

Policy Title	Alternative Work – Compressed Work, Flextime and Telework	Policy Number	EA-016
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Approved By	Executive Director		
Responsible Division	Operations		
Primary Policy Custodian	Human Resources		

I. Purpose

For the purposes of this policy, “alternative work arrangements” include telework and alternative work schedules such as compressed work weeks and flexible work schedules. The agency may consider the use of alternative work arrangements to address the agency’s office space needs or provide reasonable flexibility that enhances the agency’s ability to achieve its mission.

The purpose of this policy is to help managers and employees understand the alternative work arrangements that may be available and identify the guidelines that will be used to determine the appropriate use of alternative work arrangements.

The use of emergency telework to continue functioning through a weather event, natural disaster, health crisis, physical attack, or other event that would result in the closure of state government buildings is briefly discussed in this policy and incorporated into the Continuity of Operations Plan (COOP).

II. References and Related Resources or Statutory Authority

Government Code §§ 658.010, 658.011, and 658.012

Texas Office of the Attorney General, Opinion CM-1058 (1972)

Continuity of Operations for the Texas Board of Architectural Examiners, April 2021

[TBAE Telework Agreement](#)

TBAE IT/IS and HR Policies and Procedures

III. Scope

This policy governs the use of alternative work arrangements by the agency and its employees.

IV. Policy

It is the policy of the agency to allow alternative work arrangements on a discretionary basis. An alternative work arrangement may be allowed in order to address a lack of available office space for the agency or to provide reasonable flexibility that enhances the agency's ability to achieve its mission. Before an alternative work schedule or Telework Agreement may be adopted, the action must be approved by the Executive Director. Alternative work arrangements are voluntary. Participation does not alter an employee's at-will employment relationship with the agency nor does it relieve an employee from the obligation to observe all applicable agency policies and procedures.

V. Alternative Work Schedules

Alternative work schedules are a type of alternative work arrangement and include compressed work weeks and flexible work schedules. Alternative work schedules may be used to meet the agency's operational requirements while also providing a benefit to employees. Alternative work schedules must be implemented in a manner that does not negatively impact services to the public. Employees must be responsible for adhering to their work schedules while remaining flexible when those hours require adjustments, such as when co-worker duties need to be covered or to attend agency meetings or events. Similarly, managers are encouraged to be flexible, reasonable, and consistent in accommodating alternative work schedule requests.

1. Regular Operating Hours

The agency's regular operating hours are 8:00 am to 5:00 pm. The normal work schedule for all full-time employees is eight (8) hours a day, five (5) days a week, unless an alternative work schedule is adopted pursuant to this policy. Employees may be eligible for flexible work schedules as described below. Managers determine an employee's work schedule based on the needs of the division and agency. Employee working hours are staggered to ensure proper staffing throughout the workday from 8:00 am to 5:00 pm.

2. Alternative Work Schedule Options

A. Compressed Work Week

- i. Under a compressed work week, an approved employee works longer days for part of the week, in exchange for shorter days or a day off each week. The start time for an employee on a compressed work schedule may begin no earlier than 6:00 am and end no later than 6:00 pm. Compressed work schedules include the following:
 - a. Four 10-hour days (40 hours per week); or
 - b. Four 9-hour days + one 4-hour day (40 hours per week).
- ii. Employees who participate in the compressed work week program will be required to work a set schedule.
- iii. **Compressed Work Week Adjustments for Holidays and Time Off**
 - a. Employees are required to work a 40-hour week. If a holiday

falls on the day an employee is not scheduled to work, and the employee does not work, then that employee must take eight consecutive hours off within the same work week. This provision is solely for holidays which fall on Monday through Friday.

- b. Employees will not be allowed to earn compensatory time for holidays on which they do not work.
- c. When an employee takes vacation or sick leave for an entire workday, the employee must use the amount of leave that corresponds with the work hours scheduled for that day, e.g. four, nine, or ten hours, depending upon the day of the compressed work week schedule they are on.
- d. When a non-exempt employee works a holiday on which the agency is required to be open (skeleton crew day), the employee will receive eight hours of compensatory time. However, to meet the required number of work hours for the week, the employee may need to work a regular schedule on the holiday.
- e. If an employee does not work on a holiday on which he or she would regularly be scheduled to work more than eight hours, the employee must take additional leave to account for any scheduled time beyond 8 hours. For example, if it's a holiday and the employee's regular work day is ten hours, CAPPs will deduct two hours of annual leave on the employee's timesheet.

B. Flexible Work Schedule (Flextime)

- i. Employees may work a daily schedule which differs from the agency's regular operating hours by adopting a flexible work schedule. Employees on flextime will be required to work a set schedule with a specific daily start time between 6:00 am and 8:30 am and a specific daily departure time between 3:00 and 6:00 pm. Generally, an employee's daily start and end times are consistent from day to day. In extenuating circumstances, an employee may request permission to modify work hours within a specific week with management approval.

3. Alternative Work Schedule Procedures

All requests for participation in an alternative work schedule will be made using the approval process set in this policy. Eligible employees must complete a Telework Agreement Form to request a compressed work week or a flexible work schedule and such request must be approved by the Executive Director. An alternative work schedule may be changed due to performance or staffing issues or due to the evolving needs of the agency. In such cases, the agency will work with the employee to minimize disruption.

VI. Telework

“Telework” means a work arrangement that allows an employee to conduct on a regular basis all or some agency business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours. The agency considers telework to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telework may be appropriate for some employees and jobs but not for others. Telework is not an entitlement, it is not an agency-wide benefit, and does not change the terms and conditions of employment with the agency. Eligible employees must complete a Telework Agreement to request telework and such request must be approved by the Executive Director.

1. **Eligibility for Telework** - An employee is eligible for telework only if the employee is able to satisfactorily perform the employee’s job duties while teleworking.
2. A newly hired employee is ineligible for telework for at least the first three months of employment.
3. The following criteria shall be considered in determining whether an employee is eligible:
 - A. Job Performance
 - i. Productivity: Maintains or exceeds output expectations comparable to in-office performance.
 - ii. Work Quality: Delivers accurate, thorough, and high-quality work with minimal supervision.
 - iii. Timeliness: Meets deadlines and completes tasks in a timely manner.
 - iv. Initiative: Demonstrates self-motivation, proactively identifies tasks, and solves problems independently.
 - B. Communication & Responsiveness
 - i. Availability: Is consistently reachable during work hours via phone, email, and messaging platforms.
 - ii. Responsiveness: Replies to emails, calls, and messages promptly and professionally.
 - iii. Team Collaboration: Actively participates in meetings and collaborates effectively with colleagues and supervisors.
 - iv. Clarity: Communicates clearly and appropriately in written and verbal formats.
 - C. Accountability & Reliability
 - i. Work Hours Adherence: Follows agreed-upon work schedule and maintains regular attendance.
 - ii. Task Ownership: Accepts responsibility for work products and follows through without excessive oversight.
 - iii. Problem Reporting: Identifies and reports problems or obstacles that may hinder performance.
 - D. Use of Technology
 - i. Proficiency: Demonstrates the ability to use required technology (e.g., VPN, remote desktop, videoconferencing, agency systems) effectively.
 - ii. Security Awareness: Follows agency policies and procedures for data privacy and cybersecurity.

- iii. Troubleshooting: Handles minor technical issues independently or seeks assistance promptly.
- E. Organization & Time Management
 - i. Prioritization: Effectively prioritizes tasks and manages workload.
 - ii. Documentation: Keeps accurate records of work performed, including logs or reports if required.
 - iii. Workspace Management: Maintains a dedicated, distraction-free work environment.
- F. Suitability of Job Duties
 - i. Telework Compatibility: The nature of the employee's job duties allows them to be performed remotely (e.g., minimal need for in-person presence or handling physical documents).
 - ii. Customer Service Impact: Teleworking does not negatively impact the employee's ability to serve internal or external stakeholders.
- G. Compliance with Policies
 - i. Policy Adherence: Complies with all agency telework policies, expectations, and reporting requirements.
 - ii. Performance Standards: Maintains all performance standards as if working on-site.

4. Telework Responsibilities

- A. Location of Employment - The telework employee's designated "telework location" shall be stated in the Telework Agreement and the employee shall report to such designated place on approved days for telework. Otherwise, the telework employee shall report to the agency's regular place of employment (Centennial Office Building) as stated in the Telework Agreement.
- B. Business Needs Take Precedence Over Telework
 - i. Telework is a privilege granted at the discretion of the Executive Director and is subject to the operational needs of the agency. Employees approved for telework are expected to report to the office whenever directed or when operational needs require in-person attendance, regardless of whether the employee is otherwise scheduled to telework. For example, if a staff member requires in-person assistance to resolve an IT issue, the employee or the IT staff member with responsibility for the issue may be required to deviate from his or her telework schedule to resolve the issue.
 - ii. If a manager requires an employee to deviate from the telework schedule, the employee will be provided as much advance notice as feasible under the circumstances presented.
 - iii. The following is a non-exclusive list of occasions that could require deviation from telework schedules:
 - a. Mandatory meetings or trainings;
 - b. Urgent operational needs; and
 - c. Equipment or system issues requiring onsite access.

5. **Telework Schedule** - The specific work schedule of a telework employee shall be agreed upon by the manager and employee and described in the Telework Agreement.

6. **Employee Performance**

A. A teleworking employee is subject to the same rules and disciplinary actions as any other agency employee.

B. Availability

i. Telework employees shall be available for communication and contact as they would be if working at the office.

ii. Employees shall respond to emails within a reasonable amount of time, depending on the subject and context of the email. Managers will not contact employees via personal contact information except by agreement with the employee or during emergencies or when the employee is unresponsive via other channels.

iii. During the agreed upon work schedule, it is expected that the telework employee shall be available for contact by TBAE phone and instant messaging in real time.

a. Employees shall ensure that audio and visual alerts for phone calls and instant messaging are enabled, visible, and audible at all times.

b. Employees shall respond to missed chat messages and phone calls as soon as possible, which may include an offer to make contact at a more convenient time for the parties, as appropriate.

iv. Continued or excessive inability to be available and maintain communication could result in a determination that the employee is ineligible for telework.

C. Work Documentation

i. Managers and telework employees must maintain regular and open communication to ensure that work responsibilities are fully understood and completed on a timely basis.

ii. At the end of each telework day, a teleworking employee must record a brief description of the day's work activities on his or her Daily Telework Log, identifying completed work and ongoing projects. The manager shall monitor the Log for each employee as necessary to ensure the employee's work remains satisfactory and that the employee's duties remain suitable for telework.

iii. Each manager shall be responsible for maintaining custody of his or her supervisees' Daily Work Log and ensuring access to the log by the employee and the Executive Director.

D. Performance Standards

i. As part of the agency's broader performance management process, employees are informed of the standards of performance and assigned specific, documented goals that are reviewed and updated annually or as needed.

- ii. If an employee consistently fails to meet assigned performance goals or falls behind in completing required work, the agency may reduce or eliminate telework opportunities until such time that performance is improved.
- E. Annual Performance Evaluation
 - i. During the annual performance evaluation, the supervisor will assess the employee's job performance, including whether telework arrangements have supported or hindered productivity.
 - ii. The evaluation will also include a review of whether the employee's duties remain suitable for telework under the standards identified in Section (VI)(1) of this policy.
 - a. Based on the evaluation, the supervisor may:
 - Renew the current telework arrangement;
 - Modify the telework schedule (e.g., reduce days per week); or
 - Discontinue telework if the employee is not meeting expectations or the role is no longer suited for remote work.
 - iii. An employee must receive an "excellence" or "success" rating for each category on the Performance Appraisal Report to be eligible for telework in the upcoming year.
 - iv. If an employee is ineligible for telework based on an insufficient rating on the Performance Appraisal Report, the employee's eligibility for telework may be reevaluated if the employee rectifies performance issues and demonstrates sustained improvement that would qualify the employee to receive an "excellence" or "success" rating for each category on the Performance Appraisal Report.

7. Timekeeping and Leave

- A. Telework employees will be required to maintain accurate time accounting documentation to support their work hours and must submit regular time reports detailing hours worked. Any downtime due to the employee's personal IT resources, equipment, or location must be documented as leave time. The manager may also use IT equipment logs to confirm that an employee is using required equipment during work hours. Any discrepancies in the logs will be discussed with the employee.
- B. Telework employees will be compensated in pay or compensatory time for overtime that has been approved by the manager in accordance with the provisions of the FLSA and state law. A telework employee shall not work overtime or other time in addition to regular working hours without the approval of the manager.
- C. An employee must obtain manager approval before taking accrued and available leave.

8. Dependent Care

- A. Telework is not a replacement for appropriate dependent care. Telework employees working from home are expected to arrange for dependent care

just as they would if they were working at the office. While the presence of dependents in the home is not an absolute bar to telework, employees shall not engage in dependent care activities while performing official duties. While an occasional, brief interruption may occur when a dependent is present in the home, telework employees must not allow disruptions to productivity.

- B. If a dependent is ill, or during an emergency event, an employee may be granted approval by the Executive Director to provide dependent care while continuing to work pursuant to a Telework Agreement or assignment. Such approval will not be granted if it is expected to, or does, result in undue disruptions to productivity.

9. Telework Procedures

- A. If an employee requests consideration of telework, the Executive Director and manager will evaluate the suitability of such an arrangement in light of the factors listed in Paragraph (VI)(1) of this policy.
- B. If the Executive Director and manager agree that a telework arrangement is appropriate, a draft Telework Agreement will be prepared for the Executive Director's approval. If approved, the Telework Agreement is presented to the employee and signed by all parties. The Telework Agreement must incorporate the requirements identified in Tex. Govt. Code §658.011(b).

10. Intermittent Telework - Intermittent telework may be approved for circumstances such as special work projects, business travel, short-term illness or personal needs. These arrangements do not require a Telework Agreement and are approved by management on an as-needed basis only, with no expectation of ongoing continuance. Short-term arrangements may be made for employees on family, medical or personal leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All intermittent telework arrangements are made on a case-by-case basis, focusing first on the business needs of the organization. Either an employee or a manager can request intermittent telework with the Executive Director's approval. Any intermittent telework arrangement may be discontinued at will and at any time at the request of either the telework employee or the agency. However, employees will be provided as much advance notice as feasible under the circumstances presented.

11. Emergency Telework - Telework may be used to provide continuity of agency operations in response to a weather event, natural disaster, health crisis, physical attack, or other emergency. The Executive Director may assign an employee to work from home if working from the office is prohibited, unsafe, or subject to disruption due to such an event. During emergency telework, a formal agreement is not required. Refer to the Continuity of Operations Plan for further information.

12. Termination of Telework - Employees may request termination of telework with ten business days written notice. The agency reserves the right to terminate a

Telework Agreement if the agency determines, in its sole discretion, that the telework arrangement is no longer in the best interest of the agency. The agency will endeavor to provide the employee with as much advance notice as feasible under the circumstances presented. The agency may also terminate telework or take disciplinary action without advance notice for any violations of the Telework Agreement or agency policy, performance issues, a change in duties, or due to a relevant change in policy or law.

13. Equipment and Supplies

- A. The agency will determine, with information supplied by the employee and the manager, the appropriate equipment needs (including hardware, software, IT equipment, and other office equipment) for each telework arrangement. Information technology and security personnel will serve as resources in this determination. Equipment supplied by the agency will be maintained by the agency. Equipment supplied by the employee, if deemed appropriate by the agency, will be maintained by the employee. The agency accepts no responsibility for damage or repairs to employee-owned equipment. The agency reserves the right to make appropriate assignments of equipment subject to change at any time. Equipment supplied by the agency is to be used for business purposes only. The telework employee must sign an inventory of all agency property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment or telework, all agency property shall be returned to the agency.
- B. The agency will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The agency will reimburse an employee for business-related expenses that are pre-approved and reasonably incurred in carrying out the employee's job.
- C. Teleworking employees must establish an appropriate work environment within the telework location. The agency will not be responsible for costs associated with the setup of an employee's home office, such as phone and data lines, furniture, lighting, or repairs or modifications. Additionally, any employee-provided equipment must meet minimum technical requirements, as determined by the agency.
- D. Employees shall collaborate with IT/IS staff to ensure the efficient operability and utilization of IT resources, including reliable, real-time communication with agency staff and customers.
 - i. Employees shall be proactive and diligent in requesting IT assistance and ensuring technological issues are resolved to the greatest extent possible, given agency resources.
 - ii. If IT/IS staff have been unable to provide an acceptable resolution to an IT issue, the teleworking employee shall report the issue to his or her manager.
 - iii. Continued, excessive inability to maintain efficient operability and utilization of IT resources could result in a determination that the employee is not suitable for a telework arrangement or that the employee's job duties are not appropriate for a telework

arrangement.

14. **Information Security** - The agency's security controls and conditions for use of the state-owned equipment at the office will also apply to the home office. All official agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace.

A. IT Security

- i. The employee agrees to abide by all agency policies to protect equipment against computer malware and other cyberthreats. The employee agrees to follow the policy and procedures for network access and to take all necessary steps to protect the integrity of systems.
- ii. At a minimum, the agency utilizes the following safeguards in accessing and protecting IT resources. Employees must take all necessary steps to ensure the proper application thereof.
 - a. Secure Remote Access – Use agency-approved VPNs with strong encryption to connect to internal systems.
 - b. End Point Protection – All devices must be protected with up-to-date antivirus software and host-based firewalls.
 - c. Password Protection – Employees must comply with TBAE Policy IS-018 in protecting passwords to agency resources. Employees are prohibited from sharing passwords or keeping written notes of passwords at the telework location.
 - d. Patch Management – Systems and applications must be regularly updated with the latest security patches.
 - e. Information Security Training Programs – Employees must complete regular security awareness training tailored to telework risks (e.g., phishing, shoulder surfing, improper use of personal devices).
 - f. Data Storage – Employees are prohibited from saving agency data to personal devices, external drives, or cloud services.
 - g. Incident Reporting Procedures – An employee who suspects that a theft, breach, or exposure of TBAE Protected data or TBAE Sensitive data has occurred must immediately report the event to the agency's Information Security Officer according to the requirements of TBAE Policy IS-007.

B. Employees must take the following steps to ensure the physical security of agency property and information:

- a. Access control – Employees shall protect agency resources from being viewed or accessed by unauthorized individuals, including household members.
- b. Dedicated Work Area – Employees must use a separate room or defined work area for work activities.
- c. Protection of Documents with Confidential or Sensitive Information – Generally, employees should not remove

documents from TBAE's office. An employee must request permission from his or her supervisor to transport documents from the office and shall ensure the physical security of such documents, including the utilization of lockable storage. When such documents are no longer needed, they must be returned to the office for proper storage and/or destruction and must not be placed in household trash.

- d. Screen Visibility – Position monitors so they are not visible from windows or by others in the household.
 - e. Transport of Devices – Generally, devices should not be left unattended in vehicles. However, brief stops at schools, daycares, grocery stores and other necessary services are acceptable, provided that the vehicle is locked and devices are placed in the trunk or otherwise stored out of view. Devices must never be left overnight in a vehicle.
- C. The employee understands that these standards may be changed at any time with proper notice.

15. Safety

- A. Employees must maintain the telework location in a safe manner, free from safety hazards. The employee is liable for any injuries sustained by visitors to his or her telework location.
- B. Employees are prohibited from conducting in-person business at the employee's personal residence.

16. Liability

- A. The agency assumes no liability for injury at the employee's telework location to any person who would not be in the work area if the duties were being performed at the office.
- B. The agency will not be liable for damages to employee-owned equipment being used in telework or that may result from telework.
- C. The agency will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, insurance) associated with the use of the employee's home for telework, unless specifically provided in advance and in writing by the Executive Director as outlined in the employee's Telework Agreement.
- D. If a telework employee is working in another state, the employee is responsible for contacting Human Resources regarding tax ramifications that may relate to working in another state.
- E. Injuries sustained by the employee at a telework location and in conjunction with his or her regular work duties may be covered by the Texas's workers' compensation policy. Telework employees are responsible for notifying the agency of such injuries as soon as practicable.

Review Cycle

Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.