

Flexible Work Schedule, Compressed Work Schedule, and Telecommuting Policy

April 1, 2020

Mount St. Joseph University (the "University") may allow qualified employees to work the same number of hours per workweek as currently scheduled or expected when hired but at different times ("Flexible Hours") or the same number of hours per workweek or per pay period as currently scheduled or expected when hired but in fewer days (a "Compressed Work Schedule"). Similarly, the University may allow qualified employees to telecommute by working remotely or working from home ("Telecommuting"). Flexible Hours, Compressed Work Schedule, and Telecommuting are collectively referred to herein as "Alternative Work Arrangements."

This policy applies to employees permitted to work Alternative Work Arrangements. This policy does not apply to requests for a reasonable accommodation. Employees requesting an Alternative Work Arrangement 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.

Eligibility

After an employee has successfully completed the employee's Orientation Period as set forth in the Employee Handbook, and unless an employee's job offer included an Alternate Work Arrangement approved in advance by the employee's direct supervisor and the Office of Human Resources, full-time employees subject to "Staff Employment" as set forth in the Employee Handbook are eligible to request Flexible Hours or a Compressed Work Schedule. After an employee has successfully completed the employee's Orientation Period as set forth in the Employee Handbook, and unless an employee's job offer included an Alternate Work Arrangement approved in advance by the employee's direct supervisor and the Office of Human Resources, full-time, exempt employees subject to "Staff Employment" as set forth in the Employee Handbook are eligible to apply for Telecommuting.

Not every position is suitable for an Alternative Work Arrangement. Certain University positions, including but not limited to police officers, maintenance staff, and custodial staff, are not eligible employees under this policy and may not request or be granted an Alternate Work Arrangement. Additionally, business needs and other relevant factors will dictate whether a request for an Alternative Work Arrangement is granted.

To become effective, all Alternative Work Arrangements must be approved in writing and in advance by the requesting employee's direct supervisor and the Office of Human Resources. Permission to work an Alternative Work Arrangement is at the University's sole discretion and can be withdrawn or modified at any time.

The University's Policies Remain in Effect

Employees permitted or required to work Alternative Work Arrangements 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 Alternate Work Arrangement and/or other discipline under any applicable University policy.

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

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 Alternate Work Arrangement 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 Alternative Work Arrangement

The University will consider requests to work an Alternative Work Arrangement from eligible employees. Permission to work an Alternative Work Arrangement is not guaranteed. All requests to work an Alternative Work Arrangement must:

- Be submitted in writing to both the employee's direct supervisor and the Office of Human Resources; and,
- Identify the duration of the requested Alternative Work Arrangement and any University equipment, resources, or business expenses that may be necessary.

Upon receipt of an employee's written request for an Alternate Work Arrangement, the University may contact the employee for additional information, which may include asking the employee why the employee's job responsibilities are suitable for an Alternative Work Arrangement or how the employee's requested Alternative Work Arrangement suits the needs of the University. The University will consider requests for an Alternative Work Arrangement on a case-by-case basis and reserves the right to grant or deny requests in its sole discretion.

The University reserves the right to revoke approval for, or modify the terms of, an Alternative Work Arrangement and require the employee to return to normal work hours at any time, unless the Alternate Work Arrangement was included in the employee's job offer.

The University May Approve Requests for a Trial Period

The University may approve a request to work an Alternative Work Arrangement for a trial period only. At the conclusion of any trial period, the Alternative Work Arrangement will be reviewed by University and may be withdrawn or approved for a longer period of time.

Core Business Hours

The University may require employees working Flexible Hours or a Compressed Work Schedule to work outside the hours set by their Flexible Hours or Compressed Work Schedule arrangement from time to time to attend meetings, travel for business, or for other business reasons. Similarly, the University may require employees who telecommute to report to work at the University's campus as needed.

Compressed Work Schedules

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 Compressed Work Schedules:

- Working at the University's campus ten (10) hours each of four (4) workdays every workweek (the "4/10 option");
- 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 Compressed Work Schedule is based on a workday of eight hours.

When a paid holiday or PTO falls on an employee's regularly scheduled workday on a Compressed Work Schedule, 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.

When a paid holiday falls on an employee's regularly scheduled day off on a Compressed Work Schedule, 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.

If an employee on a Compressed Work Schedule 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 Compressed Work Schedule 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.

Changes to Alternative Work Arrangements

Any request by an employee to change an Alternative Work Arrangement must be approved in writing and in advance by the employee's supervisor and the Office of Human Resources. The University reserves the right at any time to modify the Alternative Work Arrangement or return an employee with an Alternative Work Arrangement to the employee's standard arrangement if the employee's arrangement affects a department's or school's effective operation, there is a change in circumstances, or an employee's performance necessitates a modification or the return to a standard arrangement.

Accrual of Paid Time Off

Employees who are permitted to work an Alternative Work Arrangement 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 an Alternative Work Arrangement. 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. The University may modify, suspend, or cancel any Alternative Work Arrangement at any time.

Alternative Work Arrangements 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 Alternate Work Arrangement 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.

Special Rules for Nonexempt Employees

Nonexempt employees who are permitted to work an Alternative Work Arrangement must:

- Comply with the University's Staff Salaries 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 an Alternative Work Arrangement 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 Alternative Work Arrangement Agreement

When a request for an Alternative Work Arrangement is approved, employees will be required to sign a written Alternative Work Arrangement agreement that explains, among other things:

- Permission for the Alternative Work Arrangement can be withdrawn at any time;
- The agreed-upon details of the Alternative Work Arrangement;
- Expectations regarding how frequently the employee and the employee's supervisor will communicate; and,
- For employees with a telecommuting arrangement, the employee's responsibilities further include safeguarding University equipment and confidential information, consulting local tax and zoning ordinances that may impose requirements on the employee or impose limits on conducting business from the employee's home and work space set up.

Telecommuting Communication, Equipment and Technology Support

The employee will establish an appropriate work environment within his or her home for work purposes. Employees will provide all furniture and equipment that they will need to telecommute, including, but not limited to, secure space, telephone, printing, networking and/or Internet capabilities at the telework 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.

Telecommuting Safety and Security

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards that could harm the employee, third parties, and visitors to his or her home worksite.

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, telecommuting 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 telecommuting. 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.

Telecommuting Legal Notices

The University assumes no liability for injuries occurring in the employee's home 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 telecommuting, 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 home. This includes family members, visitors, or others that may become injured within or around the employee's home.

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-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

Telecommuting 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 telecommuting will not be reimbursed without advance approval in writing from the University and should be discussed with the employee's supervisor and the Office of Human Resources at the time of the request to telecommute. All request for reimbursements must be submitted in accordance with the University's travel and expense reimbursement policy.

Disruptive Event Alternate Work Arrangements

This policy also applies to Alternative Work Arrangements 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. The Director of the Office of Human Resources has authority to implement and enforce this policy when a disruptive event occurs. 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 Alternate Work Arrangements 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 telework due to a disruptive event must review this policy to ensure compliance at all times. Permission to telecommute due to a disruptive event is at the University's discretion and can be withdrawn at any time.

Administration of This Policy

The University expressly reserves the right to change, modify, or delete the provisions of this Flexible Work Schedule, Compressed Work Schedule, and Telecommuting 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 or if you have questions about flexible work schedules, compressed work schedules, or telecommuting that are not addressed in this policy, please contact the Office of Human Resources.