

POLICY CONCEPT FORM

Name and UO Title/Affiliation:	Chris Meade, Associate Director of Employee and Labor Relations
Policy Title/# (if applicable):	Flexible Work Arrangements
Submitted on Behalf Of:	Mark Schmelz, Chief Human Resources Officer and Associate Vice President
Responsible Executive Officer:	Jamie Moffitt, Vice President for Finance and Administration (VPFA)

SELECT ONE: **New Policy** **Revision** **Repeal**

HAS THE OFFICE OF GENERAL COUNSEL REVIEWED THIS CONCEPT: **Yes** **No**

If yes, which attorney(s): Jeslyn Everitt

GENERAL SUBJECT MATTER

Include the policy name and number of any existing policies associated with this concept.

“Flexible Work Arrangements” is a new policy intended to replace the Telecommuting policy, <https://policies.uoregon.edu/policy/by/1/0312-work-life-resources/telecommuting-policy>, which we recommend for repeal with this proposal.

RELATED STATUTES, REGULATIONS, POLICIES, ETC.

List known statutes, regulations, policies (including unit level policies), or similar related to or impacted by the concept. Include hyperlinks where possible, excerpts when practical (e.g. a short statute), or attachments if necessary. Examples: statute that negates the need for or requires updates to an existing policy; unit level policy(ies) proposed for University-wide enactment; or existing policies used in a new, merged and updated policy.

- Flexible Work Agreement Forms (in progress)
- [Telecommuting Guidance](#) (needs update)
- [Workplace Accommodation Process](#)
- [Injuries, Claims and Insurance](#)
- [Telecommuting Guidance](#)
- [Safety & Risk Services](#)
- [Information Security](#)
- [Safer Computing Guide](#)
- [Safe Computer Checklist](#)
- [Acceptable Use Policy](#)

STATEMENT OF NEED

What does this concept accomplish and why is it necessary?

The new policy, Flexible Work Arrangements, intends to provide flexibility and assist with creating a better work-life balance for classified staff and officers of administration who may be able to perform their duties outside of their normal work environment. It replaces the Telecommuting policy, which is proposed for repeal with this concept form and which has not been substantively reviewed or updated since its creation in 1999.

AFFECTED PARTIES

Who is impacted by this change, and how?

This policy applies to Officers of Administration and classified staff.

CONSULTED STAKEHOLDERS

Which offices/departments have reviewed your concept and are they confirmed as supportive?

Name	Office	Date
Annie Herz	University Human Resources – Employee and Labor Relations	6/19
Jessica Marquez	Knight Campus for Accelerating Scientific Impact/formerly SOJC	6/19
Jenna Rakes	University Human Resources – Talent and Acquisition	6/19
Martin Stanberry	University Human Resources Employee and Labor Relations – ADA Coordinator	6/19
Eleanor Wakefield	United Academics	6/19
Jeslyn Everitt	Office of the General Counsel	6/19
Lourdes Ginart	Graduate Teaching Fellows Federation	6/19
Jimmy Howard	Office of the Dean of Students	6/19
Michael Omogrosso	Service Employee International Union	6/19
Trish Lijana	Safety & Risk Services – Workers’ Compensation Program Manager	6/19
Jared Haddock	Information Services	6/19
Chiefs of Staffs and HR Council	Multiple offices	2018-19

Note: Several of the above-listed individuals reviewed the policy in their role as members of an HR policy advisory group, which met winter- summer 2019.

Reason for Policy

This policy provides guidance related to flexible work arrangements as established between an employee and the university wherein the time or location of work performed is different from the customary schedule or work location.

Entities Affected by this Policy

This policy applies to officers of administration and classified staff.

Web Site Address for this Policy

[Completed after policy is posted online]

Responsible Office

For questions about this policy, please contact the Office of Human Resources (HR) at uoelr@uoregon.edu or (541) 346-3159.

Enactment & Revision History

[Updated upon enactment]

Policy

When consistent with operational needs and other eligibility considerations (Section IV), the university supports flexible work arrangements as stated in this policy.

Flexible work arrangements are based on the specific needs of the unit—either on an ongoing basis or at a particular time—and the ability of the individual employee to work effectively in a flexible work arrangement. An approved flexible work arrangement does not reduce expectations regarding an employee’s performance, and does not serve as a precedent for a future arrangement within a department or unit. Employee-requested flexible arrangements are a privilege, are revocable, and should not be an expectation of employment.

The university is an organization with work environments that vary widely and require specific staffing to function effectively. Flexible work arrangements are not appropriate for all positions, times of year, or campus settings. Additionally, health, safety, privacy/security, technology concerns and limitations, and other relevant considerations may preclude a flexible work arrangement. Flexible work arrangements

that reduce duties or total working hours must follow HR processes and include a reduction in FTE. These types of arrangements may impact benefit eligibility and/or tax obligations.

In some circumstances a flexible work arrangement may help expedite an employee's return to work from a leave of absence. Employees out on protected leave should not be expected to work, regardless of any flexible work arrangement that may be in place.

Employees with flexible work arrangements remain subject to applicable university policies and procedures, collective bargaining agreements, and federal and state laws.

Types of Flexible Work Arrangements:

Types of flexible work arrangements include:

A. Flexible Schedule

A flexible schedule refers to an arrangement that permits variations in starting and departure times, but does not alter the total number of hours worked in a work week.

B. Compressed Work Week

A compressed work week refers to a schedule wherein the total number of hours worked each week are conducted in less than five (5) full workdays. The most common compressed schedule is four 10-hour workdays per week.

C. Telecommuting

Telecommuting refers to an arrangement that allows an employee to work at home or from another off-site location for a specified number of hours per week.

D. Reduced Work Week (Part-time)/ Reduced Work Year

A reduced work week or reduced work year is an arrangement that allows an employee to reduce their time commitment to the university on a permanent or temporary basis (e.g. reduction from 1.0 FTE to .75 FTE or a 12-month to 9-month appointment). Consultation with an Employee Labor Relations representative is required to determine feasibility, duration of time, and impact on pay, benefits, and/or taxes, as well as to determine if there are other policies that may apply to the request.

E. Job Sharing

Job Sharing refers to a form of regular part-time work in which two people share the responsibilities of one regular full-time position. Job responsibilities, tasks, and hours may be split evenly or unevenly between the two individuals. Consultation with an Employee Labor Relations representative is required to determine feasibility, duration of time, and impact on pay and benefits, as well as to determine if there are other policies that may apply to the request.

Conditions of Employment:

Generally, performance expectations do not change as a result of flexible work arrangements. Employees with flexible work arrangements are generally subject to the same criteria and process for performance evaluation as would apply without the flexible work arrangement. HR and individual units, however, may implement practices and provide training specific to flexible work arrangements as long as such practices are consistent with university policies and procedures.

Employees with flexible work arrangements remain subject to applicable university policies and procedures, collective bargaining agreements, and federal and state laws. For example, all non-exempt employees must document (via timesheet, time and attendance system, etc.) actual hours worked and leave used, take required meal and rest periods, and have overtime pre-approved by their supervisor.

Nothing in this policy limits the university's ability to determine, based on all relevant considerations, an employee may be required to work outside of normal business hours, telecommute, or otherwise alter their work hours or location. When such changes are necessary, the university will implement such changes in accordance with applicable policies, procedures, and collective bargaining agreements.

Modifying Flexible Work Arrangements:

The supervisor, in consultation with their unit and University HR, may modify an employee's flexible work arrangement, up to and including returning to the unit's usual and customary working hours and/or location, without an employee's consent, where such a change is needed to meet operational needs. The reason for the modification should be communicated, in advance, to the employee and appropriate revisions should be made to the Flexible Work Arrangement agreement. A supervisor's modification of the arrangement, up to and including defaulting back to the unit's normal working hours and/or location is not considered discipline.

Before modifying or discontinuing a flexible work arrangement that was granted for medical reasons, the department must consult with the ADA Coordinator to ensure that the change does not violate the ADA.

Related Resources

- Flexible Work Agreement Forms (in progress)
- [Telecommuting Guidance](#) (needs update)
- [Workplace Accommodation Process](#)
- [Injuries, Claims and Insurance](#)
- [Telecommuting Guidance](#)
- [Safety & Risk Services](#)
- [Information Security](#)

- [Safer Computing Guide](#)
- [Safe Computer Checklist](#)

PROPOSED

Reason for Policy

To set forth guidelines and procedures for administering telecommuting options for university employees.

Entities Affected by this Policy

Telecommuting employees and those who supervise them.

Web Site Address for this Policy

<http://policies.uoregon.edu/policy/by/1/0312-work-life-resources/telecommuting-policy>

Responsible Office

Office of the Vice President of Finance and Administration: 541-346-3003, vpfa@uoregon.edu

Enactment & Revision History

02/08/2010 Policy number revised from 3.710 to 03.12.03
Issued by VP for Administration; Approved by President's Staff 04/27/1999

Policy

The University of Oregon endorses telecommuting when there are opportunities for improved employee performance, reduced commuting miles or university savings. Telecommuting is defined as work and transportation alternatives that substitute home-to-work commuting with the option of working at home or at satellite work locations for all or part of the employee's assignment. This policy applies to classified employees and officers of administration. Supervisors and employees are encouraged to refer to Office of Human Resources document "[Telecommuting Guidelines](#)" for more information.

Procedures and Requirements:

1. Telecommuting Agreement

1. A University of Oregon Telecommuting Agreement must be signed by the employee, his or her supervisor, and dean/director/department head. Signed telecommuting agreements should be submitted to the Office of Human Resources.
2. The employee, supervisor, or dean/director/department head may terminate the telecommuting agreement at any time with reasonable notice.
3. Telecommuting is a voluntary option and does not include work at home due to temporary special conditions such as inclement weather, recovery from illness, caring for an ill family member, or caring for a newborn or newly adopted child.

2. Work Assignments and Supervision

1. The telecommuter and his or her supervisor shall mutually agree upon modes of communication (i.e., telephone, fax, network access, or e-mail).
 - a. A consistent schedule of hours shall be established.
2. During established work hours, family care demands shall not compete with work except in the case of emergency. Telecommuting shall not be a substitute for day care. Other personal business shall not be conducted during scheduled work hours.
3. The employee may be required to attend department meetings. Travel expenses incurred by the telecommuter for campus meetings are his or her responsibility.

3. Work Space and Equipment

1. A designated work space shall be maintained by the telecommuter that is conducive to working and free of hazards.
2. Office supplies will be provided by the University of Oregon; however, out-of-pocket expenses for supplies normally available in the office will not be reimbursed. The University shall not provide office furniture.
3. Generally, a telecommuter will provide their own telephone service, however departments may choose to pay for alternative or additional service.
4. Generally, a telecommuter will provide his or her own computer equipment and software. Any arrangements otherwise must be approved by the dean/director/department head and a Property Receipt must be completed and submitted to the Office of Business Affairs for the use of university property at off-campus sites. Computers used for University of Oregon business must have acknowledged computer safety precautions (such as UL approved surge protector) and virus protection.
5. University computer modem usage is limited to 14 hours per week. If work from home requires heavy computer use, telecommuters or their departments must buy modem access via commercial provider, departmental sponsored modem pool, or other

evolving solutions approved by the university's Telecom and Network Service Departments.

6. Telecommuters will not hold business visits or meetings with professional colleagues, customers or the public at home work sites; meetings with other UO staff must be approved in advance by the supervisor. Teleconferences are acceptable methods for meetings.

4. Conditions of Employment and Pay Status

1. The criteria for evaluation of the telecommuter's performance shall be the same as for on-site employees.
2. All employment responsibilities and conditions (e.g., compensation, benefits, vacation, rights, and privileges and disciplinary procedures) apply at the telecommuting site.
3. Classified and non-exempt employees shall fill out time sheets indicating actual hours worked each day with breaks and meal periods taken as appropriate. Overtime work for non-exempt employees must be pre-approved by the supervisor.
4. Classified employees shall be covered under all provisions of the collective bargaining agreement.

5. Work Site Safety, Occupational Injuries and Illnesses

1. Because the employee's home work space is an extension of the university, the telecommuting employee is covered by workers' compensation insurance during the course and scope of employment, during the approved work schedule, and in the designated work location. The telecommuter is responsible for immediately informing his or her supervisor of any work-related injury or illness.
2. To ensure safe working conditions exist, the University of Oregon retains the right to make on-site visitation of the home work space.

6. Liability

1. Unless otherwise agreed in writing prior to any loss, damage, or wear, the University of Oregon does not assume liability for loss, damage, or wear of employee-owned equipment.

7. Security

1. Restricted-access materials shall not be taken out of the office or accessed through the computer unless approved in advance by the supervisor.
2. Telecommuters are responsible for making sure that non-employees do not access University of Oregon data, either in print or electronic form.

8. Assessment and Evaluation

a. A review process shall be established between the employee and supervisor to evaluate the telecommuting arrangements and to assure that work standards continue to be met. It is recommended that evaluation meetings be held at least every three months during the first year of the telecommuting agreement.

Related Resources

NA

FOR REPEAL

RELATED DOCUMENTATION: DRAFT Flexible Work Arrangements Procedures

The following procedures are associated with the Flexible Work Arrangements Policy <link>. To ensure a thorough understanding of this guidance, it is critical that both the policy and procedures are reviewed in their entirety.

The Flexible Work Arrangements Policy <link> outlines the following flexible work arrangements:

A. Flex Schedule/Flex Time

A flex schedule/flex time refers to an arrangement that permits variations in starting and departure times, but does not alter the total number of hours worked in a work week.

B. Compressed Work Week

A compressed work week refers to a schedule wherein the total number of hours worked each week are conducted in less than five (5) full workdays. The most common compressed schedule is four 10-hour workdays per week.

C. Telecommuting

Telecommuting refers to an arrangement that allows an employee to work at home or from another off-site location for a specified number of hours per week.

D. Reduced Work Week (Part-time)/ Reduced Work Year

A reduced work week or reduced work year is an arrangement that allows an employee to reduce their time commitment to the university on a permanent or temporary basis (e.g. reduction from 1.0 FTE to .75 FTE or a 12-month to 9-month appointment). Consultation with an Employee Labor Relations representative is required to determine feasibility, duration of time, and impact on pay, benefits, and/or taxes, as well as to determine if there are other policies that may apply to the request.

E. Job Sharing

- a. Job Sharing refers to a form of regular part-time work in which two people share the responsibilities of one regular full-time position. Job responsibilities, tasks, and hours may be split evenly or unevenly between the two individuals. Consultation with an Employee Labor Relations representative is required to determine feasibility, duration of time, and impact on pay and benefits, as well as to determine if there are other policies that may apply to the request.

Eligibility Considerations:

The university should consider all relevant facts and circumstances when determining whether to grant an employee's request for a flexible working arrangement, which may include:

- Operational needs of the unit;

- Nature of the job/work;
- Need for and availability of technology and other specialized materials or equipment;
- Ability of the unit to maintain the quality of services;
- Performance and productivity of the employee, including current attendance patterns and ability to work independently in an effective manner;
- Whether the employee is in their trial service/probationary period.

Supervisors are expected to consult with the ADA Coordinator before denying an employee's request for a flexible work arrangement related to the employee's medical condition.

Request and Approval:

Employees and supervisors involved in flexible work arrangements of any length must proceed consistent with the Flexible Work Arrangements policy, this procedure, and with additional guidance from HR.

Informal Flexible Work Arrangements:

Informal flexible work arrangement requests of 5 days or fewer do not require a signed agreement and may be approved by the direct supervisor, after review of these procedures.

Formal Flexible Work Arrangements:

Flexible work arrangement requests for 6 or more days must be in writing. The request must include enough information for their supervisor to consider the impact on the unit and general feasibility. If the supervisor approves the initial request, the employee and supervisor must work together to complete the appropriate flexible work arrangements agreement form located on the HR website.

Flexible work arrangement requests of 6 to 30 consecutive days, or non-consecutive requests that add up to 30 days or more, require a signed agreement [approved](#) by the direct supervisor.

On-going flexible work arrangement requests of 31 days or longer require a signed agreement [approved](#) by the appropriate Vice President, the Athletic Director, the Provost, or their designee(s). The supervisor and employee must establish a review process to evaluate any formal flexible work arrangement to ensure that work standards are being met. It is recommended that evaluation meetings be held at least once every 3 months during the first year of the agreement.

In accordance with the Americans with Disabilities Act, as amended (ADA), an employee with a disability may request a flexible work arrangement as an accommodation. In the event that the unit would approve the request irrespective of whether the employee has a disability then the unit should follow that same practice in accordance with the principles and guidance set forth in this policy. If however, the unit would otherwise deny the request, they must refer the employee to the ADA Coordinator so that the employee can make a formal request for the flexible work arrangement as an accommodation. Under such circumstances, in order to ensure compliance with our obligations under the ADA, the ADA Coordinator, or designee, will be responsible for reviewing the request, directing the interactive process,

and, in consultation with the unit, determining whether the requested accommodation is reasonable or an undue hardship.

Telecommuting:

In addition to complying with all components of the Flexible Work Arrangements Policy and Procedures, the following conditions apply to Telecommuting arrangements. Nothing limits a unit's ability to have its own telecommuting agreement or procedures, provided such agreements or procedures do not conflict with the University's policy or procedures.

Appropriate Work Space

- A designated work space must be maintained by the telecommuter that is safe and appropriate for working, including adequate lighting, ventilation, no trip hazards, appropriate levels of confidentiality, and minimal distractions.
- To ensure that safe working conditions exist, the university retains the right to make on-site visits of the remote work space.
- The telecommuter is responsible for informing their supervisor of any work-related injury or illness as per university injury reporting guidelines <safety.uoregon.edu>.
- During established work hours, the employee is required to be available and ready for any work related communication or task. The employee's personal business, including child or family care, shall not be conducted during scheduled work hours, except in the case of emergency.
- The employee may be required to attend department meetings at the primary work location or on campus. Travel expenses related to travel to campus are the employee's responsibility.
- Telecommuters will not hold in-person business meetings at home worksites.

Equipment

- Generally, a telecommuter will provide their own phone and internet service. The department will not be responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses associated with the use of the employee's residence or other appropriate telecommuting location. Unless otherwise agreed in writing prior to any loss, damage, or wear, the university does not assume liability for loss, damage, or wear of employee-owned equipment.
- Should an employee be provided a university computer or other equipment, a Property Receipt must be completed and submitted to the Office of Business Affairs for the use of university property at off-campus sites.
- Computers used for university business must have acknowledged computer safety precautions (such as an Underwriters Laboratories [UL] approved surge protector) and approved virus protection. University owned equipment should generally not be used for personal purposes.
- The employee may not duplicate department owned software and must abide by the licensing regulations and restrictions for all software under license to the university.

Security

- Work completed at the employee's telecommuting site is considered official university business.

- The employee must protect university information from unauthorized access, disclosure or damage and must comply with federal, state, and university rules, policies, and procedures regarding access, disclosure and/or destruction of official university records.
- The employee must take precaution to protect university systems, data and other assets, including using UO virtual private network (VPN) for connecting to University systems, keeping systems and software up-to-date, securely disposing of sensitive materials such as thumb drives, sensitive printed materials, and using full disk encryption for mobile devices.
- The employee must surrender all university-owned equipment and/or data documents immediately upon request.
- Restricted-access materials shall not be taken from university premises or systems or accessed remotely unless approved in advance by the supervisor. Employees who telecommute are responsible for making sure that non-employees do not access university systems or data, either in print or electronic form.

Questions related to Flexible Work Arrangements Policy or Procedures can be directed to University HR's Employee and Labor Relations team at uoelr@uoregon.edu

DRAFT