

# PILOT Work Flexibility Policy

---

Effective April 1, 2022-October 1, 2022

Mount St. Joseph University (the "University") provides a thriving and inclusive environment for all employees to work, develop, and grow, while simultaneously building a high-performance environment that is student service centered and encourages regular, meaningful interdisciplinary engagement across all University schools, departments, and offices.

## **Summary and Scope of Pilot**

Consistent with this dynamic and high-performance University environment, the University is launching a pilot policy to evaluate work flexibility practices. The pilot policy will be effective for a six (6) month period from April 1, 2022 through October 1, 2022. Near the conclusion of the pilot period, the University will conduct an assessment of the pilot based on feedback from supervisors that have employees who participate in the pilot as well as employees in departments where others participate in the pilot. Based on data from the assessment, a decision will be made concerning the University's future work flexibility practices, including adjustments to specific parameters.

The University may allow qualified employees to:

- work remotely (or from home) for up to 8 hours each workweek over one workday each workweek ("Work Flex Location"); or,
- work the same number of hours per workweek or per pay period as currently scheduled or expected when hired but in fewer days (a "Work Flex Time").

Work Flex Location and Work Flex Time are collectively referred to herein as "Work Flex Schedules."

**Work Flex Schedules will be approved only when the best interest of the University is served. All employees who participate in the pilot should plan for their approved Work Flex Schedules to end when the pilot concludes on October 1, 2022.**

This policy applies to employees permitted to have Work Flex Schedules as set forth below. This policy does not apply to requests for a reasonable accommodation. Employees requesting a Work Flex Schedule as a reasonable accommodation should follow the University's procedures on requests for a reasonable accommodation set forth in the University's Disability Accommodations Policy for Employees and Applicants. Additionally, this policy is separate from the University's Paid Time Off (PTO) Policy, Short Term Disability Policy, Parental Leave Policy, Family and Medical Leave Policy, Worker's Compensation Policy, and other accommodation or leave policies.

## **Employee Eligibility**

Only employees who meet the criteria set forth herein will be eligible to request a Work Flex Schedule. *Meeting such eligibility criteria does not guarantee that the employee's Work Flex Schedule request will be granted.*

Requests for Work Flex Schedules by eligible employees will be reviewed on a case-by-case basis and are considered by the University only when the best interest of the University is served and the operational efficiency of the employee's department will be maintained.

- Employee Eligibility for Work Flex Schedule Requests
  - Only full-time employees subject to “Staff Employment” as set forth in the Employee Handbook who have been employed by the University for at least six (6) months are eligible to request Work Flex Schedules, subject to the limitations set forth in this Policy.
  - Part-time employees, faculty, student employees, custodial staff, maintenance staff, police officers, and employees who have been employed by the University for less than six (6) months are ineligible to request Work Flex Schedules.
  - The foregoing six (6) month minimum employment requirement does not apply to any employee whose job offer or job description provided for a work schedule that does not require the employee to work on campus for all work hours each week or to work over five days each week. Job offers and job descriptions of employees that include Work Flex Schedules must be approved in advance by President's Cabinet.
  
- Employee Work Flex Schedule Approval Criteria
  - Work Flex Schedule Requests will only be considered for approval when all of the following eligibility criteria are met.
    - The operational efficiency of the employee's department will be maintained with the Work Flex Schedule.
    - The employee's supervisor determines that the employee has a high degree of competence and a history of strong job performance.
    - The employee has no disciplinary history.
    - The employee's supervisor has determined that the employee has a demonstrated history of productivity.
    - The employee does not have a documented history of attendance problems.
    - The employee's supervisor has determined that the employee does not require a high degree of supervision or technical assistance with his or her regular job functions.
    - The employee's core job functions do not require the employee to be physically present at the University. For example, police officers, maintenance staff, and custodial staff hold positions that require work on the University's campus only, and are, therefore, not eligible employees under this policy.
    - All University schools, departments and offices must maximize the number of staff physically on campus each workday Monday through Friday. Consequently, schools, offices, and departments with five (5) or fewer staff may have a maximum of one (1) staff with an approved Work Flex Schedule on any workday Monday through Friday. Similarly, schools, offices, and departments with six (6) to ten (10) staff may have a maximum of two (2) staff with an approved Work Flex Schedule on any workday Monday through Friday. Likewise, schools, offices, and departments with eleven (11) to fifteen (15) staff may have a maximum of

three (3) staff with an approved Work Flex Schedule on any workday Monday through Friday, and so on.

- Work Flex Schedules must maintain an employee's regular in-person engagement with the University.
- Work Flex Schedules are not a substitute for dependent care.
  - Although an individual employee's schedule may be modified to accommodate dependent care needs with management approval, the focus of any Work Flex Schedule must remain on job performance and meeting business demands. In-person meetings or events scheduled by management must be attended, in-person, as necessary for business operations.

Notwithstanding the employee eligibility criteria and approval criteria set forth herein, the University President may approve an employee's Work Flex Schedule request, following review and approval by the employee's supervisor and the member of the President's Cabinet in the employee's reporting line, when it is determined to be in the best interest of the University.

### **Pilot for Six (6) Months Only; Modification of Work Flex Schedules**

**All approved Work Flex Schedules shall be for the pilot timeframe only, which is six (6) months and concludes on October 1, 2022. All employees with approved Work Flex Schedules during the pilot timeframe should make arrangements to return to campus for work every Monday through Friday on October 1, 2022.**

The foregoing pilot timeframe shall in no way limit the University from modifying the Work Flex Schedule at-will. The University reserves the right to modify the Work Flex Schedule of an employee at any time or to return an employee with a Work Flex Schedule to the employee's standard arrangement if the employee's Work Flex Schedule affects a department, school, or office's operation negatively, there is a change in circumstances, or an employee's performance necessitates a modification or the return to a standard arrangement.

The University may require employees with a Work Flex Schedule to work outside the hours set by their Work Flex Location or Work Flex Time arrangement from time-to-time to attend meetings, travel for business, or for other business reasons.

### **The University's Policies Remain in Effect**

Employees with an approved Work Flex Schedule under this policy must continue to abide by all University policies, including but not limited to its Statement of Ethical Conduct, Equal Opportunity and Non-Discrimination Policy, Sex Discrimination, Sexual Misconduct and Interpersonal Violence Policy, Responsible Use of Information Technology Policy, Worker's Compensation Policy, and Social Media Policy. Failure to follow the University's policies may result in discipline and termination of an employee's Work Flex Schedule and/or other discipline under any applicable University policy.

Non-exempt employees who obtain approval for any Work Flex Schedule must not work unapproved overtime or fail to accurately report their time worked during their Work Flex Schedule.

Pursuant to the University's Worker's Compensation Policy and as required by applicable law, any qualified employee who suffers employment related injuries while working consistent with the employee's approved Work Flex Schedule must immediately report the employment related injuries to the employee's supervisor, the Department of Public Safety, and the Office of Human Resources so that a claim can be filed. Failure to immediately report employment related injuries will delay the processing of a claim and may jeopardize Workers' Compensation benefits.

### **Requests for Work Flex Schedule**

The University will consider requests to work a Work Flex Schedule from eligible employees only. ***Permission to work a Work Flex Schedule is not guaranteed.*** All requests to work a Work Flex Schedule must:

- Be submitted in writing to both the employee's direct supervisor, and the member of President's Cabinet in the employee's reporting line;
- Use and complete the University's Work Flex Schedule Form; and,
- Identify any University equipment, resources, or business expenses that may be necessary.

Upon receipt of an employee's written request for a Work Flex Schedule, the University may contact the employee for additional information, which may include asking the employee why the employee's job responsibilities are suitable for a Work Flex Schedule or how the employee's requested Work Flex Schedule is in the best interest of the University. The University will consider requests for a Work Flex Schedule on a case-by-case basis and reserves the right to grant or deny requests in its sole discretion. **Approved Work Flex Schedule Forms must be sent to the Office of Human Resources at [Human.Resources@msj.edu](mailto:Human.Resources@msj.edu) with the subject line "Work Flex Schedule Form" in order to become effective.**

Each employee may only submit one (1) Work Flex Schedule request per academic year. The foregoing restriction may be waived by the University in its sole discretion if the employee demonstrates that a significant change in circumstances has occurred since submitting his or her last request.

The University reserves the right to revoke approval for, or modify the terms of, a Work Flex Schedule in its sole discretion, without notice, and to require the employee to return to a work schedule where all work hours are completed on the University's campus and/or all work hours are completed over a traditional 5 day work week, unless the employee's job offer or job description provides for a work schedule that does not require the employee to work on campus for all work hours each week or to work over five days each week.

### **Work Flex Times**

The hours of operation at the University vary somewhat based upon department. Most offices are in operation for core hours of 8 a.m. to 5 p.m. Monday through Friday (excluding University holidays), but some offices are open for business/walk-ins from 8:30 a.m. to 4:30 p.m. Monday through Friday (excluding University holidays). Actual work schedules also vary based upon position and/or department need.

Eligible employees may request to work one of the following Work Flex Times:

- Working at the University's campus ten (10) hours each of four (4) workdays every workweek (the "4/10 option"), and each 4/10 option workday shall include a thirty (30) minute break for the employee (for example, if an employee has an approved 4/10 option and begins work at 8 am Monday-Thursday, the employee shall conclude each ten (10) hour workday no earlier than 6:30 pm, versus 6:00 pm, to ensure that at least a thirty (30) minute break is taken by the employee each ten (10) hour workday);
- Working at the University's campus a designated separate nonstandard workweek; or
- Other types of work schedules that may be permitted under this policy.

Using paid holiday and PTO time for an employee with a Work Flex Time is based on a workday of eight hours.

When a paid holiday or PTO falls on an employee's regularly scheduled workday on a Work Flex Time, the employee will not work any hours that workday and will be paid eight (8) hours of PTO. If the employee's regularly scheduled workday is greater than eight (8) hours:

- The employee may elect to use additional accrued PTO to make up the difference in pay between the eight (8) hours of PTO time received and the total hours the employee would have worked on the regularly scheduled workday; or
- With the approval of the employee's supervisor and in lieu of using additional accrued PTO, the employee may make up the difference between the employee's regularly scheduled workday and the eight (8) hours of PTO received by working those hours on another regularly scheduled workday (or workdays) during the same workweek (but not more than ten (10) hours on any given workday).

When a paid holiday falls on an employee's regularly scheduled day off on a Work Flex Time, the employee will be given eight (8) hours off during a regularly scheduled workday in the same workweek as the paid holiday. If the regularly scheduled workday is greater than eight (8) hours:

- The employee may elect to use accrued PTO to make up difference in pay between the eight (8) hours of paid holiday time and the total hours the employee would have worked on the regularly scheduled workday; or
- With the approval of the employee's supervisor, and in lieu of using accrued PTO, the employee may make up the difference between the employee's regularly scheduled workday and the eight (8) hours of paid holiday time received by working those hours on that or another regularly scheduled workday (or workdays) during the same workweek (but not more than ten (10) hours on any given workday).

If an employee on a Work Flex Time uses accrued PTO during a regularly scheduled workday, the employee's PTO balance will be deducted by the number of PTO hours used, subject to the University's Paid Time Off (PTO) Policy, up to the number of hours in the employee's regularly scheduled workday.

Employees on a Work Flex Time will be paid for any time spent on jury duty according to the University's Jury Duty or Serving as a Witness Policy. Employees will not be paid for time spent on jury duty during their regularly scheduled days off.

### **Disruptive Event Temporary Telework Schedules**

This policy also applies to temporary telework schedules ("Temporary Telework Schedules") implemented by the University in response to a disruptive event (e.g., national disaster or

pandemic) to ensure continuity of the University's business and instructional operations by permitting certain employees to continue to work from a temporary telework location ("Telework Location"). The Director of the Office of Human Resources, in consultation with President's Cabinet, has authority to implement and enforce Temporary Telework Schedules when a disruptive event occurs.

Additionally, individual employees who must isolate themselves due to COVID-19 exposure or infection, but who are still able to perform their job functions from a Telework Location, may be permitted a Temporary Telework Schedule after reporting such status to the employee's immediate supervisor (as applicable) and the Director of Human Resources. If permitted, the affected employee shall be subject to all Temporary Telework Schedule provisions contained herein. Individual employees who must isolate themselves due to COVID-19 exposure or infection, but who are unable to perform their job functions from a Telework Location due to illness, the nature of their job function, or otherwise, must follow the University's Paid Time Off (PTO) Policy and other accommodation or leave policies. If an employee desires to work from a Telework Location under this provision, the determination of whether an employee is able to perform his or her job functions therefrom shall be made by the employee's immediate supervisor.

***The supervisor of each department and school should have a telework plan in place for the department or school in the event that a disruptive event necessitates University-wide telework.*** A comprehensive telework plan ensures a seamless transition from on-campus work to Temporary Telework Schedules for employees and the uninterrupted provision of services to students and support of co-workers. Additionally, each supervisor has responsibility for providing guidance and oversight for the telework of all direct-report employees, including the scope and manner of work, when Temporary Telework Schedules under this policy are requested or required by the University in response to a disruptive event.

A graduated response to a disruptive event may be implemented by the University based on the magnitude of the disruptive event and the anticipated length any worksite may not be available. Any employee who is authorized or required to work from a Temporary Telework Schedule due to a disruptive event must review this policy to ensure compliance at all times. Permission to work a Temporary Telework Schedule due to a disruptive event is at the University's discretion and can be withdrawn at any time.

### **Accrual of Paid Time Off**

Employees who are permitted to work a Work Flex Schedule or required to work a Temporary Telework Schedule continue to accrue vacation time, sick time, or other paid time off in the same manner as they did when working standard work hours, according to the University's Paid Time Off (PTO) Policy.

### **Work Assignments and Productivity**

An employee's job duties and responsibilities do not change under a Work Flex Schedule or Temporary Telework Schedule. Employees must continue to perform all job duties and responsibilities at a satisfactory level. Failure to do so may result in the employee being required to return to a standard schedule, disciplinary action, or both, in the University's sole discretion.

## **Special Rules for Nonexempt Employees**

Nonexempt employees who are permitted to work a Work Flex Schedule or required to work a Temporary Telework Schedule must:

- Comply with the University's Staff Salaries Policy and Timekeeping Policy, the Fair Labor Standards Act (FLSA), and other applicable laws. Employees must accurately record all working time.
- Take all meal or rest breaks required by the University's Staff Salaries Policy, the Fair Labor Standards Act (FLSA), and other applicable laws.
- With the approval of their supervisor, make up any missed working time in the same workweek in which the working time is missed.

Nonexempt employees who are permitted to work a Work Flex Schedule or required to work a Temporary Telework Schedule will be paid overtime compensation for all hours worked in excess of 40 per workweek. Employees must comply with the University's Staff Salaries Policy, the Fair Labor Standards Act (FLSA), and other applicable laws, and must receive advance approval consistent with the Overtime Pay Policy before working overtime.

## **Written Work Flex Schedule Form**

When a request for a Work Flex Schedule is approved, employees will be required to sign the Work Flex Schedule Form that explains, among other things:

- Acknowledgement that the employee understands that the Work Flex Schedule can be withdrawn at any time without notice by the University;
- The agreed-upon details of the Work Flex Schedule; and,
- Expectations regarding how frequently the employee and the employee's supervisor will communicate.

## **Work Flex Schedule and Temporary Telework Schedule Communication, Equipment and Technology Support**

The employee will establish an appropriate work environment within his or her home for work purposes in any Work Flex Location or Temporary Telework Schedule arrangement. Employees will provide all furniture and equipment that they will need, including, but not limited to, secure space, telephone, printing, networking and/or Internet capabilities at the Work Flex Location and shall not be reimbursed by the employer for these or related expenses. Internet access must be via DSL, cable modem, or an equivalent bandwidth network. The University will not be responsible for any normal wear and tear or damage to an employee's furniture or equipment used to telecommute. Employees agree that their access and connection to the University's network(s) may be monitored.

Employees must be available and responsive by phone, email, and text during core business hours unless an alternative schedule is arranged in advance. Employees may be provided access to videoconferencing, collaboration, and project management tools. Employees shall work through their supervisor if videoconferencing or collaboration tools are necessary. Employees may still be required to attend staff meetings and other meetings at the regular working location or other locations as deemed necessary by management.

As deemed necessary by the University, the University will supply the employee with appropriate

office supplies (pens, paper, etc.) or other equipment. Equipment supplied by the University will be maintained by the University and is to be used for business purposes only. Equipment supplied by the employee, if deemed appropriate by the University, will be maintained by the employee. The University accepts no responsibility for damage or repairs to employee-owned equipment. Employees are responsible for all IT support services if the computer assets or communication/network devices or systems are employee owned. For University issued computers or network devices, the University will provide technology support.

### **Work Flex Location and Temporary Telework Location Safety and Security**

Employees are expected to maintain their flexible location workspace in a safe manner, free from safety hazards that could harm the employee, third parties, and visitors to his or her worksite. Employees with Work Flex Schedules may not meet in person at a home work location with third parties or other visitors in connection with executing their job duties. Instead, all in person work meetings with third parties or visitors must occur on campus or at another public location (such as a restaurant).

All University information (including, but not limited to, student information) is covered by the University's Information Security Policies and Procedures, FERPA Guidelines, and other policies and procedures and must be protected accordingly. All employees shall do everything reasonable within their power to protect sensitive, confidential, and proprietary information and ensure it is used only by authorized individuals for an authorized purpose. In particular, Work Flex Location and Telework Location employees must ensure the protection of proprietary University information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Employees must not download confidential or proprietary information onto any non-secure device. To the maximum extent possible, the University encourages a paperless work environment to minimize the need to protect hard copy documents.

Employees are responsible for securing from theft any University property while working at a Work Flex Location or a Telework Location. Employees must use secure remote access procedures. The University reserves the right to require employees to install necessary software (security, VPN, productivity, etc.) on employee furnished devices used to perform the employee's job duties and may require the employee to maintain software to ensure that proper updates are completed. Employees agree not to share their password(s) for any University system with anyone.

At all times, employees must protect University-owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. Any breach of security, loss, theft, investigation, natural disaster, or unintentional/manmade disaster must be immediately reported to the University's Office of Human Resources and the employee's supervisor.

The precautions described in this policy apply regardless of the storage media on which information is maintained, the locations where the information is stored, the systems used to process the information, or the process by which the information is stored.

### **Work Flex Location and Telework Location Legal Notices**

The University assumes no liability for injuries occurring in the employee's Work Flex Location or Telework Location workspace. Workers' Compensation does not apply to injuries to any third parties or members of the employee's family on the employee's premises. In the event of a job-related injury while in a Work Flex Location or Telework Location, an employee must report the incident in accordance with the procedures outlined in the University's Workers' Compensation Policy.

The University is not liable for loss, destruction, or injury that may occur in or to the employee's Work Flex Location or Telework Location. This includes family members, visitors, or others that may become injured within or around the employee's Work Flex Location or Telework Location.

The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

### **Work Flex Location and Telework Location Expenses**

The University will reimburse reasonable business expenses in accordance with the University's and/or department's standard travel and expense reimbursement policy. Expenses related to Work Flex Locations or Telework Locations will not be reimbursed without advance approval in writing from the University and should be discussed with the employee's supervisor, the member of President's Cabinet in the employee's reporting line, and President's Cabinet at the time of the request for a Work Flex Schedule or prior to incurring any Telework Location expense. All request for reimbursements must be submitted in accordance with the University's travel and expense reimbursement policy.

### **Administration of This Policy**

The University expressly reserves the right to change, modify, or delete the provisions of this Work Flexibility Policy without notice. The Office of Human Resources and University supervisors are responsible for the administration of this policy. It is the responsibility of each employee to comply with this policy and bring any questionable circumstances to the attention of their supervisor.

If you have any questions regarding this policy, please contact the Office of Human Resources.