

## Handbook of Operating Procedures

### WORKING REMOTELY

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#### A. Purpose

The purpose of this policy is to provide guidance for the administration of remote work arrangements when it is in the best interest of The University of Texas Rio Grande Valley (UTRGV) and when it will enhance the productivity of the employee. Employees working remotely are fully responsible for performing all aspects of their job description.

#### B. Persons Affected

This policy applies to all staff employees of UTRGV, both classified and administrative and professional positions. This policy does not apply to faculty positions or positions that require student status as a condition of employment.

#### C. Policy

1. It is the policy of UTRGV to allow remote work on a discretionary basis. A flexible work arrangement is considered a privilege and not a right, and the decision to authorize remote work is at the discretion of management based on the nature of the work being performed and other business considerations. A flexible work agreement must be completed and fully executed in accordance with this policy before an eligible employee may work remotely.
2. UTRGV reserves the right to temporarily suspend, alter, or terminate a flexible work arrangement without prior notice for any reason, including a violation of UTRGV or UT System policy; a violation of agreed-upon expectations; a relevant change in UTRGV policy or law; a change in UTRGV's business needs; or any impairment of the employee's work performance. Flexible work agreements do not constitute an employment contract, and do not constitute a guarantee of employment in a particular position, classification, or salary rate.
3. Employees who desire to end or change their flexible work agreement may make their request to their supervisor, in writing, 30 calendar days in advance of the desired change's implementation, or as much as circumstances reasonably allow.
4. Authorization to work remotely does not change the at-will nature of the employee's work relationship with UTRGV, nor does it relieve an employee from the obligation to observe all applicable UTRGV and University of Texas System rules, policies, and procedures. All existing terms and conditions of employment must be observed, including without limitation the position description, salary, benefits, vacation, sick leave, or overtime policies.
  - a. *Attendance on campus* - Supervisors may require employees to report to a UTRGV work location, as needed, to meet critical deadlines, attend important meetings, complete assigned functions, or for other business reasons as determined by the supervisor.
  - b. *Compensation and Benefits* - An employee's compensation and most benefit plans will remain the same for a flexible work agreement in the State of Texas because the job responsibilities of on-campus and off-campus employees remain the same. Employees

approved to work outside of Texas will be covered under an out-of-area network insurance plan.

- c. *Equipment and Security* - Employee must abide by all UTRGV policies and guidelines regarding the use of state property, as well as all information security and records management policies, standards, and guidelines. Employees are expected to a UTRGV-owned or managed computing device if protected UTRGV data is in use, and will not store or process confidential UTRGV data on a personal device. Employees agree to use a workspace where confidential UTRGV data cannot be observed or accessed by anyone else, and will secure all confidential, sensitive, or proprietary information consistent with UTRGV policies. All telecommunications, email, and all data on UTRGV equipment, systems, and storage media are owned by UTRGV, and all UTRGV-related email and all data on any personal equipment, systems, or storage media used for business are owned by UTRGV. Such telecommunications, email, and data are subject to UTRGV policies regarding the ownership of and absence of privacy in such resources even if located at a remote location. UTRGV may retrieve and read any message or data composed, sent, received, or stored on its equipment, supplies, systems, or storage media and may retrieve and read any UTRGV messages or data composed, sent, received, or stored on employees' personal equipment. UTRGV may monitor employee use of UTRGV-owned telecommunications, email, and other data.
- d. *Damages to Personal Property and Operating Costs* - UTRGV will not be liable for damages to employee-owned equipment being used while working remotely. UTRGV will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities, telephone, internet access, insurance, etc.) associated with the use of the employee's residence for working remotely unless specifically provided in advance and in writing by the dean or director as outlined in the flexible work agreement. Employees are required to use a UTRGV approved secure connection such as VPN and should connect only on private, secured Wi-Fi networks (i.e., no public Wi-Fi).
- e. *Hours of Work* - The total number of hours that an employee is expected to work will not change, regardless of working agreement. Working remotely 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 alternative work location during the employees' work hours, the employee should identify an alternative form of childcare or adult care. Non-work-related events and activities may not disrupt or interfere with work at the remote work site. No in-person UTRGV business-related meeting will occur in an employee's personal residence.
- f. *Location* - Requests to work while residing outside the State of Texas requires the division's vice president and the Chief Human Resources Officer review and approval. The employee and respective departments must contact the Payroll Office for out of state requests to ensure compliance with employment laws.
- g. *Overtime/Compensatory Time* - Non-exempt employees (employees eligible for overtime pay) will continue to be compensated for overtime in accordance with the provisions of the Fair Labor Standards Act, applicable state law, and UTRGV policies, including without limitation [ADM 04-406 Overtime for Non-Exempt Staff Employees](#). Employees are required to obtain prior approval for accrual of overtime/compensatory time. For exempt



#### **D. Procedures**

##### **1. Employee Eligibility Criteria**

To be eligible for a flexible work arrangement, an employee must meet the following criteria:

- a. Have a demonstrated ability to successfully organize, manage time, work independently and productively with minimal supervision;
- b. Have at least a satisfactory work performance history and not be in a disciplinary cycle; and
- c. Have a thorough knowledge and understanding of their job functions, operations, and necessary equipment for which they are responsible.

##### **2. Supervisor Considerations**

Supervisors, in consultation with the Office of Human Resources, are expected to assess the nature of a position and how the work is performed, and determine which positions are appropriate to designate or approve for remote working. Several factors should be considered in determining the feasibility of working from home, including UTRGV's ability to supervise the eligible employee adequately and whether any duties require the use of certain equipment or tools not available at the remote work location. Other critical considerations include whether:

- a. There is a need for face-to-face interaction and coordination of work with other employees or students;
- b. Face-to-face interaction with outside colleagues, clients, or customers is necessary;
- c. The position in question requires the eligible employee to have immediate access to documents or other information located only at the UTRGV on-site location;
- d. The remote work arrangement will impact service quality or UTRGV operations, or increase workload for other employees;
- e. The position can be structured to be performed independently of others with minimal need for support and little face-to-face interaction; and
- f. Performance can be measured by results-oriented standards, not time spent doing the job.

##### **3. Supervisor Responsibilities**

- a. The department head will be responsible for maintaining a departmental remote work plan for all employees working remotely in that department, and inform division leadership of the plan. Each flexible work arrangement must be in writing and shall comply with the requirements of this policy, be completed by the employee and the employee's supervisor, and be submitted to the appropriate division head upon request.
- b. The supervisor may approve or deny a flexible work agreement. If the supervisor and the employee do not agree on the aspects of the schedule, then an employee will continue to work his or her standard hours at the regularly assigned place of employment.

- c. The flexible work agreement must be completed and signed by the employee and the employee's supervisor and must have the approval of the employee's dean or director prior to the employee initiating a flexible work arrangement.
  - d. The supervisor will identify what resources are needed and schedule regular meetings to assess needs, give feedback, discuss issues, and periodically review the work arrangement. Any necessary adjustments will be made to address changing business demands.
  - e. As with any employee, performance expectations and goals for each workweek must be established and met.
  - f. Employees are expected to record their hours worked in the same manner as when working on site.
4. Employee Responsibilities
- Employees are required to:
- a. Meet the same standards of performance as employees in the same job classification who do not have a flexible work arrangement.
  - b. Adhere to all terms of the approved flexible work agreement. Employees must communicate any changes with supervisor regarding workload, schedule changes, or deviations from the approved schedule.
  - c. Comply with all applicable UTRGV and University of Texas System rules, policies, and procedures, including without limitation all UTRGV policies and ethics guidelines regarding the use of state property, all information security and records management policies, standards, and guidelines, and the flexible work agreement.
  - d. Maintain accurate time and accounting documentation to support and substantiate their work hours and work product.
  - e. Be available for onsite visits at the employees' expense, when needed.
  - f. Be accessible during their assigned work hours by phone, video call, chat, text, or email, using UTRGV-approved tools and services, to the same extent as if they were working in the office.
  - g. Upon request, provide a floorplan of the worksite showing the location of furniture, equipment, and electrical outlets.
5. Termination of Flexible Work Arrangement
- a. UTRGV reserves the right to temporarily suspend, alter, or terminate a flexible work agreement without prior notice for any reason, including without limitation a violation of UTRGV or UT System policy; a violation of agreed-upon expectations; a relevant change in UTRGV policy or law; a change in UTRGV's business needs; or any impairment of the employee's work performance.
  - b. Upon an employee separation, the work agreement is terminated and the employee must immediately return all UTRGV-owned property.

- c. UTRGV will not be held responsible for costs, damages, or losses associated with the termination of a flexible work agreement.

**E. Definitions**

1. *Flexible work agreement* – written agreement in a form approved by the Office of Human Resources, executed by UTRGV and an employee, that documents a flexible work arrangement.
2. *Regularly assigned place of employment* - the location on the UTRGV campus where an employee usually and customarily reports for work.
3. *Working remotely* – an authorized working arrangement from a remote site such as a private home, instead of commuting to a designated and principal location. Working remotely may also be referred to as remote work or a flexible work arrangement.

**F. Related Statutes or Regulations, Rules, Policies, or Standards**

[Texas Government Code Section 658.010, Place Where Work Performed](#)

[Texas Government Code Section 659.018, Compensatory Time: Place Where Work Performed](#)

[ADM 03-200 Accommodations for Individuals with Disabilities](#)

[ADM 04-406 Overtime for Non-Exempt Staff Employee](#)

[ADM 10-403 Centralized Purchasing](#)

**G. Dates Reviewed or Amended**

Reviewed and amended (non-substantive: updated responsible executive) - May 9, 2022.