

## 33.06.01 Flexible Work Arrangements

Revised [November 30, 2022](#)

Next Scheduled Review: November 30, 2027

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### Regulation Summary

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Flexible work arrangements within The Texas A&M University System (system) must be administered in accordance with this regulation.

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### Regulation

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#### 1. GENERAL

Members may authorize flexible work arrangements for employees when such arrangements mutually benefit the needs of the employer and employee, increase productivity and/or enhance the service capabilities of the organization. A member must develop guidelines to govern flexible work arrangements, which may involve, but are not limited to, alternate locations, work schedules or types of jobs.

#### 2. ALTERNATE WORK LOCATION

An alternate work location arrangement allows an employee to perform the employee's job duties remotely at a location other than a primary work station designated by the member. A primary work station is usually in a member facility. An alternate work location arrangement may be requested by the employee or required of the position and the arrangement is either fully remote or partially remote. The term fully remote describes a designation of an alternate work location allowing the employee to fully perform the employee's job duties away from a primary work station. The term partially remote is used to describe and allow the employee to perform the employee's job duties on-site at a primary work station and also perform such duties at an alternate work location.

Position eligibility, terms of the arrangement, and approval for an alternate work location arrangement are determined by the member. An alternate work location arrangement must be evaluated at least annually by the supervisor and the employee to determine if continuation of the arrangement is mutually beneficial to both the member and the employee. No alternate work location arrangement may extend beyond one year without evaluation and reapproval. Members must ensure supervisors have received adequate training to effectively manage an employee with an alternate work location arrangement.

Positions suitable for an alternate work location are those that are computer-based, not dependent on continual physical presence or face-to-face customer interactions, and largely self-directed. Therefore, positions are ineligible for a partially or fully remote alternate work

location if they are not computer-based, are dependent on continual physical presence, require face-to-face customer interactions, and/or if the position is not largely self-directed.

The member chief executive officer (CEO), or designee at the level of vice president or higher (or equivalent agency position), must approve, in writing or by an electronic approval process, each request for an employee to work from any alternate work location. Before approving this arrangement, the CEO or designee must consider equipment needs and maintenance, employee safety, communication and supervision, and adherence to state and federal laws including, but not limited to, state-specific tax reporting. The employee must maintain a safe, secure, and ergonomic work space that is conducive to a professional environment. The employee is expected to follow all applicable state and federal laws, system policies, regulations and member rules and maintain access to networking and internet capabilities sufficient to successfully perform job duties while at an alternate work location.

In addition, when an alternate work location is outside the United States, the CEO or designee must consider the potential impact to the member of export control laws, immigration regulations, foreign tax law, foreign employment laws, and foreign local employment obligations. An alternate work location arrangement to work outside the United States must not be for more than 60 days unless the System Office of General Counsel has been consulted.

### 3. JOB SHARING

A member may allow two or more employees to share a single job. The member must treat each employee as a part-time employee entitled to the benefits and subject to the policies, regulations and rules that apply to other part-time employees based on the percentage of full-time worked.

### 4. FLEXIBLE WORK SCHEDULES

A flexible work schedule permits an employee to work a predetermined and approved variation of the employee's standard work schedule. A nonexempt employee must maintain a 40-hour workweek. An employee who is exempt under the FLSA must maintain either a 40-hour workweek or an 80-hour schedule over two consecutive workweeks. A flexible schedule does not limit the hours that an exempt employee must work to complete the job requirements.

### 5. TEMPORARY ADJUSTMENT OF WORK SCHEDULES

An employee may adjust hours within a workday or workweek as long as a 40-hour workweek is maintained. This schedule adjustment requires the appropriate supervisor's approval, is for a justifiable reason and does not represent a flexible work schedule as defined in Section 4.

### 6. BREAK TIME FOR NURSING MOTHERS

The system is committed to supporting employees who choose to breastfeed. Members must make reasonable accommodations for employees who wish to express milk during work hours. A reasonable amount of break time must be provided for a nursing mother to express breast milk for her nursing child. Employees may use a designated room as determined by each member to express milk at work. Member-designated rooms cannot be a multiple user bathroom and must be a room that is shielded from view and free from intrusion from other

employees and the public. Discrimination against an employee for exercising the employee's right to express milk in the workplace is prohibited.

## 7. OTHER

The member may offer an employee other flexible work arrangements that benefit the employee and the member. The member also may require an employee to work a flexible schedule when required by the job duties. This includes requiring shift work, work on weekends and other schedules required by the job duties and responsibilities.

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## Related Statutes, Policies, or Requirements

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[Tex. Gov't Code § 658.010](#)

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## Member Rule Requirements

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A rule is not required to supplement this regulation.

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## Contact Office

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