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Chapter: Personnel

Modification No. 003

Subject: **Flexible Work Arrangements**

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- I. Flexible work arrangements are intended to help the College meet the changing needs of our students and our workforce; recruit and retain excellent employees; provide more flexible work arrangements for eligible employees; provide a way to conserve office space; and assist in the community effort to reduce outdoor air pollution and traffic congestion attributable to automobile travel.
- II. It is the policy of the Board of Trustees to offer flexible work arrangements as an effective way to meet the needs of the College, its students, its employees, and the community. The Board of Trustees expects that the implementation of flexible work arrangements will enhance the availability and quality of College services, as well as employee productivity.
- III. Flexible work arrangements include telecommute, remote work, and alternative work schedules. Flexible work arrangements are not universally available in all occupational job classes and/or positions. Flexible work arrangements may be a condition of employment in certain job classes and positions. Flexible work arrangements must be authorized, in advance, by the appropriate supervisor and administrative unit head.
- IV. Unless conditioned on employment, flexible work arrangements are a privilege. Flexible work arrangements may be abbreviated or terminated in totality should office coverage become a problem due to any changes in work demands, office staffing, or due to other operational needs. Advanced notice will be given to participating employees stating the rationale for abbreviation or termination. An employee may discontinue participation in flexible work arrangements at any time with notice to a supervisor, except for those where flexible work arrangements are required of the position. Flexible work arrangements are not to permit employees to work at other jobs or to run their own businesses. Failure to fulfill normal work requirements due to other employment may be cause for disciplinary action up to and including discharge.
- V. The employee's compensation, benefits, work status, and work responsibilities will not change due to their participation in flexible work arrangements. The amount of time the employee is expected to work per pay period will not change due to participation in flexible work arrangements.
- VI. Employees who participate in flexible work arrangements are subject to all College policies and procedures including, but not limited to those regarding confidentiality; disclosure of information; conflict of interest; and acceptable use of information technology resources. All participants must complete a flexible work arrangement application/agreement.
- VII. The College President is authorized to establish procedures to implement this policy.

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Board Approval: March 19, 2001; May 18, 2009; June 17, 2019

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I. Definitions

- A. Alternate (Remote) Work Location: A worksite approved by the employee's supervisor and unit administrator that is not a College worksite.
- B. Compressed Work Week: Regularly scheduled hours worked are fixed over fewer than five days or in some cases over a two week period.
- C. Eligible Position: An occupational job class and/or position identified by Human Resources and Strategic Talent Management (HRSTM) to be appropriate for flexible work arrangements.
- D. Flexible Work Time: Agreed-upon starting and departure times that differ from the standard schedule for the department. The schedules may be fixed for a period or can vary from day to day.
- E. Flexible Work Arrangement Agreement: The documented agreement between the employee and the supervisor which defines and outlines the conditions and terms for the employee's participation in the flexible work arrangement.
- F. Main Worksite: An employee's primary workspace and place where they normally perform work duties.
- G. Remote Work: Remote work allows an employee to perform the duties and responsibilities of the employee's position at a remote work site as their primary work location on a routine basis. For the Remote Worker, the home or other approved alternate work site serves as the employee's main worksite. Remote workers may be required to periodically to travel to and work from a College worksite, as needed.
- H. Telecommute: Telecommute allows an employee to trade a commute to perform work, during any part of their authorized work schedule, away from their main worksite at an approved alternate work site. This is not a full-time arrangement. This does not include work done while on official travel or mobile work. The types of telecommute schedules are:
  - a. *Regular Telecommute Schedule*: Telecommute that occurs on a periodic and regularly-scheduled basis.
  - b. *Situational Telecommute Schedule*: Telecommute that is approved on a case-by-case basis, or that is not a part of a Regular Telecommute schedule. Instances in which Situational Telecommute may be approved include, but are not limited to: operational need, inclement weather, maximize productivity when the Telecommuter's availability is impacted by personal appointments, or special work assignments.

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- I. Flexible Work Coordinator: The Human Resources and Strategic Management (HRSTM) staff member responsible for: providing employees and supervisors with technical assistance and guidance; maintaining a list of all eligible positions; gathering and analyzing relevant data; producing and maintaining program records and reports; and reviewing and resolving any issues that may arise.
  - II. Eligibility
    - A. Certain positions, including but not limited to, those responsible for providing in-person customer service or requiring on-site presence are not suited for telecommute or remote work. For example, public safety officers and building service workers are not eligible for the telecommute or remote work program.
    - B. Unless otherwise noted in the conditions of employment, participation in flexible work arrangements is discretionary and will vary among departments, offices, and units, depending on the needs of the particular area and the function and responsibilities of employees.
    - C. Full-time and part-time regular status employees who have successfully completed the initial employment probationary period, if applicable, may be eligible for flexible work arrangements. The decision to allow an eligible employee to telecommute or remote work will be made by the employee's supervisor, pursuant to Section IV, B outlined below.
    - D. Employees whose performance evaluations are below "satisfactory," are currently on a performance improvement plan or have been placed on a performance improvement plan within 90 days prior to requesting telecommute or remote work are not eligible to participate.
    - E. Employees who have received formal disciplinary action in the form of a written warning or suspension within the past year from the proposed start date of a flexible work arrangement may not be eligible to participate.
    - F. In determining whether to endorse a request for flexible work arrangements, the employee's supervisor must consider whether:
      1. The position has tasks that are portable and can be performed remotely or outside of normal working hours;
      2. The financial impact of the flexible work arrangement;
      3. Service delivery to internal and external customers will be maintained;
      4. Operational requirements will be met;
      5. Offices or operations will maintain adequate coverage during normal periods of public service;
      6. Satisfactory performance of the employee as evidenced by the most recent performance evaluation;
      7. The employee demonstrates the ability to work independently;

8. The position has clearly defined, measurable tasks and productivity may be effectively measured with limited supervisor observation;
9. Confidentiality will not be compromised and appropriate safeguards to secure confidential data and information are available;
10. There will be a positive impact on the environment;
11. Increased employee engagement will be supported through improved work/life balance.

III. Guidelines for Managing Flexible Work Arrangements

- A. Flexible work arrangements may vary from person to person depending on the type of work and the needs of the department and the College and must be established and approved by the supervisor prior to beginning any flexible work arrangement. Non-exempt employees are not to work more than the scheduled hours without advance written approval from the supervisor. In the event the supervisor anticipates granting ad hoc flexible work arrangements outside of the specific schedule, the parameters of such flexibility must be outlined in advance. The amount of time the employee is expected to work per pay period will not change due to participation in a flexible work arrangement.
- B. Supervisors have the discretion to manage the conditions under which flexible work arrangements are scheduled and operationalized within their respective units.
- C. Unplanned or ad hoc requests for a flexible work arrangement during a single work week or pay period may be granted to an employee at the discretion of the employee's supervisor. Approval of a one-time unplanned or ad hoc request does not constitute an ongoing, formal flexible work arrangement that extends beyond a single work week or pay period.
- D. All flexible work arrangements must conform to the overtime, record keeping, meal break, and other provisions of the Fair Labor Standards Act and other relevant laws. Lunches and/or scheduled rest periods are not eliminated when an employee works a flexible work arrangement.
- E. All flexible work arrangements are granted on a temporary and revocable basis, and may be discontinued by the employee at any time or by the employee's supervisor with no less than ten (10) working days notice.
- F. Employees who telecommute/remote work must be available by telephone, email, and/or other communication and collaboration technologies during scheduled work hours, with the exception of the normal 30 minute per work day meal period and the two 15 minute break periods permitted under normal College procedures. Employees are required to either forward their College office phone to their remote phone line or check College voice mail for messages at least once every two hours.
- G. Participants in telecommute and remote work are required to have the appropriate technology and security measures in place to perform the work as outlined in the flexible work arrangement agreement. In addition,

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telecommute/remote work employees must have access to the College e-mail system and any College systems and applications necessary to perform their job responsibilities

- H. The supervisor retains the right to require an employee with a flexible work arrangement to be physically present at the College on a day that conflicts with the agreed upon arrangement should the work situation warrant such an action. When possible, an employee will be given a minimum of 24 hours advance notice of events which require their physical presence at the College. An employee required to be present outside of their flexible work arrangement may switch their day(s) during the same work week or pay period with approval from their supervisor.
- I. The supervisor retains the right to require an employee who works remotely to commute to a College office should the work situation warrant such an action.
- J. If a telecommute/remote work employee is ill and unable to perform scheduled work, the employee will notify the supervisor and report hours worked and use of sick leave for hours not worked.
- K. Employees with approved flexible work arrangements are required to submit bi-weekly time sheets in accordance with the normal schedule.
- L. In certain cases, taking family or medical leave is a more appropriate option than a flexible work arrangement. For more information, please see College Policy and Procedure 35003-Leave Program or contact the Office of Human Resources.
- M. In the event of a delayed opening, early closing, or full-day closing of the College due to inclement weather or other emergency conditions, a non-essential employee scheduled to telework that day is not required to work remotely and should enter any administrative leave granted for that day on their time sheet. Employees with a compressed schedule that coincides with a delayed opening, early opening, or full-day closing will be responsible for making up any hours beyond any granted administrative leave.

IV. Application and Approval Processes

A. Application Process

- 1. Employees who desire a flexible work arrangement shall:
  - a. Review Eligibility and Guidelines for Managing Flexible Work Arrangements.
  - b. Discuss the matter initially with their immediate supervisor.
  - c. Submit their application which shall include the terms of the agreement including the specific hours and days of work and current job responsibilities.

B. Approval Process

1. All flexible work arrangement applications are reviewed and approved by the employee's supervisor, who will determine when a flexible work arrangement is appropriate.
2. An agreed upon flexible work arrangement will be forwarded to the next-level supervisor in the employee's supervisory chain, with a copy provided to HRSTM.
3. If the employee and supervisor are unable to agree to the terms of a flexible work arrangement, the employee will send a copy of the flexible work arrangement application, including a summary of the points on which the supervisor and employee agreed and disagreed, to the next-level supervisor in the employee's supervisory chain. The next-level supervisor will review the materials and approve or disapprove the request. If the request is not approved, the next-level supervisor will provide the reason for the decision in writing to the employee.
4. The Chief Human Resources Officer (or designee) will review the application for consistency with College policies and procedures.
5. Once approved, the application constitutes the formal flexible work arrangement agreement and will be placed in the employee's official personnel file. Any proposed modification to the Agreement will follow the same process.
6. The Agreement will be subject to review and renewal at least annually, to correspond with the College's fiscal year (July 1 to June 30). Whenever there is a change in supervision, employment status, office conditions, or job duties, the employee may be required to submit a new flexible work application.
7. Any employee whose flexible work arrangement is denied or terminated pursuant to 3 above may request that the Chief Human Resources Officer, or designee, review the denial or termination. The scope of the review will be limited to determining whether the action was arbitrary, capricious, or did not follow the existing procedure.

V. Supervisor/Employee Orientation and Training

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees and supervisors to enhance understanding and increase awareness of the College's Flexible Work Arrangements Policy and Procedure. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to promote the needs of employees and students. Some goals to be achieved through education are: (a) ensuring that all employees and supervisors are aware of the availability and limitations of flexible work arrangements; (b) deterring the misuse or abuse of flexible work arrangements; (c) managing a virtual and/or geographically dispersed workforce; and (d) identifying efficiencies to be gained by flexible work arrangements. Any mandatory education requirements will be announced and posted on the College's website.

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Employees who submit an application to participate in the flexible work arrangement program, and their supervisors, may be required to receive training for guidance regarding the use of flexible work arrangements. Periodic training sessions will be conducted for interested staff by the Office of Human Resources and Strategic Talent Management.

VI. Alternate Work Schedules

A. Compressed Schedule

1. Exempt and non-exempt staff may request alternative work schedules as follows:
  - a. four ten-hour days (alternative work schedule A)
  - b. four nine-hour days and one four-hour day (alternative work schedule B)
2. Exempt staff may also request eight nine-hour days and one eight-hour day for a two-week pay period (alternative work schedule C). Non-exempt staff are not eligible for work schedule C.

B. Flex Time

If an exempt employee works in excess of the number of normally scheduled hours on a particular day, the employee may, upon approval by the supervisor, reduce a workday in consideration of the time worked on an hour-by-hour basis within the same pay period, and on an exception no later than the end of the next pay period. Nothing in this section shall be construed to permit compensatory time (excess hours worked carried over as time off from one work week to another).

VII. Off-Site Work Space

- A. Telecommute and remote work (home-based) employees must designate a specific work space at the off-site location. The employee's off-site work space will be considered an extension of the College's work space. Therefore, the College will continue to be liable for job-related accidents of employees that occur in the off-site work space during the employee's working hours and reserves the right to inspect the work space upon 24 hours notice or have the employee submit a self-certified safety checklist for the purpose of determining that the site is safe and free from hazards. Workers' compensation liability is limited to the designated work space as opposed to all areas of the home.
- B. The College will not be liable for theft or for damages to the employee's real or personal property while the employee is working at the off-site work location. Also, the College assumes no liability for injuries occurring in the employee's off-site work space outside of the established working hours.
- C. Employees are expected to maintain safe conditions in the off-site work space and to practice the same safety habits in the designated space as in his/her work space at the College.

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- D. Employees remain responsible for all insurance, utility, telephone, internet connections, and related costs at the off-site location.
  - E. Employees should consult their tax advisor with respect to tax consequences.
  - F. In the event of an injury at the off-site location, the employee shall immediately (as circumstances permit) contact his/her supervisor.
  - G. Employees with approved flexible work arrangements shall adhere to all College policies and procedures, including all policies, procedures and guidelines on the use of information technology. The employee is responsible for maintaining confidentiality and security at the off-site work space.

VIII. Supplies and Equipment

- A. The College will not purchase equipment solely for the purpose of permitting an employee to have a flexible work arrangement, unless required by condition of employment.
- B. Employees may use College-owned supplies and equipment at an off-site work space, with the prior, written approval of their supervisor, provided the supplies and equipment will be used for College work-related purposes only. Employees should promptly notify their supervisor of any malfunction in College-owned equipment and take action to return such equipment if repairs are necessary.
- C. All equipment and supplies provided by the College remain the property of the College and must be returned promptly to the College at the conclusion of any flexible work arrangement.
- D. Employees may use their own equipment (e.g. personal computer, answering machine, etc.), provided no cost is incurred by the College. Repair and maintenance of employee-owned equipment is the responsibility of the employee, as is the cost of any Internet Service Provider required to access the College email and other information systems.

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