed workweek; and flextime.

Alternative Work Arrangement Agreement: The documented agreement between the employee and Nevada State which defines and outlines the conditions and terms for the employee's participation in an alternative work arrangement.

Compressed Work Week: Regularly scheduled hours that are worked and fixed over fewer than five days.

Eligible Position: An occupational job class and/or position identified by departmental supervisors to be eligible for alternative work arrangements consistent with NSHE policy.

Exempt Employee: An employee who is exempt from the overtime provision of the Fair Labor Standards Act (FLSA) based on the position being classified as executive, professional, or administrative and meeting the specific criteria for exemption.

Flex Time: Agreed-upon starting and departure times that differ from the standard Non-Academic Faculty work schedule or standard departmental schedule. Schedules may be fixed for a specific period of time or can vary from day-to-day.

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. Agreements are available through NSC's Office of Human Resources.

Non-Exempt Employee: An individual who is not exempt from the overtime provision of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 8 hours per day or 40 hours per week (with a Modified Overtime Agreement). Non-exempt employee may be paid on a salary, hourly, or other basis.

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.

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

Remote Work: A work arrangement that allows an employee to perform the duties and responsibilities of their position at a remote work location as their primary worksite (post of duty) on a full-time basis.

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

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

Telecommute (hybrid schedule): A work arrangement that allows an employee to work, during any part of their standard work schedule, away from their primary worksite (post of duty) at an approved remote work location.

Work Week: NSC's 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.

PROCEDURES

Unless otherwise stated, the following procedures shall apply to all full-time and part-time regular status employees and to part-time instructors.

I. Eligibility & Limitations on Alternative Work Arrangements

- A. In accordance with NSHE policy (Title 4, Chapter 3, Section 51), participation in an alternative work arrangement is not a right and is a discretionary privilege. The arrangements will vary among 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 positions by their nature and responsibilities require daily onsite presence and interaction.
- B. All employees of Nevada State may be eligible for alternative work arrangements pursuant to Section VIII(B) and in consultation with the Dean/Director (as appropriate) and campus Executive.
- C. Employees whose performance evaluations are below “satisfactory” (Academic and Administrative Faculty) or “Meets Standards” (Classified), or employees who are currently on a performance improvement plan are not eligible for an alternative work arrangement.
- D. Upon termination of an alternative work arrangement agreement, employees are expected to return to an on-campus primary worksite (post of duty). Employees who elect not to return to campus will agree to resign their position effective on the date on which the agreement is terminated.
- E. Alternative Work arrangements must advance the institution’s mission and shall not reduce or impede the quality of instruction or service provided to students, co-workers, and the campus community.
- F. Alternative work arrangements are subject to specific conditions on a case-by-case basis and may be amended or revoked at any time.
- G. Denial of an employee’s request for an alternative work arrangement shall not be subject to any grievance, reconsideration, or appeal, however to maintain a consistent and equitable application of this policy, the Executive Team will review all denied requests on an annual basis.
- H. In determining whether to approve a request for an alternative work arrangement, the employee’s supervisor must consider:
 - 1. The employee’s length of time in the position and all training and onboarding needs of the position and department;
 - 2. Whether the position has tasks that can be performed remotely or outside of normal working hours;
 - 3. The financial impact of the alternative work arrangement;
 - 4. How the service delivery to internal and external customers/students will be maintained;

5. How office or operations will be maintained with adequate coverage during normal periods of public service;
 6. Whether satisfactory/meet standards performance is evidenced by the employee's most recent performance evaluation;
 7. Whether the employee demonstrates the ability to work independently;
 8. Whether the position has clearly defined, measurable tasks, and productivity can be effectively measured with limited supervisor observation;
 9. The ability for confidentiality to be maintained with appropriate safeguards in place to secure confidential data and information;
 10. Whether increased employee engagement will be supported through improved work/life balance;
 11. The equity and consistency of the arrangement as applied to other similarly situated employees;
 12. The ability to confirm reported time for non-exempt employees;
 13. The ability to identify drop-in space with the ability to maintain confidentiality of work being performed.
- I. Remote work locations for Nevada State employees are limited to the state of Nevada. Part-time Instructors (PTI) may be permitted to work in other states within the United States where the NSHE has payroll reciprocity agreements in place. Academic units must confirm, with Human Resources, whether a payroll reciprocity is in place prior to making an offer of employment.

II. Alternative Work Arrangements

- A. Remote Work: Remote work allows an employee to perform the duties and responsibilities of the employee's position at a remote worksite as their primary work location on a full-time basis. For remote workers, the home or other approved alternate worksite serves as the employee's main work location. Remote workers may be required to periodically travel to and work from a College worksite, as needed. The types of remote work include:
1. Conditional: Remote work that is authorized as a condition of employment, to protect health and safety, or as a result of an approved ADA accommodation.
 2. Mandated: A period of remote work that is ordered as the result of an emergency involving health and safety pursuant to federal, state, NSHE, or College mandate.

In addition to the provisions above related to remote work, the following alternative work arrangements shall apply to specific employee position types:

Academic Faculty & PTI Alternative Work Arrangements

- B. Given the unique nature of academic and instructional positions, Nevada State recognizes the need to 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.

In accordance with the Academic Workload Policy, Deans and Department Chairs retain the authority and responsibility to establish expectations related to work performance to include how and where work is performed. Academic Faculty and PTIs should work with their supervisor to identify an arrangement that aligns with the provisions of this policy and meets the needs of the department, faculty member, and students.

Administrative Faculty, Classified, and Hourly Alternative Work Arrangements

- C. Telecommute (hybrid schedule): Telecommute schedules allow an employee to work, during any part of their authorized work schedule, away from their primary worksite and at an approved alternate worksite. This is not a full-time arrangement and does not include work done while on official travel or mobile work. The types of telecommute schedules include:
 - 1. Regular Telecommute Schedule: Telecommuting that occurs on a periodic and regularly-scheduled basis.
 - 2. Situational Telecommute Schedule: Telecommuting that is approved on a case-by-case basis, or that is not part of a regular telecommute schedule. Instances in which situational telecommuting may be approved include but are not limited to: operational need; inclement weather; need to maximize productivity when personal appointments or special work assignments impact the telecommuter's availability.

Telecommute work locations are limited to the state of Nevada.
- D. Compressed Schedule
 - 1. Exempt and non-exempt employees may request a compressed schedule as follows:
 - i. Four (4) ten-hour days (compressed schedule A)
 - ii. Four (4) nine-hour days & one (1) four-hour day (compressed schedule B)
 - 2. Non-exempt employees (Classified Employees) must have a Modified Overtime Agreement in place with Human Resources to be eligible for a compressed schedule.
 - 3. In considering requests, the supervisor must consider departmental business needs, impact to operations, and staffing levels. Requests that would result in the need to close a work or office site shall not be approved.
- E. Flex Time
 - 1. An exempt employee who works in excess of the number of normally scheduled hours on a particular workday may, upon the approval of the supervisor and consideration of the time worked, reduce a future workday within the pay period. 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.

2. 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 and in consideration of the time worked, reduce a workday within the same workweek. Flexing time shall be on an 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

- A. Alternative work arrangements may vary from person to person depending on the type of work performed and the needs of the department and the College, and must be established through an equitable, fair, and consistent approach for all similarly situated employees within a department/work unit.
- B. Non-Exempt employees shall not work more than eight (8) hours per day (or 40 hours with a Modified Overtime Agreement) in a work week without advanced written approval from their supervisor. In the event the supervisor anticipates granting ad hoc alternative work arrangements outside of an employee's standard schedule, the parameters of such flexibility must be outlined in advance. The amount of time the employee is expected to work per pay period shall not change due to participation in an alternative work arrangement.
- C. 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.
- D. Unplanned or ad hoc requests for an alternative work arrangement during a single work week may be granted to an employee at the discretion of the employee's supervisor. Approval of a one-time unplanned or ad hoc request does not constitute an ongoing, formal alternative work arrangement that extends beyond a single workweek or pay period and must conform generally to this policy.
- E. All alternative work arrangements must conform to the overtime/compensatory time, record keeping, meal break, and other provisions of the [Fair Labor Standards Act](#) and any other relevant laws, regulations, or policies. Lunches and/or scheduled rest periods shall not be eliminated when an employee works an alternative work arrangement.
- F. All alternative work arrangements are granted on a temporary and revocable basis and may be discontinued by the College at any time. For remote work and telecommuting agreements, the supervisor shall provide no less than thirty (30) days' notice.
- G. Employees working a telecommuting or remote work schedule must be available by telephone, email, and/or other communication and collaboration technology identified by the supervisor during scheduled work hours, with the exception of meal and break periods as required under

State regulations. Employees are required to either forward their College phone to their remote line or check College voicemail for messages at least once every two hours.

- H. Employees working a telecommuting or remote work schedule 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 College email system and any other College system(s) and applications necessary to perform their job responsibilities.
- I. The supervisor retains the right to require an employee with an alternative work arrangement to be physically present at the College 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 events that require their physical presence at a College site. An employee required to be present outside of their alternative work arrangement may, with the approval of their supervisor, switch their day(s) during the same work week; however the supervisor is not obligated to approve such requests.
- J. Employees with approved alternative work arrangements are subject to all terms and conditions of employment, law, policies, procedures, and regulations as outlined in NSHE Code, NSHE Policies and Guidelines, Nevada Administrative Code, NSC policy, or any other relevant federal, state, NSHE, or College law, policy, or regulation.
- K. Classified employees with approved work arrangements are required to submit hours worked through the COE application.
- L. In the event of a delayed opening, early closing, or full-day closing of the College due to an approved holiday, inclement weather or other emergency condition, a non-essential employee on an approved alternative work arrangement is not required to work remotely. If administrative leave is granted for a non-holiday closure, the employee should enter the appropriate leave in the Workday leave system. Employees with a compressed schedule that coincides with a delayed opening, early closing, or full-day closing will be responsible for making up any work time missed beyond any granted leave. Administrative leave will not be provided to employees on a compressed schedule when such leave coincides with the employee's scheduled day off, except in the case when an approved holiday occurs on a day when an employee on a compressed schedule is not obligated to work. In accordance with Nevada Administrative Code, section 284.257, if a holiday occurs on the day off of a full-time non-exempt (Classified) employee, the work schedule may be adjusted for the week during which the holiday occurs. The work schedule for exempt employees (Academic and Administrative Faculty) may be adjusted for any week within the pay period in which the holiday occurs.

IV. Supervisor & Employee Orientation & Training

The College will provide education and information, as appropriate, for employees and supervisors to enhance understanding and increase awareness of the alternative work arrangement policy and procedures related to alternative work schedules. Goals to be achieved through education are: (1)

ensuring that all employees and supervisors are aware of the availability and limitations of alternative work arrangements; (2) deterring the misuse or abuse of alternative work arrangements; (3) identifying efficiencies to be gained by flexible work arrangements; and (4) equitable and consistent application of alternative work agreements.

Employees and supervisors will be required to attend an alternative work arrangement informational session prior to submitting or approving an alternative work arrangement agreement. Additional education and information sessions may be developed and delivered by the College. Any additional mandatory session will be communicated to the campus community.

V. Alternative Work Locations

- A. Employees on telecommuting or remote work agreements must designate an alternate work location on the agreement request. The employee's off-site workspace will be considered an extension of the College's worksite. Therefore, the College will continue to be liable for job-related accidents that occur at the alternate work location during the employee's working hours while the employee is performing official College business. The College reserves the right to inspect the workspace upon 24-hour notice or to have the employee submit a self-certified safety checklist for determining that the site is safe and free from hazards. Worker's compensation liability is limited to the designated workspace as opposed to all areas of the home/alternate work location.
- B. The College will not be liable for theft or damages to the employee's real or personal property while the employee is working at the alternate work location. Also, the College assumes no liability for injuries occurring in the employee's alternate work location outside of established working hours.
- C. Employees are expected to maintain safe working conditions and to practice the same safety habits in the alternate work location as they would in their on-campus workspace.
- D. Employees remain responsible for all insurance, utility, telephone, internet connections, and related costs at the alternate work location.
- E. Employees should consult their tax advisor with respect to tax consequences.
- F. In the event of an injury at the alternate 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 agreement.

VI. Supplies and Equipment

- A. The College will not purchase equipment solely for the purpose of permitting an employee to have an alternative work arrangement, unless such arrangement is required by a condition of

employment, as the result of an approved ADA accommodation, or during periods of mandated remote work. Any purchase is subject to budget limitations.

- B. Employees are liable for any college property provided and should promptly notify their supervisor and/or IT of any malfunction in College-owned equipment and take all appropriate actions to return such equipment if repairs are necessary.
- C. All equipment and supplies provided by the College remain the property of the College and must be returned promptly to the College at the conclusion of any alternative work arrangement.
- D. Employees may use their own equipment, provided the College incurs no cost. Repair and maintenance of employee-owned equipment is the responsibility of the employee.

VII. College Space

The decision to enter into an Alternative Work Agreement may have implications for campus space assignments.

- A. An employee who is telecommuting 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 classifications.
- B. An employee who is working remotely more than 50% of the Contract period will not be assigned a dedicated workspace.
- C. The College 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.

VIII. Agreement Request and Approval Process

The following request and approval process shall apply to all requests for regular telecommute and compressed alternative work arrangement agreements. Situational telecommute and flex time requests require prior written approval and documentation from the supervisor, but do not require the formal request and approval as outlined below.

- A. Request Process
 - 1. Employees who desire a regular telecommute or compressed alternative work arrangement shall:
 - i. Discuss the matter initially with their immediate supervisor;
 - ii. Submit their request via the Alternative Work Arrangement Agreement Form to their immediate supervisor. The request shall include the terms of the agreement, including specific hours and days of work, current job

responsibilities, duration of the agreement, and alternate work location (remote and telecommute requests).

B. Approval Process

1. All alternative work arrangement requests must be reviewed by the employee's supervisor. Upon receipt of a request, supervisors shall:
 - i. Review the employee's eligibility for an alternative work arrangement as outlined in the Alternative Work Arrangements policy.
 - ii. Determine the appropriateness of the request in conjunction with the Limitations on Alternative Work Arrangements and Guidelines for Managing Alternative Work Arrangements provisions of the Alternative Work Arrangement policy.
 - iii. Consider the request from an equity and consistency standpoint and in consideration of other approved and denied requests for similarly situated employees within the department.
 2. In consideration of the above and only in circumstances where the provisions and requirements of the Alternative Work Policy can be fully met, the supervisor will sign the agreement and submit the request and any supporting documentation (as applicable) to the Dean/Director. If the supervisor is a Dean/Director, the request should be submitted to the Campus Executive for the area in which the request originates.
 3. The Dean/Director shall review the request under the same conditions as outlined above for the supervisor. The Dean/Director retains the right to deny an alternative work arrangement if business necessity warrants such a denial or for circumstances related to eligibility or equity reasons. Upon approval, the Dean/Director will submit the approved request to the Campus Executive for final review and approval.
 4. The Campus Executive (President, Provost, Senior Vice President, Vice President) retains the right to deny an alternative work arrangement for any business necessity, eligibility, or equity reason. Fully approved agreements shall be forwarded to Human Resources for placement in the employee's personnel file.
 5. Any modification to an approved agreement must follow the same approval process outlined above.
 6. All agreements shall be subject to review and renewal at least annually, to correspond with the College's fiscal year (July 1 to June 30), or whenever there is a change in the supervisor, employment status, office conditions, or job duties. In the event that an agreement is not continued, the employee may submit a new alternative work agreement request.
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FORMS/INSTRUCTIONS

- Alternative Work Arrangement Policy Request Form (in progress)
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CONTACTS

UNIT	CONTACT	PHONE	EMAIL
Office of Human Resources	Eric Gilliland	X2322	Eric.gilliland@nsc.edu

RELATED INFORMATION

- [Fair Labor Standards Act](#)
 - Nevada Administrative Code, section 284.257
 - NSC Academic Workload Policy
 - Title 4, Chapter 3, Section 51 of the NSHE Handbook
 - Title 4, Chapter 8, Section 13 of the NSHE Handbook
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HISTORY

APPROVAL SIGNATURES PAGE



5/12/22

Executive Vice President/Provost

Date

Recommendation (check one):

	Denial	Approval	Approval w/ condition*
<i>Recommendation</i>		x	



5/12/2022

Senior Vice President

Date

Recommendation (check one):

	Denial	Approval	Approval w/ condition*
<i>Recommendation</i>		x	



5.11.2022

Office of the President (President's Signature)

Date

Final decision (check one):

	Denial*	Approval
<i>Recommendation</i>		x

*Attach rationale for denial or conditional approval