

Flexible Work Arrangements

Fitchburg State University must be appropriately staffed at all times in order to effectively pursue our educational mission. The university provides in person services to our community, students, staff, faculty and visitors. In recognition of the wide range of responsibilities and duties required of university staff, there may be some limited circumstances that will allow for a flexible work arrangement to be implemented to optimally balance the needs of the university and an individual employee and/or work team. The availability of flexible work arrangements will vary by academic school, unit, position, duties, and be based on business and operational needs.

The university expects and requires that each employee maintains a high quality of work and productivity with any flexible work arrangements in specific limited circumstances. This policy outlines the types of flexible work arrangements that may be available to certain employees and the process by which such an arrangement is developed and implemented. The flexible work arrangements will be in adherence with the collective bargaining agreements. Flexible work arrangements will not be approved prior to the return to campus on June 21, 2021. Managers and employees will have time to assess any requests for flexible work arrangements after we have a full return to work on campus.

Managers are encouraged to work with their department/division manager within the organizational reporting structure, Human Resources and the divisional vice president to discuss effective plans if employees request a flexible work arrangement. If a flexible work arrangement is approved it must support the functions of the unit, department, academic school, campus partners and university. The Office of Human Resources and Payroll Services will partner with departments to coach and guide managers as well as eligible employees through the process to determine which positions are best suited for these work options. This requires consideration of position responsibilities; student/employee service and support; departmental processes and practices; and suitable for work success.

The university reserves the right to approve or deny any flexible work arrangement and to modify or revoke such arrangements once approved. Any employee who is represented by a collective bargaining agreement shall be eligible for flexible work arrangements to the extent permitted by the collective bargaining agreement between the applicable union and university.

Please find the collective bargaining agreement language and corresponding article/MOA for your review: **AFSCME** - Article X: Flexible Hours Program - The contract allows for a Flexible Hours Program which may be established in coordination with the Labor Management Committee. The administration team and union representatives will meet to bargain for a flexible hours program.

APA - The APA Memorandum of Agreement/Remote Work Arrangement provides for members of the APA, to request a remote work arrangement by an administrator or initiated by the administrator's area manager and/or divisional vice president and/or Chief Human Resources Officer in consultation with the administrator. APA Remote Work Arrangement

Non-Unit-At the request of a non-unit employee, on a case by case basis, the employee may request to perform some or all of their duties at a location other than their regular campus location.

Part Time Non-Benefited Employees-At the request of a part time non-benefited employee, on a case by case basis, the part time employee may request to perform some or all of their duties at a location other than their regular campus location.

Student Employees-Student employees will be requested to work on campus and will not perform work remotely.

The university's priority is to serve our students and support our campus partners. Managers must consider all factors to determine if a remote or hybrid schedule will meet the needs of our students, staff and campus partners as they return to onsite campus life.

Employees who are requesting a flexible work arrangement must complete the Flexible Work Arrangement Request Form located on the Human Resources and Payroll Services webpage. The requests will be reviewed by the appropriate managers within the reporting structure, divisional vice president and the chief human resources officer.

Remote and hybrid work assignments are not based upon an employee's personal circumstances, their commute, or family care arrangements. Remote and hybrid work assignments will be assessed periodically. There are many positions that cannot be adapted to flexible work arrangements.

University Hours of Operation

The university's standard hours of operation are 8am-5pm; offices may require extended hours depending on the services being provided. The standard hours of operation may be extended and staff may be required to work varying shifts as needed in their respective areas.

Standard Hours refers to the period of hours each work day during which a department must be staffed at an appropriate or specified level. This may also include the requirement for employees to be present during a particular day of the week.

Peak Periods refers to cyclical times of the year when business activity or work volume is high, during which a department must be staffed on site at a specified level. During peak periods, employees may be required to work on campus for their regular in person schedule and or varied schedules as needed during these peak workload periods.

Extended Hours refers to a period of hours which goes beyond the standard hours of operation in which a department must be staffed at an appropriate or specified level to support the services of the area.

The department manager is responsible for determining the hours beyond the university standard hours of operations if needed, and peak periods for their department. Ensuring that the university's commitment to a high level of service is maintained. The department manager may alter standard and extended hours as well as peak periods in consultation with the divisional vice president. Many offices will not require hours beyond the standard hours of operation due to the services they provide.

Any changes to an employee's schedule must adhere to the appropriate CBA language related to notification period and the flexible work arrangement policy. Managers must communicate employee schedule changes to Human Resources & Payroll Services.

Flexible Work Arrangement Pilot Program

The term "Flexible Work Arrangement" as used in this policy refers to remote, alternate and staggered shift arrangement as defined below. Any approved flexible work arrangement will be assessed during the AY 21-22, and may be revoked by the administration if deemed necessary. Employees may also request a termination of the work arrangement. The termination date for the work arrangement may be based on the academic semester or other variables.

We will offer the following pilot programs for the academic year. The manager and employee will review the flexible work arrangements periodically to determine the arrangement is suitable to continue. Arrangements may be rescinded before review date if unit operations are being negatively impacted

Alternate Day Arrangement - is an arrangement that allows eligible employees who can perform part of their job remotely and partially on-site to alternate days on and off campus. This arrangement shall not alter the total number of hours to be worked in a workweek in adherence with the union contract and core responsibilities.

Staggered shifts - is an arrangement that allows employees flexibility for the working hours to stagger start and finish times. This arrangement could be useful for departments that provide office hours beyond the standard hours of the university. This arrangement shall not alter the total number of hours to be worked in a workweek in adherence with the union contracts and core responsibilities.

Full Remote Work Option - is an arrangement that allows eligible employees to perform their job remotely. This arrangement shall not alter the total number of hours to be worked in a workweek in adherence with the union's contract and core responsibilities.

**(APA employees are eligible to request a remote work provision per their remote work arrangement [APA Remote Work Arrangement](#) this is not a pilot program for the APA unit members; employees in other unions may request, however, no negotiated language exists for full remote work)*

All flexible arrangements must meet the operational needs of the department, university and must conform to the overtime, time and attendance, and meal break provisions of the Fair Labor Standards Act.

Requests for Flexible Work Arrangement

Employees seeking a flexible work arrangement must make a written request to their manager using the *Flexible Work Arrangement Request Form*. Employees must complete the probationary period that is required of new employees prior to requesting a flexible work arrangement, unless a position is identified to be suitable for a work arrangement when advertised.

The written request will include:

- The type of work arrangement being requested;
- The reasons for the request;
- The employee's plan for meeting the responsibilities of their position;
- Work schedule (hours, days, commitment) requested;
- The employee has appropriate technology and access to the VPN and other systems;

Determining What Positions are Conducive for a Flexible Work Arrangement

Every proposal for a flexible work arrangement will be evaluated on a case-by-case basis. The evaluation will include a discussion between the department manager and the employee seeking the arrangement regarding the reasons for the request and the needs of the department in which the employee works. The manager will bring the request to Human Resources & Payroll Services for review and consultation.

One of the most important tools in this process is the job description. When assessing a position for a flexible work arrangement, managers should be using an updated job description. If there is not a current job description for a position, one must be updated and/or drafted first before any consideration can be given. Job description updates and changes should be reviewed with Human Resources. Once the job description has been reviewed and agreed to, the manager will meet with the employee to address the description. All CBA language must be adhered to when updating the job description.

The evaluation will consider the following factors:

- Operational needs of the specific department and the university along with the impact of the request on students, faculty, parents, and staff;
- Ability for a department to maintain appropriate staffing levels during standard, extended and peak hours;
- Impact on other campus partners both within the department and those who may work regularly with the department; and
- Past performance levels of the employee.

In addition to the factors outlined above, the following factors will be considered with respect to a proposed arrangement:

- Whether the position has clearly defined work that can be accomplished off-site; a review of the job description will occur to determine the duties and responsibilities that can be performed remotely.
- If there are position requirements that cannot be met from an off-site location;

- Whether the employee's results/productivity can be measured effectively through off site supervision;
- Whether there are confidential and security considerations that need to be addressed;
- Whether the department can continue to meet its operational standards of service, staff availability to students, constituents and members of the campus community returning to campus;
- Whether the employee proposing the arrangement has a demonstrated record of excellent time-management skills and satisfactory, independent work performance;
- Whether there are effective methods for communicating between the employee and manager;
- Whether the employee can continue to meet deadlines and be available onsite for critical, unplanned situations;
- Are there hours for the department that are not flexible and must be worked by all staff members to meet operational needs of the department;
- Hourly employees who are eligible for overtime may be inclined to respond immediately if working remotely, thereby creating potential FLSA compliance issues if not compensated for such work; managers must assess the needs and work priorities clearly within the employees scheduled hours;
- What is the desired frequency and schedule for the employee being on-site to meet with the manager, co-workers, and campus constituents if needed; employees are responsible for responding to ad-hoc meeting requests, and contacting the organizer/s for the appropriate meeting information;
- How the proposed arrangement may affect cross-training initiatives, team-based approaches, and other similar strategies;
- What are the expectations for availability during the work day;
- Whether the employee has a suitable location if requesting remote work that is conducive to the work they perform, allows for confidential meetings if necessary, is free from disruption, child/elder care responsibilities, etc.
- Whether the employee has the appropriate technology needed to complete the work, VPN capabilities, internet, phone, etc. Employees are responsible for reliable internet connection, desk and chair, the University will provide a computer. There is no reimbursement to the employee for working remotely.
- Does the employee need immediate access to documents or other information located only on campus;
- Is walk-in customer service a primary responsibility;
- Is the employee required onsite to deal with unscheduled, onsite appearances by students and or community members, staff, faculty or others;
- Does the position have sufficient independence from other positions to work remotely;
- Is the employee trusted with the responsibility to make day-to-day work decisions without frequent check-ins with onsite management;

Student/Employee Service & Support

Fitchburg State University provides high quality service to our current and prospective students with the advancement of student success as the overarching goal. There are also functions at the university that provide this same type of service to employees. In both instances, this service must be continuous regardless of an employee's work modality. Please consider the impacts on the service and/or support provided to students and employees.

- Would the level of service or support be enhanced? If so, how?
- Would the level of service or support be decreased? If so, how?
- Would a flexible work arrangement option allow for additional service hours to be offered?
- Are there technologies that can supplement the service or support provided?
- What is the impact on student success services and support if remote or hybrid work options are implemented?
- Using an equity lens, are there services that would disparately impact students or employees if offered remotely?

Manager Responsibility

Managers should clearly state the expectations for flexible work arrangements. The employee must continue to perform all duties of their current role in a manner satisfactory to the manager; they must be available during the standard hours of operation; maintain their home workspace in a clean, professional, and safe

condition; comply with the university timekeeping and paid time off policies and procedures; record all time worked in the manner directed by the CBA's.

Managers will clearly articulate the following to employees approved for a flexible work arrangement:

- They will regularly revisit the alternate work arrangement to determine whether it continues to be appropriate and effective;
- Identify what method will be used for communicating between the employee and manager;
- Identify how the employee will provide updates on daily work, projects and progress related to their goals for the semester and annual;
- Clearly state that the employee's job responsibilities will not change due to the flexible work arrangement, except as may be specifically outlined and approved in their agreement;
- The employee will continue to be subject to all university policies and procedures during the term of the agreement;
- The employee will maintain safe working conditions and practice appropriate safety habits;
- The terms of the work agreement may be revised by the university at its discretion at any time during the term of the agreement;
- The agreement is voluntary and does not create an entitlement to a continued flexible work arrangement. If the agreement is terminated, the university will provide reasonable written notice to the employee to transition back to onsite work;
- The agreement to enter into a flexible work arrangement is understood to be a benefit available to qualifying employees. It is not a right owed to any employees, nor an obligation owed by the university;
- Managers should communicate with nonexempt employees during established work hours. Non-Exempt employees are eligible for overtime. Employees may be inclined to respond immediately if working remotely, thereby creating potential FLSA compliance issues if not compensated for such work.

Approval of Flexible Work Arrangements

Upon receipt of a flexible work arrangement proposal, the manager will discuss the request with the employee. While each department and division is structured differently, the manager must discuss the request with Human Resources and the manager within their reporting structure.

The divisional vice president must approve any flexible work arrangement in their respective division, in consultation with the employee's manager. If approved, the employee will receive a flexible work arrangement approval form specifying the terms and conditions for the work arrangement.

- If a request for a flexible work arrangement is not approved, the manager will inform the employee of the reasons for such a decision; a decision to deny the request may not be grieved under the respective contracts.
- If a request for a flexible work arrangement is approved, the approval will be for a designated period and reviewed during the timeframe.
- The manager will evaluate the arrangement considering the factors set forth in this policy as well as the performance and productivity of the employee during the pilot period and the impact that the arrangement had on the department and other employees prior to extending the agreement.
- Based on the results of the evaluation, and with approval of the divisional vice president, the flexible work arrangement may be renewed annually for a designated period of time, modified, or terminated.

Modifying or Terminating Flexible Work Arrangements

- Once approved, the employee may not modify the flexible work arrangement without the written consent of their manager;
- A manager may modify an approved flexible work arrangement in consultation with the divisional vice president that such modification will better meet the current needs of the department and/or the university. Any modification will be specified in writing;
- A manager after consulting with their departmental manager, divisional vice president and Human Resources, may terminate a flexible work arrangement if the manager determines that the arrangement

is no longer consistent with the department's obligations or if the performance of the employee is not meeting performance expectations;

- If a flexible work arrangement is terminated, the managers shall make every effort to work with the employee with at least 10 days prior written notice if feasible;
- If the flexible work arrangement is terminated for poor performance the arrangement may be terminated immediately.

Benefits and Applicable Employment Laws

- An employee working under a flexible work arrangement will be entitled to the same university benefits as a similarly situated university employee working on campus.
- Employees shall utilize appropriate leave time if they are sick, taking vacation and or personal time. AFSCME may use compensatory time as requested, the time must be submitted based on the hours that the employee is scheduled to work that day(s).

In addition, all flexible work arrangements are subject to applicable employment laws, including the Fair Labor Standards Act, state and federal employment laws, and the Workers' Compensation Act.

Flexible Work Arrangement Processes & Procedures

Compensation and Work hours - The employees' compensation, benefits, work status, work responsibilities and amount of time the employee is expected to work per day or pay period will not change due to the participation in a flexible work arrangement program.

Communication - Employees must be available by phone and email during standard hours, employees will still be available for staff meetings, and other meetings deemed necessary by their managers. Employees may be required to attend meetings in person as required. It is the responsibility of the employee working remotely to make any necessary arrangement to access meetings, this includes ad hoc meetings that are needed in the course of the business day.

Scheduled Hours - Employees are expected to work their scheduled hours, any interruptions that may occur in the course of their day shall not interfere with continuing their work. If an employee is unable to perform their duties because of interruptions they shall use their accrued time for the remainder of the day and notify their supervisor on why they are unable to complete their scheduled hours.

Equipment - The university may provide necessary computer equipment to employees who have an approved flexible work arrangement. All items remain the property of the university and must be returned to the university upon request. Any equipment, supplies and software provided by the university is for university work assignments. If an employee utilizes personal equipment for work purposes it is their responsibility for the maintenance and no reimbursement will be provided.

Workspace - Employees must agree to have a designated workspace that is in a safe condition, free from hazards and other dangers. Any university materials taken home should be kept in the designated work area at home and not be made accessible to others.

Office Supplies - Standard office supplies will be provided by the university as needed, employees out of pocket expenses for supplies they wish to utilize will not be reimbursed.

Workers Compensation - The university is responsible for any work-related injuries under the state workers compensation laws, the liability is limited to the injuries resulting directly from work and only if the injury occurred in the designated work area. Any claims will be handled according to our current procedures with Human Resources.

Dependent/Child or Elder Care - Flexible work arrangements are not a substitute for dependent care. Employees should make arrangements for dependent/elder care during standard business hours, if there are

circumstances that occur during the hours of work and an employee must care for a dependent/elder they must use their paid time off benefits.

Campus Closure/Inclement Weather - On occasion when employees are released early due to inclement weather or other campus closures staff members working flexible work arrangements will be credited with the weather or emergency hours and or day.

Time and Attendance - Employees on an approved flexible work arrangement are required to enter their time and attendance using the TEL code when working remotely. A flexible work arrangement is not a substitute for paid time off; employees are expected to work their scheduled hours. If an employee wishes to use their paid time off (vacation, personal, compensatory, sick) they must follow protocol for time of requests within their department. Employees shall enter the appropriate code for attendance record keeping purposes per their CBA.

Meals/ Breaks - The state law and collective bargaining agreement provides a meal period, and break times for non-exempt employees. AFSCME Unit I employees are afforded two fifteen-minute breaks with one hour (60-minute meal time) for a lunch break. AFSCME Unit II are afforded two fifteen-minute breaks with a half hour (30-minute meal time) for a lunch break. APA and NUP's are afforded a one-hour meal break.

Record Keeping for Flexible Work Arrangements - The department manager is responsible for maintaining accurate records reflecting the flexible work arrangement approved for each employee in their department. The manager should share any modifications, terminations or approvals with VP Human Resources & Payroll Services.

Office Spaces - Employees who are approved to work remotely and are not on campus regularly may not have their primary office held for them. Alternative space may be provided to the employee when they are on campus for meetings and other miscellaneous reasons.