

05-01-08 Alternate Work Arrangements

PURPOSE The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding alternate work arrangements across Nashville State Community College ("College"). Availability of an alternate work arrangement is at the discretion of the College and subject to change with or without notice. This policy applies only to non-faculty employees. Future references to employees in this policy refer to non-faculty.

DEFINITIONS

- **Telecommuting.** A work arrangement in which supervisors authorize employees to perform their usual job duties away from their central workplace in accordance with work agreements.
- **Flex Time.** Adjusted work schedule where daily working hours may fall outside the hours of 8:00 a.m. to 4:30 p.m.
- **Compressed Work Week.** Adjusted schedule where the employee works a 37.5 hour week in less than 5 days.
- **Flex Year.** Any time period, greater than 9 and less than 12 months, scheduled to accommodate the cyclical workload of the Institution.
- **Job Sharing.** Two or more people share a single job for which they are equally accountable.
- **Central Workplace.** The employer's place of work where employees normally are located.
- **Employee.** A person employed by the College in a non-faculty capacity pursuant to Tennessee Board of Regents policies.
- **Alternate Work Arrangement Agreement ("Work Agreement").** The written agreement between Nashville State Community College and an employee that details the terms and conditions of an employee's work schedule whether away from or at the central workplace. Work agreements are required for any alternate work arrangement.
- **Work Schedule.** The employee's hours of work in the central workplace and/or in the alternate work location.

POLICY/GUIDELINE

- A. Requests for alternate work arrangements should be initiated by the employee's supervisor and should establish the business justification for the alternate work arrangement. The College has established an internal procedure to review and approve/deny such requests. See Exhibit 1.
- B. Alternate work arrangements are not to be considered a universal employee benefit or right. No employee is entitled to or guaranteed the opportunity to an alternate work arrangement. The College administration is responsible for the continued successful operations of the College and thus management has the sole discretion to designate positions and/or individuals for an

alternate work arrangement. It may not be used as a substitute for primary child or home health care giving.

- C. Alternate work arrangements do not change the conditions of employment or required compliance with laws and policies. Employees working on an alternate work arrangement are subject to the same policies, statutes, and procedures applicable to all employees including, but not limited to, time and attendance and leave policies. Alternate work arrangements are not intended to permit staff to have time to work at other jobs or to run their own businesses. The College will ensure procedures are in place to document the work hours of employees in alternate work arrangements ensuring compliance with the Fair Labor Standards Act. Supervisors may require employees to report to a central workplace or video conference as needed for work-related meetings or other events or may meet with employees in the alternative work location as needed to discuss work progress or other work-related issues. If a holiday falls on an employee's scheduled day off as a result of an alternate work arrangement, the employee's supervisor will make appropriate schedule adjustments to accommodate the holiday.
- D. If approved for an alternate work arrangement, the employee is expected to maintain appropriate levels of productivity and quality of work. If working from a home-based location, the employee will be expected to make arrangements that allow the work site to be a safe, ergonomically sound and productive work environment during the agreed upon work hours. The employee must be available by phone or other electronic means during assigned working hours. The supervisor will use The College's performance management process to clearly define the performance expectations and to assess the employee's performance. Supervisors will be expected to meet regularly with the employee to review performance and any issues related to alternative work arrangements. If a decline in performance is noted, the arrangement will be cancelled.
- E. Approved alternate work arrangements must be initiated through a formal alternate work arrangement agreement. At a minimum, this agreement will establish:
 - 1. That the agreement may be revoked at any time without cause by written notification of The College or upon request by the employee;
 - 2. That the agreement will be reviewed periodically for compliance and to insure the continued business justification for the work agreement;
 - 3. The employee's work schedule;
 - 4. The employee's work location(s);
 - 5. How communications between the employee, supervisors, colleagues and others will be maintained;
 - 6. Exclusions of liability for The College and the State related to injury or property damage to third persons at employee maintained home-based work locations;
 - 7. An indemnification and hold harmless clause releasing the institution and the State from any and all claims, demands, judgments, liabilities, losses, damages, or expenses resulting or arising from any injury or damage to any person, corporation or other entity

caused directly or indirectly by the employee's acts, omissions, bad faith, willful misconduct or negligence excluding acts within the scope of the employee's employment pursuant to TCA 9-8-307(h);

8. The College has a right to inspect home-based work facilities upon request;
 9. The employee's status during emergency or weather-related closings.
- F. A sample Alternate Work Arrangement Agreement is provided in Exhibit 2.
- G. Employees working from a location within their home are responsible for maintaining their work environment as a safe and productive workspace. Work related injuries occurring at the employee's home-based work location are subject to Tennessee Worker's Compensation laws. Alternate work locations are considered extensions of the employee's central work location during the time period outlined in the Alternate Work Arrangement Agreement.
- H. The supervisor should consider material and equipment needs when drafting a proposal for an alternate work arrangement with the goal of making the arrangement cost-neutral, i.e., no more equipment, supplies or expense should be necessary as a result of the alternate work arrangement than would be needed in the original work location.
- I. The College will not be responsible for any additional costs associated with alternate work locations such as utilities, home maintenance, etc. The employee will be responsible for any tax implications of a home-based work location. For a home-based work location, the employee will be responsible for providing insurance coverage for equipment, supplies, etc. provided by the employee. The employee will be responsible for compliance with any local zoning ordinances or other restrictions related to maintaining a home-based work site. The College will not be liable for any fines, penalties, taxes or other expenses that may accrue as a result of any violation of applicable restrictions.
- J. Employees must follow the College approved data security policies and procedures for protecting confidential information. The employee will be responsible for any materials and documents transported from the College.
- K. The College will not pay for travel or commute miles between the home-based work site and any of its campuses.

RELATED POLICIES

- Nashville State Policy 05-01-03 37.5 Hour Workweek
- [TBR Policy 05.01.01.20 Alternate Work Arrangements](#)
- [TBR Guideline P-020 Procedures for Implementation of the 37.5 Hour Work Week](#)

Approved by NSCC Cabinet 6/14/21