

STANDARD ADMINISTRATIVE PROCEDURE

33.06.01.M0.02 **Alternate Work Location - Faculty**

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Standard Administrative Procedure Statement

Texas A&M University is a highly interactive workplace dedicated to the discovery, development, communication, and application of knowledge in a wide range of academic and professional fields and provides dynamic on-campus experiences that are critical to the maintenance of freedom of inquiry and an intellectual environment nurturing the human mind and spirit fostering a vibrant environment for students, faculty, staff, and administrators. Texas A&M University supports the use of flexible work arrangements in certain circumstances where it is consistent with the efficient operation of university campuses and the effective delivery of services to students, campus clientele, and the public. Flexible work arrangements include partially remote or fully remote alternate work location agreements (AWL) and flexible work schedules. While any university employee may request an AWL arrangement, not all positions may be suited for partially or fully remote work.

This procedure outlines and explains the specific terms and conditions that must be followed if an alternate work location is approved. This procedure is governed by System Regulation 33.06.01, Flexible Work Arrangements. This procedure does not apply when Texas A&M *requires* faculty members to work at an alternate work location (e.g., any work related assignment requiring the faculty member to go through Concur to document business leave). In addition, this procedure does not apply to requests to work at locations outside the United States, which must follow procedures for International Alternate Work Locations.

The objective of the provision of an Alternate Work Location (AWL) is to create a flexible and supportive work environment for Texas A&M faculty members. However, departmental and Texas A&M operational requirements as determined by the department head, college/school dean, and Vice Provost for Faculty Affairs take precedence over a faculty member request for an AWL.

Reason for Standard Administrative Procedure

Texas A&M University is a highly collaborative workplace with a mission that values face-to-face interactions. To stay market competitive, enhance faculty recruitment and retention, and capitalize

on operational efficiencies, the university offers flexibility for eligible employees to work at an alternate work location provided it does not compromise their work performance, productivity, or the collaborative pursuit of our mission. Employees in good standing and whose job duties and responsibilities are suitable for alternate work locations are afforded the opportunity to perform assigned duties through remote work arrangements.

Definitions

Alternate Work Location (AWL): A location within the United States apart from the traditional primary duty station (e.g., office, laboratory, etc.) affiliated with the geographic location/facility associated with any Texas A&M University property.

Designated Work Location: A fully remote work assignment where work duties are regularly performed as specified by employer and suitable to an AWL arrangement because of the nature of the functions and business need associated with the location of the position. Serves as the primary work location on file.

Fully Remote Work: A designation of an AWL which allows for employees to fulfill all their job duties continuously from an AWL for one year. This arrangement does not require the employee to report to the primary duty station and allows them to fully function in their role leveraging technology to work and communicate. Approval of fully remote work must be reviewed every year and reapproved if the situation continues to be conducive to the retention of the faculty member and the requirements of their department/college.

Partially Remote Work: A designation of an AWL which allows an employee to fulfill their on-site responsibilities at the assigned primary duty station while also providing flexibility to perform assigned functions from an AWL. In this AWL agreement, employees may be in an AWL some, most, or all of the work week.

Primary Duty Station: The place of employment associated with a traditional university campus facility or university owned/leased property/space serving as the worksite or physical location where employees actually perform work.

Occasional Work Activity: A brief period of time away from the primary work location during the work week whereby the faculty member performs academic work from their home or other location within their local community while also meeting expectations for on-campus presence and participation. The use of occasional work activities is not intended to replace the need for an AWL should the occasional work activity become a permanent recurrence.

Procedures and Responsibilities

1. GENERAL

- 1.1. **Condition of Employment**: A partially or fully remote work AWL arrangement must not have the effect of changing the percent effort associated with the faculty member's appointment, their responsibility for engagement in service to the department, college, and university, obligations related to teaching and student

advising, or required compliance with relevant policies and procedures, or any other federal or state laws, policies, and procedures while working at the AWL. Job responsibilities, criteria for evaluation, indicators of effectiveness and excellence in evaluation remain the same as when working at the university's primary duty station.

- 1.2. Faculty members working in an AWL remain accountable for adherence to all applicable university rules and system regulations, including staying current on all mandated training.
- 1.3. Use of Leave: A partially or fully remote AWL arrangement may not be used in place of paid or unpaid leave. If at any time an employee is unable to perform official duties, the employee must utilize the appropriate leave category to record the absence. A request to use leave must be approved in accordance with TAMU rules/SAPs.
- 1.4. Workspace, Equipment and Expenses
 - 1.4.1. Faculty members with an approved AWL must maintain a safe, secure, and ergonomic workspace and ensure they have a designated space conducive to a professional environment. All remote work associated with the AWL program should be done utilizing university or agency-owned computer equipment. To the extent possible and at the discretion of the department, the university may provide the necessary equipment and supplies that are needed for the specific AWL agreement. The use of equipment provided by the university is limited to authorized persons and for purposes relating to university business other related compliance. The use of personally owned computers that have not been adequately configured to comply with university security protocols could be a potential liability for FERPA, HIPAA, and other related compliance. Therefore, any computer or information-technology equipment used in the performance of university business must be used in compliance with all applicable university policies, including with respect to computer and network security and data security. Personal cell phones and other devices may be used for validating credentials with TAMU multi-factor security systems and authorized web-based systems such as Email. Personal devices may be subject to TAMU policies and procedures if used to remotely operate authorized University assets and web systems. Security protocols appropriate for the specific law, contract, or legal framework govern data access and use. Guidance can be found at – <https://it.tamu.edu/community/tools/data-classification.php>. Employees are personally liable for lost, stolen, or damaged equipment. Employees are responsible for maintaining access to networking and/or internet capabilities at the AWL with sufficient bandwidth as necessary to perform the position's duties.
 - 1.4.2. Computer and IT arrangements must be specified in the request for an AWL and approved by the department head.
 - 1.4.3. Texas A&M University will not provide office furniture to facilitate the partially or fully remote AWL arrangement. The university will not be

responsible for home maintenance, utilities, or any other operating or incidental costs associated with the use of a residence as an AWL. Employees at a designated work location may request reimbursement for authorized expenses (such as business travel) specifically incurred in connection with the remote work in accordance with applicable policies.

1.5. Tax and Other Legal Implications

1.5.1. Income taxes for employees working outside the State of Texas will generally be withheld as required by the state where the employee is physically located when performing the work associated with the income. The employee is responsible for personal tax consequences, if any, resulting from the AWL arrangement. The employee should seek independent professional advice for any questions or concerns regarding tax issues. Additionally, if an AWL arrangement is proposed in a state other than the State of Texas, the employing unit shall notify the Vice Provost for Faculty Affairs to coordinate a legal review prior to approval which may include tax reporting, export control, immigration sponsorships, and other employment implications for the university.

1.5.2. For locations outside of the United States, the International Alternate Work Location (IAWL) process must be followed, which requires the employing unit to notify the Vice Provost for Faculty Affairs to coordinate if necessary, a legal review prior to approval.

1.6 The approval of an AWL involves a thorough evaluation of the request and the ability of the faculty member to complete their assigned responsibilities. Texas A&M University reserves the right to end the AWL work arrangement at any time. Faculty should be given reasonable notice of the termination of the agreement. Failure to comply with provisions of this procedure and associated guidelines may result in the termination of the AWL arrangement and/or disciplinary action.

1.7 Training relative to operational effectiveness, coordinating team dynamics, performance expectations and success monitoring are available for supervisors and employees. These recommended training courses can aid in establishing a successful remote arrangement. These courses are available via the AWL Guidelines, found on the Human Resources and Organizational Effectiveness (HROE) website, and completion of these courses may be noted in an individual's TrainTraQ transcript.

1.8 Special Circumstances

The university will announce campus closings, delayed openings, or modifications of operations requiring an immediate need for fully or partially remote work often in response to a campus crisis or inclement weather. In these instances, employees functioning at an approved AWL will continue to work at the designated AWL, while employees that typically work on campus will enact arrangements with their supervisors to perform their duties at an AWL, if possible. Such arrangements are for special circumstances and do not supersede requisite AWL evaluation and approval processes.

2. ELIGIBILITY REQUIREMENTS

- 2.1. Eligible Employees. Faculty members must not be subject to current formal disciplinary action and must have satisfactory ratings or higher in each area of assigned responsibility during the previous annual review.
- 2.2. Eligible Positions. For faculty positions, important considerations include assigned areas of responsibility, requirements for in person courses for degree programs, in person teaching assigned courses, requirements for in person student advising and interactions, as well as service, clinic responsibilities, and departmental meetings.

3. EXPECTATIONS OF ON-CAMPUS PRESENCE AND FLEXIBILITY

- 3.1. The university recognizes the importance of flexibility in faculty members' schedules. Faculty members perform a variety of research/scholarly/ creative activities, as well as teaching and service activities, and generally are permitted flexibility regarding schedule and location from which to execute these duties in ways that maximize their productivity. However, all faculty members have a responsibility to ensure that their work schedule and performance is consistent with the research, teaching, and service missions of the university. Because the requirements of each college/school, and in some cases departments, vary to meet their specific missions, deans, and department heads, where appropriate, must develop, through a process of shared governance with their faculty, internal guidelines as specified in the below subsections.
 - 3.1.1. Internal guidelines must set expectations appropriate for their units for on-campus presence and participation of their faculty members in their workspaces and university community. These expectations may include but are not limited to: (1) teaching face-to-face classes, advisory committee meetings, thesis and dissertation defenses, advising, and other teaching-related duties; (2) attending faculty meetings, seminars, and service activities; (3) holding office hours, and (4) supervising and performing research that requires access and presence to on-campus equipment and facilities.
 - 3.1.2. Internal guidelines must address the needs of faculty members wishing to occasionally perform certain kinds of work (e.g. preparing course material, grading papers, writing manuscripts or funding proposals) at their home or another location within their local community. Occasional work activity is defined as a brief time(s) away from the primary work location during the work week whereby the faculty member performs academic work from their home or other location within their local community, while also meeting expectations for on-campus presence and participation. The guidelines should state the point at which activities are no longer considered occasional and thereby require petition for an AWL.
 - 3.1.3. Guidelines should make clear that occasional work activities are not intended to be used in lieu of sick leave, or family medical leave needs, in

lieu of an accommodation (ADA or otherwise), and do not constitute a justified reason to fail to meet responsibilities, such as attendance at faculty meetings or other departmental needs for on-campus presence.

4. MUTUAL BENEFICIAL ARRANGEMENT

4.1. An AWL is a mutually beneficial arrangement between the academic department and the faculty member whereby the faculty member is allowed to perform their regular duties and responsibilities remotely for a continued continuous time period of time not to exceed one year at a location other than the faculty member's designated primary duty station. All AWL requests require a meeting with the department head.

4.2. Mutually beneficial arrangements must not:

4.2.1. Be one where the department needs to arrange for the coverage of the on-campus expectations of the faculty member requesting the AWL or require the department to spend resources.

4.2.2. Disrupt or impact the learning outcome of students through either teaching or research. Therefore, department heads should consider whether a substitute to teach the course, alternate assignments, supervision by others of a research project, or remote supervision by the faculty member is detrimental to learning outcomes and student success.

4.2.3. Require the department to change the in-person delivery of the assigned course(s) to online delivery.

4.2.4. Create a financial burden to the department or students.

4.2.5. Be in lieu of sick leave (medical related matters that become a part of an AWL request must be arranged via the American Disability Act process).

4.2.6. Be in lieu of an accommodation related to a disability or other similar situations.

5. PROCEDURE FOR REQUESTING AN ALTERNATE WORK LOCATION (AWL)

5.1. A faculty member initiates a request for AWL by submitting a memorandum to the department head or dean as appropriate.

5.2. Upon receipt of the AWL request, the department head will meet with the faculty member to discuss the mutual benefit, terms, conditions, and expectations during the requested AWL. The department head will also consider the operational impact of the AWL agreement on the department (e.g., teaching, staffing, service, research commitments, and allocation of space). Additionally, the department head will determine if the faculty member meets the minimum eligibility requirements listed above. This meeting is mandatory before the department head makes a decision on the request.

5.3. If the department head decides to approve the request, the department head will send the AWL request to the dean for review and approval.

- 5.4. The remote work approval or denial determination is made by the faculty member's supervisor on a case-by-case basis as per section 5.2 above. This determination should be made from a faculty member's individual request based on their assessment of their suitability for alternate work arrangements.
- 5.5. If the AWL is for a faculty member on H-1B, O-1, E-3, or TN status, prior to recommending approval, the faculty member's AWL request should be reviewed by Immigration Affairs.
- 5.6. If, after review the department head and/or dean approve, the approval will be routed for review and final approval to Faculty Affairs.
- 5.7. Following approval of the AWL request, all original correspondence and forms related to the AWL agreement will be maintained in the faculty member's official personnel file with copies provided to the department head and dean as appropriate and faculty member.
- 5.8. In general, AWLs are not required during the summer months for faculty members with a 9-month appointment ending May 31 who do not have a separate summer appointment and who are not paid from a grant during the summer. Accordingly, faculty members receiving summer salary who are working remotely require an AWL for the time they work remotely. Reimbursement for business travel during the summer months, such as for to a conference or field research, is not considered summer salary and therefore does not trigger the need for an AWL.

6. PROCEDURE FOR ADMINISTERING AN ALTERNATE WORK LOCATION

- 4.1 The AWL agreement must be evaluated at least annually (each academic year) by the supervisor and the faculty member to determine if the continuation of the AWL is mutually beneficial to both the employer and the employee.
- 4.2 No AWL agreement may extend beyond one academic year without evaluation and reapproval by the department head. When the AWL is for a foreign national employee, the department must notify Immigration Affairs before approving any extension of the AWL.
- 4.3 Any changes in the conditions of the AWL, other than the end date, will require a new AWL agreement processed through established channels. Faculty members on an H-1B, O-1, E-3, or TN status will be responsible to notify Immigration Affairs regarding relevant changes or extensions.
- 4.4 Ongoing permission to continue with the AWL arrangement will be evaluated on an ongoing basis to ensure the faculty member is meeting the essential functions of the job and that work quality and productivity is not compromised.
- 4.5 If the college or school needs to terminate the AWL, the department head will notify the faculty member in writing and a copy will be sent to the Vice Provost for Faculty Affairs. A copy of the notice to the faculty member will be placed in the faculty member's personnel file.
- 4.6 When completing the annual performance review for the faculty member, it is recommended that comments as to the nature of the AWL agreement be noted in

the “Department Head’s Overall Comments” section of the performance review instrument, in addition to the standard performance factors.

- 4.7 If an AWL is being requested as a reasonable accommodation under the Americans with Disabilities Act Amendment (ADA), the faculty member will need to follow the TAMUS ADA policy and associated TAMU guidance.

Related Statutes Policies, Regulations and Rules

[Texas Government Code, Chapter 658, Section 658.010: Hours of Labor, Place Where Work Performed](#)

[System Policy 33.06: Hours of Work for Full-time Salaried Employees](#)

[System Regulation 33.06.01: Flexible Work Arrangements](#)

[System Regulation 31.01.01: Compensation Administration](#)

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