

D.2.06.02 State Restrictions on Telework for Higher Education Employees

Responsible Department: Talent, Organization & Strategic Innovation

Based on Board Policy: [D.02.06](#) Telecommuting/Telework

Approved: 10/9/2025

Section 51.992 of the Texas Education Code establishes restrictions on telework for higher education employees that are applicable to the Alamo Colleges District and its employees.

State Definitions

This Education Code provides the following applicable definitions:

“Faculty member - means a person who is employed by an institution of higher education on a full-time basis as a member of the faculty or staff and whose duties include teaching, research, administration, including professional librarians, or the performance of professional services. However, the term does not include a person employed in a position which is in the institution's classified personnel system or a person employed in a similar type of position if the institution does not have a classified personnel system.”

“Telework - means a work arrangement that allows an employee of an institution of higher education to conduct on a regular basis all or some institutional 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.”

State Prohibited and Allowable Telework

Alamo Colleges may not allow telework for an employee except as provided by Section 51.992. Section 51.992 provides:

An institution of higher education, such as Alamo Colleges, may allow telework for an employee on a temporary or permanent basis if the employee:

- (1) has a temporary illness;
- (2) has a temporary or permanent medical condition or disability requiring the institution to make a reasonable accommodation under state or federal law for the telework;
- (3) is employed in a nonteaching position and:
 - (a) has demonstrated the ability to work well with minimal supervision;
 - (b) has a deep understanding of the employee's duties and responsibilities;
 - (c) has demonstrated the ability to manage the employee's time;
 - (d) has a record of thoroughly and efficiently accomplishing the employee's duties; and

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- (e) is employed in a position that does not require the employee's day-to-day physical presence at the institution or in-person interaction with students, administration, or other employees;
 - (4) is employed in a teaching position but is not a faculty member of the institution;
 - (5) is employed in a teaching position and is currently assigned to teach only a course or program that the institution has:
 - (a) approved for remote instruction in accordance with the institution's academic oversight or faculty governance procedures; and
 - (b) designated as:
 - (i) distance education; or
 - (ii) a dual credit course or program provided by the institution;
 - (6) is employed as a faculty member and is on a temporary research assignment located off the institution's campus; or
 - (7) is employed as a faculty member who provides telehealth services as part of the employee's assigned clinical, research, or instructional duties.

Dual Credit Instruction

Section 51.992 of the Texas Education Code does not prohibit an employee of an institution of higher education from providing instruction for a dual credit course or program:

- (1) at the campus of a school district or open-enrollment charter school; or
- (2) if required for the course or program, by telework.

Exemption from Restrictions During a Catastrophe

Under Section 51.992, an employee of an institution of higher education is exempt from the prohibition on telework under this section during the period of a catastrophe that, as determined by the institution's chief administrative officer or the officer's designee:

- (1) is an event that directly interferes with the employee's ability to work in person, such as:
 - (a) a fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
 - (b) a power failure, technical breakdown, cyber-attack, transportation failure, or interruption of communication facilities;
 - (c) an epidemic; or

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(d) a riot, civil disturbance, or enemy attack or another actual or threatened act of lawlessness or violence; and

(2) either:

(a) poses or may pose a danger to the employee's physical health or safety; or

(b) prevents or may prevent the employee from performing the employee's assigned duties at the institution.

After the period of a catastrophe described by Subsection (e), an institution of higher education shall make all reasonable efforts to ensure that an employee of the institution engages in telework only as provided by this section.

Application to Alamo Colleges

- **Adjunct Faculty** - the term “Faculty Member” does not include persons employed as adjunct faculty because an adjunct is not employed on a full-time basis.
- **College District** - “College District” means the Alamo Community College District, also known as the “Alamo Colleges” and “Alamo Colleges District” and includes the individual colleges and education and training centers.
- **Period of Catastrophe** - the period of a catastrophe is determined by the Chancellor or designee.
- **Full-time Faculty Telework** – the provisions of TEC 51.992 apply to a faculty member’s regular schedule of courses, overload courses and summer courses, on a semester-by-semester basis. Faculty may teach overload and summer courses remotely if all other assigned course sections in that semester are designated for distance education as specified in 51.992. Non-instructional work may not be performed remotely.