



Alternative Work Arrangement Frequently Asked Questions

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Alternative Work Arrangement

What is an Alternative Work Arrangement?

Alternative work arrangements are work arrangements that include flexible work schedules, for example, telework, remote work, flextime, compressed work week and staggered work schedules.

What is telework?

Telework is an arrangement in which an employee regularly, or occasionally, performs work at a remote worksite (such as a home, library, or coworking space). Telework can mean that the employee might be working on-site some of the time. However, they also might never come into the office. Most employees that are “telecommuting” are usually geographically close to campus.

What is remote work?

Remote work means that the employee is remotely located. The employee is too far away from campus to come into the office. They may “work remotely” on a temporary basis, such as while traveling, or they might be a permanent remote worker.

What is hybrid telework?

Some roles may be suited for a certain amount of telework even if many of the responsibilities must be done at the regular work location. These roles could be considered for a limited amount of telework/remote work. This is considered a hybrid telework role and is likely to be the model for most teams.

What is a flexible schedule?

Flextime is an arrangement that allows an employee to alter the start and/or end time of their workday. Employees will still work the same number of scheduled hours as they would under a traditional schedule.

What is a compressed schedule?

A Compressed Work Week is an arrangement which condenses more than one standard work week into fewer days (such as a 4.5-day work week, with four 9-hour days and one 4-hour day per week, or four 10-hour days with three days off per week). When scheduling employees, supervisors should take FLSA overtime rules into consideration. [DOL Fact Sheet #23](#)

What is a staggered work schedule?

A staggered work schedule is one in which employees arrive and depart work at different times in shifts. Shifts may be staggered anywhere from 15 minutes to two hours. When scheduling employees, supervisors should take FLSA overtime rules into consideration. [DOL Fact Sheet #23](#)

Establishment and Assessment of AWAs

How do I decide who can work remotely?

Some offices can remain remote, while others, especially those who serve students, must have an on-campus presence. Consider how best to provide customer service, high performance, effectiveness and efficiency.

Who is eligible for telework/remote work?

Both the position and the employee must meet the following criteria to be eligible for telework/remote work:

1. The position is suitable for telework/remote work:

Positions with duties (some or all) that can be performed remotely. Positions that function with minimal supervision. Positions that do not require onsite customer support. Positions whose services can be provided by email, phone, Zoom or Microsoft Teams, and who have access to systems which support business continuity.

2. The employee is suitable for telework/remote work:

Employees in eligible positions who have a history of strong performance, good time management and organizational skills, understand their role and expectations, and consistently meet deadlines. Employees who have adequate access to internet and a quiet work space for calls and meetings.

If the employee is not well suited for telework/remote work or is denied based on a previously documented performance issue, it is best practice to communicate that reasoning with the employee.

- A discussion about job performance and growth opportunities should be had between the employee and their supervisor before the option for telework can be re-assessed in the future.
- Supervisors should keep documentation of telework agreement approvals and denials for each employee.
- As a supervisor, if you are unsure of how to approach this conversation with your employee, please contact Employee & Labor Relations elr@nmsu.edu for guidance.

Who is not eligible for telework/remote work?

Employees who need to be on campus to perform their duties or provide services. Employees who do not have adequate internet or infrastructure in their remote workspace. Employees who have a history of poor performance, who are not productive or responsive while working remotely, due to distractions, lack of computer or organizational and time management skills.

Is it OK for us to have different schedules?

Yes, managers may have their employees stagger their work schedules and come in a few days a week.

What paperwork do I have to complete for a telework/remote work arrangement?

You must review the Alternative Work Arrangements Policy. [ARP 6.87 – Establishing an Alternative Work Arrangement \(AWA\)](#) Employees and supervisors must also complete an AWA Form and submit it to Human Resource Services. [Alternative Work Arrangement Form](#). A new AWA, or changes to your current AWA, require completion of a new AWA Form. A new AWA Form must be completed by July 1, 2021. AWAs must be revisited and renewed annually.

If I am continuing to work remotely, as result of COVID-19, do I need to complete an AWA Form?

A new AWA Form must be completed by July 1, 2021. AWAs must be revisited and renewed annually.

If I am returning to work on campus under an alternative work schedule (short-term, staggered, flexible or compressed), do I need to complete an AWA Form?

Yes, you must complete a new AWA Form by July 1, 2021.

An employee is requesting an AWA to work remotely and live out of state. What does the manager need to consider?

Out-of-state teleworking/remote working arrangements may introduce tax withholding and reporting, unemployment insurance, benefits, and workers compensation requirements in the employee's state of residence, among other considerations. A four to six-week lead time may be required between notification of the out-of-state teleworking/remote working arrangement and the start date of the arrangement to avoid state reporting and withholding penalties,

interest, and late fees. Contact the Aggie Service Center (Payroll office) for additional guidance.

Employees must ensure that their home address is current in Banner Self-Serve, particularly those working from a location out-of-state.

I am currently working remotely. Can I be reimbursed for travel expenses when I have to come to campus for meetings or other work-related reasons?

Flexible work and teleworking/remote working employees are not eligible for travel expense reimbursement when they commute to and from the University locations for work purposes. Teleworking/remote working employees may be eligible for travel reimbursement, in accordance with current University policies, for meetings and business events that take place off the campus (e.g. travel from/to the teleworking/remote work site to a location away from the campus).

Can a manager mandate that all the employees in their department return to campus?

An assessment must be completed to determine which employees must be on campus to perform their duties, which employees are eligible to work remotely, whether they can be productive while teleworking/remote working, and how safety protocols will be maintained on campus. Managers are encouraged to be flexible and to use the Future of Work Decision Tree: [Decision Tree](#)

Some of my employee's duties must be performed on campus. Can they telework?

Some roles may be suited for a certain amount of telework/ remote work even if many of the responsibilities must be done at the regular campus work location. These roles could be considered for a limited amount of telework, or hybrid telework, which is likely to be the model for most teams. Desk and office sharing options may also be considered for hybrid telework employees. Preference should be given to employees based on the percentage of time they work on site.

I like teleworking and I am productive. Can I continue to telework?

Yes, you can continue teleworking, if supported by your supervisor.

I like teleworking and I am not as productive as I could be due to connectivity/ equipment issues. What should I do?

Meet with your supervisor to discuss the challenges, and explore resources to increase your productivity. Seek out NMSU telework productivity tools and training for employees. [Training Central Telework Employee Training](#). If problems persist, or your supervisor deems it necessary, return to the office with all safety protocols in place. NMSU encourages all employees to get a COVID-19 vaccine to protect themselves and their coworkers from serious infectious disease.

What resources will NMSU provide for my telework/remote work arrangement (laptop, camera, etc.)?

Meet with your supervisor to discuss your needs and explore resources.

I like teleworking, but my productivity could improve. What should I do?

1. Seek out NMSU telework productivity tools and training for employees. [Training Central Telework Employee Training](#). Your manager could consider having you telework part of the week, in the office the rest of the week, and monitor your productivity.
2. If problems persist, your manager should consider having you return to work on campus with all safety protocols in place.
3. NMSU encourages all employees to get a COVID-19 vaccine to protect themselves and their coworkers from serious infectious disease.

I supervise a remote worker who is unresponsive to daily communication and/or is unproductive. What should I do?

1. Seek out NMSU telework productivity tools and training for managers and supervisors. [Training Central Telework Manager Training](#)
2. If problems persist, you could consider having the employee telework part of the week, in the office the rest of the week and monitor productivity.
3. If problems persist, you should consider having the employee return to campus with all safety protocols in place. Encourage employees to get a COVID-19 vaccine to protect themselves and their coworkers from serious infectious disease.
4. Corrective action could be considered at any point. Consult with Employee & Labor Relations.

My work must be performed on campus. Can I telework?

1. You will be required to return or continue to work on campus with all safety protocols in place.
2. NMSU encourages all employees to get a COVID-19 vaccine to protect themselves and their coworkers from serious infectious disease.
3. Your manager could consider an Alternative Work Arrangement.

What is the process for someone requesting an AWA related to either their medical condition or for care of an elderly parent?

If the employee requires reasonable accommodation for a medical condition, they may do so through our office online at the following link: https://nmsu-gme-advocate.symplicity.com/care_report/index.php/pid580251?

Telework or some hybrid work arrangements could be a reasonable accommodation for a medical condition depending on the circumstances. Generally, the employee will be required to provide medical documentation. That process is the ADA process and separate from AWA.

Caring for an elderly parent would not be part of the ADA process. ADA accommodations are specific to the needs of the employee.

Safety and Wellness

I am at high health risk if exposed to infectious disease, but I would like to return to work. Can I return on an AWA?

First and foremost, we encourage employees to get a COVID-19 vaccine to protect themselves and their loved ones from serious infectious disease. NMSU is now requiring all employees to be vaccinated or complete weekly COVID testing. You may be eligible for an AWA with your supervisor's approval. You may also apply for ADA accommodation in OIE.

I am caring for someone at home who is high risk, so I don't want to return to work. What should I do? Am I eligible for AWA?

Flexibility with childcare and eldercare will be granted when working in an alternate location due to COVID-19. You may be eligible for an AWA with your supervisor's approval. Check with Benefits to see if you qualify for FMLA. You may also apply for ADA accommodation in OIE.

I must provide childcare due to school closure, so I don't want to return to working on campus. What should I do?

Telework/remote work is not an employee right and is not designed to be a replacement for appropriate childcare. During the COVID-19 crisis, flexibility may be granted to employees to assist with balancing childcare issues due to flexing school and childcare schedules.

Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of telework with family members prior to entering into an AWA.

I am afraid to go back to work on campus. What should I do?

1. First and foremost, we encourage employees to get a COVID-19 vaccine to protect themselves and their loved ones from serious infectious disease. NMSU is now requiring all employees to be vaccinated or complete weekly COVID testing.
2. If your duties can be performed by teleworking/remote working, you may continue to telework/remote work, if it is supported by your supervisor.
3. Speak with your supervisor and identify your specific concerns. Your supervisor should explain the safety protocols in place.
4. You may contact the Employee Assistance Program <https://benefits.nmsu.edu/other/eap/> to receive counseling and support in coping with your anxiety and fear of returning to campus.

5. If your duties must be performed on campus, and you are unwilling at this time, you may be able to use annual leave or leave without pay for some limited amount of time.

I have been teleworking/remote working from home but was offered the option of returning to the worksite on campus. If after some time at the worksite I do not feel safe, can I return to teleworking/remote working from home?

1. First and foremost, we encourage employees to get a COVID-19 vaccine to protect themselves and their loved ones from serious infectious disease. NMSU is now requiring all employees to be vaccinated or complete weekly COVID testing.
2. You should speak with your supervisor about your specific concerns to better understand the safety protocols in place.
3. You may return to teleworking/remote working, if it is supported by your supervisor.

How can I reduce the number of employees working in the office to ensure social distancing?

- Encourage your employees to get a COVID-19 vaccine to protect themselves and their coworkers from serious infectious disease. NMSU is now requiring all employees to be vaccinated or complete weekly COVID testing.
- Alternating days or alternating weeks: To limit the number of individuals and interactions on campus, departments should consider scheduling partial staffing on alternating days or weeks with staff who are required on campus (e.g., two weeks remote, two weeks on campus OR one week on campus, three weeks remote). Such scheduling will enable physical distancing, especially in areas with large common workspaces. To contain “germ circles,” it is best to schedule the same people on the same days to limit any one individual’s exposure to other individuals when possible.
- Staggered reporting and departing: The beginning and end of the workday typically bring many people together at common entry/exit points of buildings. Staggering reporting and departure times by at least 15 minutes will reduce traffic in common areas to meet physical distancing requirements.

What do I do if I have an employee who is struggling?

Acknowledge the difficulties in returning to campus. After spending more than a year trying to avoid people, re-engaging with others seems risky. People have concerns not just for their health, but for that of elderly parents or family members with underlying conditions. Employees can get help dealing with anxiety at NMSU’s Employee Assistance Program.

<https://benefits.nmsu.edu/other/eap/>

Consider how to support employees with wellness. Employees have been through a great deal of change and many are feeling anxious or isolated, so consider what is needed to help them transition back to in-person work.

- Yoga or meditation breaks during the day
- Flexible scheduling

- Communication, empathy, patience and flexibility

Is NMSU requiring that all employees receive a COVID-19 vaccine before returning to campus?

NMSU is now requiring all employees to be vaccinated or to submit to weekly COVID testing.

Can a manager ask employees if they have received a COVID-19 vaccine? Yes, a manager can ask if they have received a vaccine, but should not ask them why they haven't received one. Getting a vaccine is a personal decision and an employee may have religious or medical reasons for not getting a vaccine. Their answers can help a manager establish a return to work plan that keeps all employees safe.

I understand supervisors can ask employees if they have been vaccinated and if they say no do we then require them to wear a mask in the work environment? If they decline to answer, do we then require the mask? Would this then be an actionable disciplinary item if employee refuses and has not worked with OIE for exception approval?

If the employee tells you that they have not been vaccinated and they refuse to wear a mask, then you should refer them to OIE for accommodation.

If they decline to answer, then you should tell them that our policy is:

- All employees must continue to wear face coverings and practice social distancing in all indoor and [some outdoor situations](#).
- Refer them to OIE if they feel they need accommodation.

Depending on each individual situation, I recommend contacting ELR to discuss next steps.