

SIGNATURE PAGE FOR POLICY ON UNIVERSITY FLEXIBLE WORK

**New Mexico Tech Policy Signature and Approval Document**

**Legal Review (if applicable):**

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*Bruce Kite* GENERAL COUNSEL 01/23/2023  
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**Campus Community Review Dates:** 09/21/2022 TO 10/15/2022  
 15 Calendar Days

**Approval by Chair of President’s Policies and Procedures Committee (if applicable):**

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**Approval by Sponsoring Division Head:**

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*Dr. Stephen Wells* PRESIDENT 01/23/2023  
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**Approval by President:**

Approved on this date by Dr. Stephen Wells, President, New Mexico Institute of Mining and Technology. Minor editorial revisions may be made. Content of this policy cannot be changed.

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*Dr. Stephen Wells* 01/23/2023  
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 Signature of the President Date

**Approval by Chair of the Board of Regents (if applicable):**

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*Jerry Armijo* Secretary/Treasurer as Proxy for Regent Chair 02/10/2023  
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# Policy on University Flexible Work

Office of the President

Last modified January 27, 2023

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## Purpose and Scope

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New Mexico Tech (NMT) is committed to promoting work-life balance, the recruitment and retention of a diverse workforce while simultaneously enhancing productivity and efficiency across the institution. Furthermore, NMT seeks to cultivate a resilient culture built on the principles of empowerment, purpose, trust, and accountability. To achieve this objective NMT establishes the following flexible work policy. This policy is founded on the following principles:

- A. *Organizational agility*: The institution should be able to rapidly change and/or adapt policy to meet social change.
- B. *Adaptive capacity*: The institutional workforce should be enabled to anticipate and respond to changes in the work environment.
- C. *Employee engagement*: The members of the institutional workforce should be active participants in guiding the mission of the university.
- D. *Reward effective and efficient work*: The institution recognizes the commitment of individual performers by allowing flexible schedules whenever appropriate.
- E. *Promote and maintain good physical and mental health*: The institution is committed to the advancement of work-life balance within the institutional workforce.

Several considerations were made when determining the viability of remote work at NMT. One of the most significant areas of consideration is maintaining a vibrant and engaging campus for the student population. Much of the work done by the instructional staff and instructional support staff must be conducted in-person to maintain the academic mission. This document was developed for the purpose of providing a framework for flexible work options for the institutional workforce.

Specifically, this policy seeks to provide supervisors and directors with guidelines to determine what positions and employees are well-suited for regular, hybrid, and remote work. The policy takes into account various approaches for flexible work that support the mission of NMT. It recognizes that there are some types of work that can only be done on site, in such cases the use of appropriate alternative flexible work options are promoted where remote work or hybrid work are not feasible.

Remote work is viable when both the employee and the job are suited to such an arrangement with appropriate approvals to do so. Remote work does not change the terms and conditions of employment with NMT; it may be appropriate for some employees and jobs, but not for others.

# Policy Definitions

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**Cognizant Head** means the Vice President, his/her Designee, or the Division Director or Dean of an NMT unit.

**Compressed Workweek(s)** means an approved work schedule that is compressed by varying the length of the workweek into fewer than five days. This arrangement may be offered seasonally, on an occasional short-term basis, or as the nature of the work requires, to achieve workload efficiencies of the department.

**Core Hours** means a set time that NMT requires employees to be available. NMT operates 24 hours a day, seven days per week, which necessitates varying Core Hours for employees depending on the nature of the work. Generally, Core Hours for most departments are 8:00 a.m. to 5:00 p.m. Mountain Time (MT), Monday through Friday.

**Flexible Work Plan (FWP)** means an approved arrangement where an employee works an alternate schedule from the area's Core Hours. FWP may refer to Remote Work, Flextime Schedules, and/or Compressed Workweeks.

**Flexible Work Plan Agreement (FWPA)** is the governing document that codifies the agreed-to flexible work plan.

**Flextime Schedule** means an officially agreed-upon arrangement that allows an employee to alter the starting and/or end time of their workday. Employees still work the same number of scheduled hours as they would under a traditional schedule per day or per week.

**Hybrid Remote Work** means an officially approved work schedule that allows an employee a combination of remote work and work at their designated NMT worksite.

**Remote Work** means an officially approved work schedule that allows employees to work part or all of their work hours from a location away from their designated NMT worksite.

**Situational Remote Work (e.g., Pandemic Situation, Natural Disaster, State of Emergency)** means an unforeseen temporary remote work arrangement without a pre-established Flexible Work Plan Agreement. An example of this is a temporary remote work assignment due to inclement weather. Duties and assignments, communication methods, work environment, safety, equipment, and reimbursable expenses are all items to be addressed between the employee and supervisor as appropriate to the situation.

**Successful Performer** means an employee who received a "meets expectations" or above on their last performance evaluation.

## Policy Statement

All Flexible Work Plans (FWP) must be approved in advance and such approval must ensure that service to NMT is met in a highly effective and efficient manner. Remote work or Hybrid Remote Work does not change the condition of employment or applicability of NMT policies. The employee must abide by all NMT policies including annual and sick leave, holidays, overtime, etc.

Due to the wide range of responsibilities among NMT employees, any FWP that is implemented must balance the needs of NMT and the duties of the position. All FWPs are subject to applicable employment laws, including, but not limited to, the Fair Labor Standards Act, Family and Medical Leave Act, New Mexico Department of Workforce Solutions requirements, and the New Mexico Workers' Compensation Act.

## Responsibilities

Employees must work directly with their supervisor to discuss their FWP request and obtain their supervisor's approval with the concurrence of the Cognizant Head. The employee will maintain regularly scheduled work hours as agreed upon in the FWPA and will be fully accessible during those hours. This pertains to both exempt and nonexempt employees. Work schedules may change at the supervisor's discretion to meet the needs of the department. Any employee requests to change the work schedule must be approved by the supervisor in advance with the concurrence of the Cognizant Head. Employees may also be requested to return to the NMT worksite either temporarily or permanently for business continuity reasons.

Non-exempt employees must not work overtime without prior approval of the supervisor.

The employee and supervisor are required to develop a work plan that outlines the work to be done remotely with established timelines, goals/objectives, work products, etc. The employee's responsibilities, standards of performance, and performance reviews will remain the same as if working from any NMT worksite. The supervisor reserves the right to assign other appropriate work as deemed necessary at any NMT worksite.

## Eligibility

A Flexible Work Plan (FWP) arrangement may be approved for an exempt or non-exempt employee. The FWP is an option, not a benefit, that is subject to management's discretion and must take into consideration numerous factors, including: the job/position, nature of the work performed, operational needs, impact on the department, and employee performance. The change in a work location must not impact productivity, customer service, operational efficiency, or team collaboration. Two critical steps must be considered in determining remote/hybrid work suitability:

1. Position Specificity
  - a. The essential job functions, duties, and responsibilities must allow for the flexible work option(s) requested.

## 2. Satisfactory Past Work Performance

- a. Factors for determination of suitability should include, but not be limited to, performance history including any disciplinary action, time management and organizational skills, computer skills, understanding of role and ability to self-start and manage time, and consistently meeting deadlines. If the employee is denied remote/hybrid/flexible work based on any of the factors listed, it is best to communicate that reasoning with the employee.
- b. For voluntary remote work, the employee must be considered a successful performer, works independently, and does not need to be on campus to perform the work in the best interest of NMT.

Remote Work arrangements may be approved under the following circumstances:

1. **Voluntary** – employee who works voluntarily away from the designated NMT worksite to perform all or part of their work. Management approval is required and considered on a case-by-case basis, subject to business need when both the employee and the job are suited to such an arrangement.
2. **Required** – employee who is required by the department to perform all or part of their work away from the designated NMT worksite. Remote Work is mandatory for the employee and may commence at hire in accordance with the approved job posting, and is in effect until other work arrangements are required and approved by management.
3. **Situational Remote Work (e.g., Pandemic Situation, Natural Disaster, State of Emergency)** means an unforeseen temporary remote work arrangement without a pre-established Flexible Work Plan Agreement. This type of arrangement may be required of some or all employees depending on the circumstance.

## Work Environment

The following are basic guidelines that will govern the work environment under a flexible work plan agreement.

### General

- The employee is responsible for ensuring a worksite environment suitable for accomplishing their regular job duties during scheduled hours of work.
- The employee must have consistent availability by cell phone or landline during Core Work Hours.
- The employee must maintain a basic competency in the use of Zoom and other relevant virtual meeting software.
- Employees should be aware of their child-/elder-care obligations during work hours and find adequate support for these needs to ensure an uninterrupted work environment.

## Technology/Equipment

- It is expected that if the off-site internet connection is down for more than two hours, the employee will report to work on campus. Travel time is not counted as work time.
- Technology that will allow an employee to join meetings and communicate with others is required for remote/hybrid work. NMT may provide equipment, software, data, supplies, and materials for use during Remote Work or Hybrid Remote Work based on the requirements of the position and within the resources available at the department.
- Equipment for video and audio conferencing will be the responsibility of NMT; a secure reliable network connection will be the responsibility of the employee. Any equipment used at a Remote Work site must be checked out and documented to ensure accurate tracking of all NMT property.
- NMT will provide for repairs to equipment when damage to that equipment is incurred by an employee during the course and scope of their job duties and the employee's work hours.
- The employee is responsible for repairs and maintenance of personal equipment, software, data, supplies, and furniture. All NMT records, furniture, and equipment must be returned to NMT within five business days of the end of the remote/hybrid work agreement.

## Compliance

- The employee will be responsible for the safety and security of NMT-owned equipment, records, and materials at the Remote Worksite. This includes data security and record confidentiality in the same manner as when working on site at NMT.
- The employee is responsible for reporting any loss or damage to data or equipment or unauthorized access to such data or equipment as soon as possible.
- The employee must follow all policies, agreements, FERPA, and HIPAA state and federal regulations while working remotely.

## Management Responsibilities

- A. Supervisors are responsible for reviewing and recommending employee's FWP requests to their Cognizant Head (Director/Dean, etc.) for approval or denial within 10 business days of receiving the request.
- B. Cognizant Heads are responsible for reviewing and approving or denying the employee's FWP request within 10 business days of receiving the request from the supervisor. Cognizant Heads must also compile the FWPs for their area for overall review by their Vice President or designee.
- C. Vice Presidents are responsible for reviewing the entirety of the FWPs for each area and ensuring the area operations continue to meet the needs of the NMT community while FWPs are in place.
- D. For Remote Work arrangements that include employees residing outside of the state of New Mexico, the Cognizant Head is required to work with and seek approval from HR regarding the out-of-state status and then making a recommendation to their Vice President or designee. The Vice President is responsible for approving or denying any out-of-state Remote Work arrangement. Supervisors are responsible for managing their employees' agreed upon FWP Agreement. Travel costs back to NMT's campus shall be the responsibility of the employee.

- E. While performing Remote Work, the employee is expected to maintain the same productivity, performance, communication, and responsiveness standards as if working at the regular NMT worksite.
- F. The employee and supervisor will establish an agreed-upon work plan outlining general Remote Work applicable standards (e.g., variable schedules, communication requirements, office coverage, electronic meeting protocols, shared office space, how assignments will be received and returned, phone coverage, and reporting into the supervisor). The employee's job responsibilities, standards of performance, and performance reviews remain the same as if working at the regular NMT worksite. The supervisor reserves the right to assign other appropriate work, as necessary, at any worksite.

## Employee Responsibilities

- A. While performing Remote Work, the employee is responsible for ensuring a worksite environment suitable for accomplishing their regular job duties during scheduled hours of work and, if applicable, arranging for appropriate dependent care.
- B. The employee is responsible for completing a Self-Certification Safety Checklist and maintaining a safe and secure work environment, including maintaining the alternate worksite in an ergonomically sound manner.
- C. The employee will agree to hold the University harmless for injury to themselves or others at the alternate worksite (worksites that are not official NMT sites). Any claim to Worker's Compensation must be researched and approved by Human Resources as a documentable work injury.
- D. If the employee will have custody of NMT-owned equipment at a location other than a NMT worksite, the items being removed must be logged on an Equipment Checkout Form to ensure accurate tracking of all tagged and untagged NMT property.
- E. NMT-owned equipment, records, and materials may be used for purposes of University business only and must be protected against unauthorized or accidental access, use, modification, destruction, loss, theft, or disclosure.
- F. Incidental personal use is not permitted to interfere with the use of the equipment for University business or add any more than an immaterial cost to the unit.
- G. All NMT-owned equipment must be returned to the University by the employee for inspection, repair, replacement, or repossession with five (5) business days' written notice. The employee must agree to return University equipment, records, and materials within five business days of termination of the FWP Agreement.
- H. Employees working from home or other alternate locations are not on travel status and not eligible for meal reimbursement. Similarly, meals taken at home or other alternate locations (or delivered) during a web-conferencing business meeting are not reimbursable. Employees are not eligible for travel reimbursements when they travel to any NMT campus/site for any business purpose whether the supervisor or the employee initiated the travel.

- I. The employee will be solely responsible for any and all tax and/or insurance consequences/deductions, if any, of this arrangement and for conformance to any local laws/regulations (including but not limited to local zoning laws regulations). The University will not provide any individual guidance to the employee regarding potential tax or insurance implications arising from the Remote Work nor any guidance regarding any local laws/regulations that may apply. Should the employee have any tax, insurance, or legal questions relating to remote work, the employee is encouraged to consult with their own legal and/or tax professional.

## Flexible Work Plan Agreement

Flexible Work Plan Agreements (FWPA) will be required for eligible employees after receiving approval from their cognizant Vice President. FWPA's will uniformly be designed to:

- A. Justify the purpose/need for a flexible work arrangement.
- B. Establish an intentional and thoughtful communication framework between the supervisor and employee to maintain accountability and drive a positive work experience.
- C. Set expectations of service to NMT
- D. Set clear expectations about the employee's work schedule and job responsibilities
- E. Identify technology and resources staff need in their daily work to be successful.

The FWPA and Plan will be maintained by the employee and the supervisor with a copy sent to Human Resources. The Policy and Procedures related to Flexible Work Plans must be aligned with any separate health-related or disability-related working arrangements. Exclusions to this Policy and Procedures will be addressed by Human Resources in accordance with the Americans with Disabilities Act.

## Compliance and Enforcement

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Any employee operating under an FWPA that has not been approved in advance may be subject to disciplinary actions up to and including termination of employment. Failure to comply with this policy and related procedures may result in termination of the FWPA. Changes to an FWPA will not be implemented without prior written approval.

## Review of Policy and Procedure

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Any proposed modifications to this policy shall be submitted by following the New Mexico Tech's Policy Development, Amendment and Rescindment Policy. Changes to the procedure in Appendix A must be approved by the President.