

FAYETTEVILLE STATE UNIVERSITY

FLEXIBLE WORK ARRANGEMENTS

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| Authority: | Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor. |
| Category: | Employment – EHRA Non-Faculty and SHRA |
| Applies to: | ● Administrators ● Staff |
| History: | Approved – March 7, 2022 |
| Related Policies/ Regulations/Statutes | <ul style="list-style-type: none">● <i>Acceptable Use of University Resources</i>● <i>Electronic Mail Account</i>● <i>End User Information Security</i>● <i>Information Security</i>● <i>Information Security Related to University Personnel</i>● <i>Misuse of State Property</i>● <i>Telecommuting/Teleworking Security</i>● <i>Regulation on Flexible Work Arrangements and Remote Work</i> [UNC Policy #300.8.6[R]] |
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I. PURPOSE

Fayetteville State University (University) recognizes that flexible work arrangements can benefit both the University and its employees by providing adjustments to an employee's work schedule, hours of work, and/or work site while also serving to promote employee recruitment and retention.

As a public employer, the University has a special obligation to ensure that its resources are being used in an efficient and productive manner. Accordingly, flexible work arrangements must be designed to meet operational needs and maintain expected levels of service. Also, such arrangements must be accompanied by appropriate measures for employee accountability.

This policy (Policy) outlines the three (3) types of flexible work arrangements available at the University, the eligibility for participation in such arrangements, and the procedures for approval, implementation, and oversight of these arrangements. This Policy does not create a universal guarantee, right, or entitlement to a flexible work arrangement and any such arrangement is subject to approval.

II. COVERED EMPLOYEES

This policy applies to the following categories of University employees:

- SAAO Tier I and Tier II employees,
- EHRA non-faculty employees,
- SHRA employees, and
- Temporary employees.

III. FLEXIBLE WORK ARRANGEMENTS

Flexible work arrangements are work structures that alter the time and/or place of work to accomplish work duties, either by employee request or at management’s direction. Flexible work arrangements are defined as follows:

A. Flexible Work Schedule

Flexible work schedules are adjustments to an employee’s reporting or departure times on a regular or recurring basis. Such adjustments are made to respond to the work/life needs of an employee. A flexible work schedule must continue to support the operational needs of the University and allow for appropriate oversight of the employee’s work assignments. Supervisors are responsible for ensuring that adequate supervision is provided for situations in which adjusted work schedules fall outside of the University’s standard operating hours (8:00 am – 5:00 pm, Monday – Friday).

Employees requesting a flexible work schedule must complete the University’s *Flexible Work Arrangement Agreement Request Form* and submit it to their supervisor. Flexible work schedules must be recommended for approval by the respective supervisor and approved by the Associate Vice Chancellor for Human Resources prior to being communicated to the employee.

B. Flexible Work Hours

Employees may request and managers may grant a change in an employee’s regular work schedule that is not permanent or ongoing in order to adjust for an unplanned, short-notice, or sporadic event. This change may include modifying normal work start and end times or allowing work missed on one day to be made up on another. The flexibility helps the employee to avoid taking leave or other paid time off that would otherwise have to be accounted for in a given week.

Supervisors have the discretion to grant temporary changes in work hours as long as the operational needs of the unit are satisfied and to discontinue such arrangements when deemed necessary.

C. Flexible Work Locations (“Teleworking or Telework”)

Teleworking represents an adjustment to an employee’s customary worksite, either on a short-term or on an ongoing or recurring basis, made to respond to the work/life needs of an employee while also considering the operational and staffing needs of the unit.

Employees requesting to telework must complete the University’s *Flexible Work Arrangement Agreement Request Form* and submit it to their supervisor. An employee’s request to telework must be recommended for approval by the respective

supervisor and approved by the Associate Vice Chancellor for Human Resources and the Division Head (Chancellor, Vice Chancellor, Athletics Director, Chief of Staff) prior to being communicated to the employee.

This Policy is not intended to address the process for requesting a permanent off-site work location for an employee (off campus duty station, including out-of-state work locations). That process requires a special and separate approval by the Associate Vice Chancellor for Human Resources, the General Counsel and Vice Chancellor for Legal, Audit, Risk and Compliance, the Division Head and the Chancellor.

1. Core Business Hours

Employees with flexible work arrangements generally should be available during a standard 8-hour business day as determined by their Supervisor. If hours are worked outside of the standard 8-hour business day, the *Flexible Work Arrangement Agreement Request Form* should reflect those hours.

2. Duty Station v Alternate Work Location

An employee's on-site University work location is considered to be the employee's duty station regardless of any approved teleworking arrangement.

Employees who are working from an alternative location may not charge mileage for travel between their alternate work location and their assigned duty station. Employees traveling for business departing from their alternate work location will be reimbursed for mileage based upon the distance between their on-site duty station and the work destination, consistent with existing State policies.

3. Reasonable Commuting Distance

Employees approved for teleworking are expected to work within a reasonable commuting distance to be able to report, when directed, to their on-site duty station within a practical period of time. Exceptions may be made to the reasonable commuting distance based on operational needs. All such exceptions must have been pre-approved by the Associate Vice Chancellor for Human Resources and approved by the Division Head.

4. Out-of-State Work and Compliance Issues

It is the University of North Carolina's official position that to the greatest extent practicable, the University will principally employ individuals who reside within or in close proximity to the state of North Carolina, taking into consideration that a reasonable commuting distance may cross state lines.

Employees who are teleworking outside of the State may be subject to the laws and regulations of other states or countries with respect to the employee/employer relationship. The University will ensure good faith compliance with such laws and regulations if the University approves teleworking outside of North Carolina.

Employees are expected to cooperate with the University's compliance programs for tax withholding; however, employees remain individually responsible for the payment of employee income taxes, including ensuring that sufficient taxes are remitted to taxing authorities through withholding or estimated payments.

5. Resources for Teleworking

State property resources, if available for use from an employee's remote work location, will be provided under the following conditions:

a. Use of University Property Off-Site

Employees who are teleworking shall ensure that all University property used off-site as part of a teleworking arrangement is used in compliance with policies governing personal use, including compliance with all software and technology licensing agreements.

b. Information Technology

The University may provide either a University-owned laptop or desktop to employees who are teleworking, along with necessary connective or power cables; however, the University will not provide both an on-site and an off-site laptop/desktop unless such is approved as an exception by the Division Head. Other specialized technology may be approved if off-site use of the technology is essential to the employee's job duties.

The University will provide user support for University-issued IT equipment only. The University will not provide reimbursement for IT resources purchased by the employee for their own convenience.

Employees will be responsible for providing their own internet service.

c. Office Furniture

The University will provide furniture already purchased as part of an ADA reasonable accommodation for an employee. All such items must be inventoried on the *Flexible Work Arrangement Agreement Request Form*.

d. Office Supplies

The University will provide necessary office supplies to employees who are teleworking. The University will not reimburse employees for office supplies purchased independently.

e. Return of Equipment/Supplies

In the event of an employee's separation from employment or the termination of a teleworking arrangement, employees are responsible for returning all University property and resources used off-site no later than the employee's separation date or date of termination of the teleworking arrangement. Employees may be held responsible for any damage to University-issued equipment beyond what would be considered normal "wear and tear."

6. **Safe and Secure Teleworking Environment**

For remote work, the employee must ensure appropriate data security measures and maintain a work environment that is free from hazards or potential injury.

a. **Information and Data Security**

Employees who telework must ensure the security, confidentiality, protection and integrity of University data, records and information at all times. Sensitive information and data must not be processed nor stored on a personally owned computer or device, but instead must be processed on University owned systems, stored in approved and secure remote storage, and accessed only by secure network access technologies.

Employees must comply with all information security requirements that would apply at their on-site work location, including completing all information security training required by the University. The University may require additional training on security policies, data handling and general information security for employees who telework.

The Vice Chancellor for Information Technology and Telecommunications and/or the University's Chief Information Security Officer have the authority to enforce the University's information security policies and make any exceptions to those policies.

b. **Professional Conduct While Teleworking**

While teleworking, employees are expected to perform their job duties with the same level of professionalism as is expected for on-site work. Employees must be able to perform their duties free of non-work-related obligations and unreasonable interruptions to the greatest extent practicable. Personal appointments and attending to personal business should be kept to a minimum during normal business hours unless otherwise approved by the employee's supervisor and covered as needed by accrued personal leave. When participating in video conferences, employees should dress appropriately and take reasonable steps to minimize background noise and disruptions.

c. **ADA Accommodations**

Flexible work arrangements are determined and administered separately from reasonable workplace accommodations under the Americans with Disabilities Act (ADA). Flexible work arrangements are not intended to substitute for the interactive reasonable accommodations process under ADA or to meet the University's ADA obligations.

d. **Workers' Compensation**

Employees who are teleworking are covered by workers' compensation for job-related injuries that occur in the course and scope of employment during the employee's approved work hours. If the remote work site is

located in an employee's home, worker's compensation will not cover injuries that are not job-related.

e. **Compliance with University Policies**

Work performed while teleworking remains subject to all applicable laws, policies, and regulations as if the work were performed on-site. These provisions include, but are not limited to, recordkeeping for work hours and leave, prohibitions on discrimination and workplace harassment, and records retention obligations and the North Carolina Public Records Act.

IV. FLEXIBLE WORK ARRANGEMENT CONSIDERATIONS AND APPROVAL

An employee's Supervisor (if flexible work hours are being considered), the Associate Vice Chancellor for Human Resources (if flexible schedules are being considered) or the Divisional Head (if teleworking is being considered) will be responsible for approving a flexible work arrangement. Initial approvals should not exceed 60 calendar days and should be reassessed at that point for viability.

Any initial decision, extension or modification of a flexible work arrangement shall be based on factors, to include, but not be limited to the following:

A. Nature of the Work Performed

The nature of an employee's duties and responsibilities must be conducive to a flexible work arrangement and must not cause disruption to performance and/or delivery of services. Thus, not every position will lend itself to a flexible work arrangement. Such positions may include, but not be limited to, front desk receptionists, building and grounds maintenance staff, service-oriented staff, and supervisory staff.

B. Employee Productivity And Performance

A decision on whether to allow a flexible work arrangement will be based on factors, to include, but not be limited to the following:

- the nature of the work performed,
- employee productivity,
- employee conduct,
- employee attendance record,
- employee performance expectations (e.g., overall "meets expectations")
- task interdependence,
- federal and state laws, and
- operational constraints.

Employees with a flexible work arrangement are expected to meet all performance expectations and conduct requirements of their current role and consistently demonstrate the ability to complete tasks and assignments on a timely basis. Employees also must be able to perform their duties free of external obligations and unreasonable interruptions.

C. Operational Needs

The work environment of the unit, including the quality and quantity of customer interaction, the availability of on-site workspace, and all other operational needs that may be unique to an employee's duty station shall be considered before approving a flexible work arrangement. Changes in work location or schedule must not affect the level of service provided or unduly alter the job duties of the employee or other unit employees.

D. Equity

The availability and terms of flexible work arrangements shall be administered equitably based on applicable job-related factors and without regard to an employee's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, genetic information, or veteran status. Duties will be equitably divided among on-site, hybrid, and remote employees, consistent with their job descriptions.

E. Oversight and Compliance

The employee's Supervisor must be able to effectively monitor and assess the employee's work and performance outside of the regular work location or schedule, and must be able to ensure continuing compliance with federal wage-hour regulations.

V. UNIVERSITY DISCRETION

Participation in a flexible work arrangement is not an entitlement or right of an employee. Once established, a flexible work arrangement may be altered or revoked at any time at the discretion of the University.

The decision to approve participation in, modify or revoke a flexible work arrangement is not subject to a grievance under any applicable University grievance procedure or the State Human Resources Act.

VI. ACCOUNTABILITY AND OVERSIGHT

The following have been established to ensure appropriate accountability and oversight of flexible work location arrangements:

A. Occasional and Sporadic Flexibility

Short-term changes (less than 2 weeks) in work schedules or work locations used to address occasional and sporadic employee or operational needs may be approved, in writing, by the employee's supervisor without the necessity of the completion of the *Flexible Work Arrangements Agreement*.

B. Requirements for Continuing Arrangements

To continue flexible work arrangements, employees must demonstrate good work habits, self-motivation, dependability, the ability to work independently, and the ability to meet deadlines, in addition to the factors outlined in Section IV.B. above. Employees must also demonstrate compliance with the requirements of this Policy and any applicable policies, rules, and regulations.

C. **Review, Modification, or Revocation of Arrangements**

After the initial sixty (60) day review, Supervisors will review existing arrangements at least annually, typically during the annual performance appraisal process, to assess continuation, modification, or revocation of the arrangement.

Reasons for modifying or revoking flexible work arrangements may include, but not be limited to, changing business or operational needs, or unsatisfactory employee performance or conduct.

If a decision is made to modify or revoke an employee's established flexible work arrangement, the University should provide at least thirty (30) calendar days' notice prior to modifying or revoking the arrangement. Exceptions to this minimum notice may be made after consultation with the Associate Vice Chancellor for Human Resources. Exceptions to the thirty (30) days' notice may be made due to employee misconduct, safety issues, an immediate change in the business and/or operational needs of the unit, and/or significant or sustained performance deficiencies, which may require a shorter notice period.