

at the State Records Center and Archives

Your Access to Public Information

SERIES: Human Resources (SRCA 400)

NUMBER: SRCA-402

TITLE: Working Hours and Alternative Work Schedule

PURPOSE: To establish work hours and to provide guidelines for alternative work schedules. There are significant economic, environmental, and productivity benefits to the agency and to the agency's employees for participating in a telework program. This policy is designed to help SRCA employees understand when and how the teleworking environment may be used, and to describe employee, management and supervisory responsibility when utilizing and supervising a teleworking environment.

SCOPE: This policy applies to all SRCA employees.

DEFINITIONS:

- "Alternate workplace" means a workplace other than the employee's usual and customary workplace (primary workplace) that is utilized by the employee during the employee's regular work hours. Nothing in this definition is intended to exclude occasionally working from home with the permission of an employee's Division Director and SRA or Deputy SRA.
- "Covered employee" means an employee who is covered by the overtime provisions of the Fair Labor Standards Act.
- **"Eligible employee"** means an employee who has been identified by the employee's Division Director as satisfactorily meeting the performance standards, terms, and conditions of employment of their position. The employee shall have no active formal disciplinary actions on file for the current or immediately preceding review period.
- **"Exempt employee"** means an employee who is not covered by the provisions of the Fair Labor Standards Act.
- "Flex schedule" means an alternate, 40-hour schedule other than the normal 8:00 a.m. to 5:00 p.m., Monday through Friday schedule.
- "Official business" means to conduct agency business at meetings with other agencies or organizations; provide training on behalf of the agency; present papers or otherwise representing the agency at approved conferences, seminars, or workshops; speak to groups about the agency's programs or products; participating in a project or meeting at the direction of agency management; attending training included in an employee's approved training plan; or otherwise working away from the office when that work is approved and results in a work product.
- "Primary workplace" means an employee's assigned workplace utilized during the employee's regular work hours.

1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

- "Regular work hours" means the hours that an employee is expected to work each day of the week, as agreed upon by the employee and the Division Director. In the absence of a mutually agreed upon alterative work schedule, regular work hours shall mean 8 a.m. to 5 p.m., Monday through Friday.
- "Review period" means at least once each year, Division Directors shall conduct a review of each teleworking employee to determine that both the employee and the position continue to meet the eligibility criteria set forth in this policy. If no other time period is set by an employee's Division Director for such review, the review shall occur on the employee's employment anniversary to coincide with the date of the employee's performance evaluation.
- "SRA" means State Records Administrator.
- "SRCA" means the New Mexico Commission of Public Records State Records Center and Archives.
- "Telework" means to work from an office significantly nearer to the employee's home than the employee's primary workplace during the employee's regular work hours, resulting in a reduced commute by the employee.
- "Teleworker" means an employee, who for at least one or more days in a particular pay period works at an alternate workplace, to produce an agreed upon work product.
- (1) Regular Teleworker means an employee, who with the approval of the SRA or Deputy SRA, is scheduled to telework on the same day or days every week on a consistent basis.
- (2) Occasional Teleworker means an employee who, with the approval the SRA or Deputy SRA, teleworks on an infrequent basis.
- **A. GENERAL PROVISIONS:** It is the policy of the SRCA to be open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
- **B. REGULAR WORKING HOURS:** Employees shall begin work at 8:00 a.m. and end the workday at 5:00 p.m., with a one-hour lunch. The lunch hour normally shall be 12:00 noon to 1:00 p.m.; Division Directors, however, may authorize alternate times with the approval of the SRA or Deputy SRA. Employees shall not take work home with them for overtime purposes, unless the overtime is approved in advance.
- **C. TRAVEL TIME:** For the purpose of compensation, all time traveling on official business shall count as time worked. If an employee is traveling to or from official business and that travel would result in the accrual of overtime, the employee shall first have the written approval of the appropriate Division Director and the SRA or Deputy SRA. All such overtime shall be recorded as comp time, unless the employee is an FLSA-covered employee. Time spent traveling to or from a conference, workshop or training that is requested by the employee and allowed, but not required by the agency and that is primarily for the employee's professional development is time worked when it occurs during the work period; travel that results in work hours that exceed the work period shall not be considered time worked and will not result in the accumulation of overtime.
- **D. FLEX SCHEDULE:** Employees commuting by commuter vans, van pools, or the NM Rail Runner shall be allowed to begin work at 7:30 a.m. and end the workday at 4:30 p.m., with the approval of their Division Director. Flex schedules for employees, other than those commuting by commuter van, in vanpools, or traveling on the NM Rail Runner may be authorized by the appropriate Division Director,

subject to approval by the SRA or Deputy SRA,. A request for a flex schedule shall be made on SRCA's Alternative Work Schedule Agreement form by the requesting employee and shall include the requested schedule, the justification for the schedule, and how the employee intends to meet job requirements within the framework of the schedule; the Division Director may require additional information.

In allowing employees to work on flex schedules, the Division Director shall consider:
--

☐ staffing requirements necessary to maintain operations between 8:00 a.m. and 5:00 p.m.;
□ work load of the individual and the organizational unit;
□ availability of supervisory staff during the flex periods; and
\square any other factors affecting individual or organizational performance or both.

No flex schedule that would adversely affect the ability of the organizational unit to maintain effective public service and access between 8:00 a.m. and 5:00 p.m. shall be approved. Likewise, no flex schedule that would adversely affect the ability of the employee or the organizational unit to meet job or work requirements shall be approved.

Approval or disapproval of a flex schedule for any employee shall be at the discretion of the Division Director, subject to the approval of the SRA or Deputy SRA. The approval or disapproval shall be done in writing. Flex schedules shall not be applied intermittently; an approved flex schedule shall be considered the regular working hours of the affected employee. The employee, however, may request a return to an 8:00 a.m. to 5:00 p.m. work schedule, if the circumstances that led to the request for a flex schedule alter and if such a change can be accommodated without adversely affecting the operations of the organization unit. This request must be done in writing. Further, the Division Director or the SRA may revoke approval of a flex schedule at any time.

- **E. MAKE-UP TIME:** With approval of the Division Director, an employee may be allowed to make up time. All employees shall be required to take a lunch break of at least 30 minutes.
- **F. BREAKS:** Employees shall be granted a 15-minute break in the morning and a second 15-minute break in the afternoon. Break periods shall not be combined with any kind of leave or the lunch hour and shall not be taken at the beginning or end of the work day. A Division Director may set specific times for breaks for each employee or direct that breaks shall not be taken by more than one employee at a time in order to assure that operational needs are met. If no set times are established, an employee shall notify his or her Division Director, in accordance with the established procedures in their respective organizational units, prior to taking breaks. The Division Director may direct the employee to defer his or her break until a specified time.
- **G. BUILDING ACCESS:** No entrance into the building prior to 6:00 a.m. on weekdays, or any time on weekends, is permitted without prior authorization from the SRA or the Deputy SRA. Employees must be out of the building before 6:00 p.m. Anyone needing to remain in the building after 6:00 p.m. shall have prior authorization from the SRA or the Deputy SRA.
- **H. TELEWORK:** Participation in the SRCA telework program is a management option and is not an employee's right. An employee's participation is entirely voluntary. The employee, Division Director, SRA, or Deputy State Administrator may terminate teleworking without cause. An employee may not be required to telework unless it is a condition of employment. An employee is subject to all policies, rules, and regulations of the agency and state while teleworking.

Any employee who participates in the agency's teleworking program must agree not to conduct personal business while in official duty status at the alternate workplace as a condition of participation in the

telework program. The conditions of employment for an employee who participates in teleworking are the same as the conditions of employment that existed before the employee was granted permission to participate in the agency's telework program.

In order to participate in a telework arrangement, it shall be the responsibility of the employee to find a suitable space that may be considered as the employee's alternate workspace. It is also the responsibility of the employee to make sure that adequate equipment such as computers, telephones, supplies and any other necessary working material is available for the employee at the alternative workspace.

During the time that the employee is participating in a teleworking arrangement, the employee must be accessible by telephone at all times during regular work hours and must provide a telephone number where the employee can be contacted. Work related long distance phone calls should not be conducted at an alternate workplace location. The teleworker is responsible for the cost of maintenance, repair, and operation of personal equipment not provided by the state that is used by the teleworker while utilizing an alternative workspace.

Mileage between an employee's home and the employee's alternate workplace location shall be considered commute mileage and not subject to reimbursement. The employee's workday at the alternate workplace begins when the employee arrives at the alternate workplace and ends when the employee leaves the alternate workplace for the day. The times of arrival and leaving the alternate workplace should coincide with the established work hours utilized by the employee at the employee's primary workplace.

The employee's alternate workplace is an extension of the agency workspace when used for work. Employees may therefore be covered for workers compensation if they are injured while performing work on behalf of the employer in the alternate workplace during teleworking hours. If an injury occurs during teleworking hours, the employee shall immediately report the injury to the Division Director. The employee, Division Director, and the agency must follow the state's policies regarding the reporting of injuries for employees injured while at work. Fraudulent reporting of workers compensation claims is a crime.

Any work arrangement approved for telework may be subject to audit and verification at any time to ensure compliance with the program. Any employee who participates in the telework program, but does not comply with the terms of this policy may be subject to disciplinary action in accordance with rules and regulations of the agency and the State Personnel Office.

Every telework agreement must be discussed and renewed at least annually, and whenever there is a change in the employee's position, a change in the employee's position description, or whenever the employee's Division Director changes. Because teleworking was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and Division Director characteristics, a change in anyone of these elements may require a review of the teleworking arrangement.

[1.1.10.002, 5/19/99; renumbered 3/31/02; amended 3/05/03; amended 5/05/03, amended 8/28/08; renumbered and amended 3/7/14; amended 3/13/2020]

APPROVED:

EFFECTIVE DATE:

Rick Hendricks, Phd

SRA

March 13, 2020