

FWA Guidelines

MOREHEAD STATE UNIVERSITY Flexible Work Arrangements Guidelines For Staff Employees and Supervisors

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A. INTRODUCTION

What is a flexible work arrangement?

There are two major types of scheduling flexibility: flexible work hours and flexible work arrangements.

1. Flexible work hours are temporary changes in the regular work schedule of a staff employee (hereafter “employee”) in order to adjust for an unplanned, short-notice or sporadic event. The flexibility helps the employee avoid working more than 40 hours in a work week or avoid using leave or other paid time off for an absence. Any flexible work hour adjustment is at the discretion of the supervisor.

Examples of flexible work hours:

- An employee (with the supervisor’s approval) worked an additional two hours on Monday in order to complete a report due Tuesday. The manager then adjusted the employee’s schedule later in the week to allow the employee to leave work two hours early on Thursday.
- An employee got stuck in traffic behind an accident on the way to work and as a result, the employee arrived one hour late to work. Although the late arrival might still be considered tardiness, the employee could, with the supervisor’s approval, work an additional hour that evening (or that work week) to make up the time.

2. Flexible work arrangements are adjustments to the employee’s regular work schedule on a recurring basis to respond to work-life needs of an employee. The flexible work arrangement must continue to support the operational needs of the department and allow for appropriate oversight of the employee’s work. Adjustments may be necessary; an agreement for a flexible work arrangement may be revised or revoked by the department, with appropriate length of notice, as needed.

There are a variety of different types of flexible work arrangements; below are some standard definitions. Departments are strongly encouraged to be as accommodating as possible in allowing for flexible work arrangements.

This is not a complete list of flexible work arrangements: other types agreed upon by the employee, supervisor and next higher-level supervisor or department chair/head are acceptable.

Examples of flexible work arrangements can include:

- Flexible time (flex time);
- Compressed work week;
- Telecommuting;
- Job sharing;
- Reduced hours or part-time; and
- Phased retirement.

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B. DEFINITIONS

1. Flexible Time (Flex Time)

A flexible work time (flex time) includes:

- a. Individualized start and end times that remain constant each work day;
- b. Individualized start and end times that vary daily, but the same number of hours are worked every day;
- c. Individualized start and end times with varied daily hours but consistency in the total number of hours worked every week;
- d. Mandatory core-time with individualized start and end times with varied daily hours but consistency in the total number of hours worked every week; and
- e. Extended meal times offset by additional hours at the beginning and/or end of the day or shift.¹

Flex time arrangements do not reduce the number of hours or total effort worked in a given week by an employee.

Examples of flex time:

- An employee carools with two other University employees. Each employee takes the role of driver one week at a time. As a result, it is difficult for the employee to arrive to work by 8:00 am the week that she drives the carpool. The supervisor allows an adjustment to the employee's schedule so that on her carpool driving weeks, her start time is 8:15 am rather than 8:00 am and her lunch break is reduced to 45 minutes rather than the regular 60 minutes.
- An extended campus employee discovers that many of people in the community she serves would like to meet with her after the dinner hour. As a result, the employee suggests an alternative schedule to her supervisor: she would like to work 8:00 – 5:00 pm on Monday, Wednesday and Friday, and work 11:00 – 9:00 pm on Tuesday and Thursday.
- An employee is unable to work the typical 8:00 – 5:00 pm work schedule for a period of 18 months, for personal reasons. To accommodate her, the department allows her to work from 7:00 am – 4:00 pm, or, from 9:00 am – 6:00 pm for the 18-month period until her circumstances change and she is able to work a typical schedule.

¹ Please note: the reverse of this practice, removing or decreasing a lunch period to less than 30 minutes, will typically violate Kentucky Revised Statutes. Please contact Human Resources for guidance regarding requests to decrease a lunch hour.

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2. Compressed Work Week

A compressed work week refers to practices such as:

- A full work week that is condensed into fewer than five days; and
- Two full-time work weeks compressed into less than ten days, such as being compressed into nine days or nine and one-half days.

Examples of a compressed work week:

- An employee wishes to spend every other Friday volunteering at his daughter's school. To accommodate him, the department allows him to work nine hours every day during the first week of the pay period, and nine hours on the Monday, Tuesday and Wednesday of the second week. On Thursday of the second week, he works eight hours and does not come into work on the Friday of the second week.
- An employee wants to spend time with a relative every Thursday. To accommodate her, the department allows her to work four 10-hour days every week (Monday, Tuesday, Wednesday and Friday) so she can be off work every Thursday.

There are special considerations, such as overtime pay and retirement contributions, that a department and employee must keep in mind when considering a compressed work week.

3. Telecommuting

Telecommuting refers to the practice of fulfilling a portion of the employee's job responsibilities at an alternative work site, such as home.

Telecommuting and working from home is not provided to an employee to allow for childcare while working at home. In order for an employee with children to work at home, appropriate childcare must be arranged for so as not to distract from work duties.

Examples of telecommuting:

- An employee does not have a driver's license and relies upon a colleague, who is employed less than full time, for a ride. The colleague does not come into work on Mondays, so the employee is left without a way to work. To accommodate her, the department allows the employee to work from his home on Mondays.
- An admissions department realizes that it is more economically feasible (in terms of space and resources) for its employees to work from home or from a remote geographic area. The department ensures that all employees are aware of its willingness to accommodate an employee who wishes to telecommute. Upon request by an employee and after appropriate discussions, the department provides the employee with a computer that tracks usage/time so an employee who wishes to work from home is able to do so.

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4. Job Sharing

Job sharing refers to the practice in which two employees share the responsibility of one full-time position. Major job responsibilities and hours may be split evenly or unevenly between the two employees.

Reducing hours worked may affect salary, benefit levels, and accrual rates of paid leaves (vacation, temporary disability, and holiday), among other considerations.

Once a position is approved to change to become less than full time, it is at the discretion of the department regarding whether or not an employee may return to a full-time position, unless the revision to full-time status is documented in the Letter of Understanding.

Examples of job sharing:

- An employee wants to spend more time with his toddler son and is willing to decrease his work hours (and subsequently, his benefits, vacation accrual, etc.) to do so. His department allows him to decrease his hours (and benefits, etc.) so that he works on Mondays, Tuesdays and Wednesday mornings. Another person is hired to do the work on Wednesday afternoons, Thursdays and Fridays. In this scenario, both employees are at 0.5 FTE.
- Two employees (who work in the same department) with excellent technical skills are interested in starting a business together. Upon approval by their department, each employee's position is reduced to half-time: one works at MSU every morning and the other works at MSU every afternoon, with the combined effort of the two employees equaling one full-time position, with each employee occupying a 0.5 FTE position. This allows the department to retain their expertise while accommodating the work-life needs of the two employees.

5. Reduced Hours or Change to Part Time

Reduced hours or a change to part-time employment refers to the practice of decreasing the number of regular hours worked to less than a full-time position.

Reducing hours worked may affect salary, benefit levels, and accrual rates of paid leaves (vacation, temporary disability, and holiday), among other considerations.

Once a position is approved to change to less than full time, it is at the discretion of the department regarding whether or not an employee may return to a full-time position, unless the revision to full-time status is documented in the Letter of Understanding.

Examples of reduced hours or change to part time

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- An employee wants to volunteer at his church and is willing to accept a decrease in hours, benefits, pay, etc. After necessary discussions about decreases associated with fewer hours worked, his department can allow him to change his hours to 35 hours per week (or 30 hours per week, or 27 hours per week, or 18 hours per week, etc.).
- A full-time employee wants to go back to college but does not want to quit her job. Her department can allow her to work part time, so that she can take a full load of classes while still working part time. When appropriate, the department can allow her to modify her work hours each semester to accommodate her classes.

6. Phased Retirement

For more information on phased retirement for staff employees with an FTE of greater than 0.5, please see *Human Resources policy PG-57: Retired Faculty & Staff Re-Employment Program*.

It is possible that some type of flexible work arrangement will be of assistance during a staff employee's phased retirement. Please see UAR #334.02 Phased Retirement Program.

7. Letter of Understanding

A Letter of Understanding is the formal document that outlines all the details of a flexible work arrangement (i.e. type of flexible work arrangement, changed work schedule, etc.), including any and all changes to the employee's FTE status, changes to rates of accrual of paid leave (vacation, temporary disability and holiday), etc. Prior to being shared with the employee, the next higher-level supervisor or department chair/head must sign off on the Letter of Understanding, similar to the procedures for such an official to sign an employee's Performance Evaluation. The Letter of Understanding also must include the length of notice (the amount of time that must be given if the FWA is modified or terminated), which should be one pay period.

The Letter of Understanding will also include the date by which the supervisor must meet with the employee to inform the employee if the FWA can continue or not. The date of this meeting is should be one pay period prior to the end of the pilot period.

8. Guiding Principles

Because of MSU's diverse work environment, some flexible work arrangements may not be successful in some departments. The purpose of guiding principles is to help individual departments develop standards by which decisions regarding flexible work arrangements are guided. Guiding principles will help supervisors determine how a flexible work arrangement can be created so as not to disrupt the needs of the department.

It is always appropriate for a department to develop or ask additional questions (beyond the questions listed in these *Guidelines*) to help determine the anticipated success of a flexible work arrangement.

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Examples of guiding principles

- A department that prepares extensively for the arrival of freshmen at the start of the fall semester requires that all employees work Monday through Friday, 8:00 – 4:30 pm during the month of August.
- A specific college's advisors are permitted (with appropriate review and approval) to utilize flexible work arrangements year-round, except during the two weeks prior to, the weeks of, and the week after summer advising conferences.
- A busy department allows the use of flex time as the only flexible work arrangement, due to the department's and customer's needs.

C. GENERAL QUESTIONS TO REVIEW WITH THE EMPLOYEE PRIOR TO APPROVING ANY FLEXIBLE WORK ARRANGEMENT

The following list of questions will help a supervisor determine if a flexible work arrangement will be a successful experience for both the employee and the department. It is recommended that the employee review the list of questions prior to meeting with the supervisor. At a meeting scheduled between the two, the questions can guide the conversation and eventually help the supervisor make an informed decision.

Please note: The employee's past job performance and other questions specific to the employee or department must be considered and addressed when considering a Flexible Work Arrangement.

The employee requesting a flexible work arrangement should first review the major job responsibilities and current job assignments. If the supervisor is not fully familiar with the assignments of the employee, it is recommended that they address each question together. If possible, it will be helpful for the employee to present the supervisor with written responses to these questions.

1. What is employee's department and who is the employee's direct supervisor?
2. What is the employee's grade level, job description and exempt/non-exempt status?
3. What is the employee's current work schedule?
4. Does the employee share any assignments or job duties with co-workers?
5. Who are the internal and external customers and what services does the employee provide to the customers? Include the employee's method of contacting customers (or how customers contact the employee) and the frequency of contact.
6. Is the employee involved in any sporadic, periodic or weekly/monthly projects? If yes, describe the employee's role and responsibilities.
7. What office and/or work equipment does the employee use?

With the following questions, the employee examines the various aspects of the flexible work arrangement being requested. Together, the supervisor and employee address each question.

1. What flexible work arrangement is being requesting?

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2. What is the duration of the altered work arrangement that the employee is requesting?
3. How will major job responsibilities, job assignments, co-worker relations, customer service and supervision be affected?
4. How will the employee's current job assignments be maintained?
5. How will co-worker and customer interactions be maintained?
6. How will the employee be able to assist the department during any sporadic, periodic or weekly/monthly project or responsibility in which the employee is involved?
7. What will be the employee's availability during an unforeseen event if the employee is needed by the department?
8. Because the flexible work arrangement is established on a trial basis, what are the expectations to continue/maintain the arrangement?

D. FLEXIBLE WORK ARRANGEMENT-SPECIFIC QUESTIONS

Below are questions specific to each flexible work arrangement type. Together, the employee and supervisor discuss the questions. The answers will provide additional data to make an informed decision. If possible, it will be helpful for the employee to present the supervisor with written responses to these questions.

1. Flex Time

Flex time allows the employee to begin and end work at non-standard times, within approved limits. The employee still works the same number of hours per day or week.

- If the hours are changed, will understaffing occur?
- If necessary, can scheduled meetings, coordinating projects, etc. be accommodated?
- Are there safety concerns or building access issues?
- Has the reversibility of the arrangement been discussed?

2. Compressed Work Schedule

The compressed work week allows the employee to work full-time hours in less than a five-day workweek or over a two-week period.

- Is working the longer hours feasible, in terms of stamina and work responsibilities?
- If the hours are changed, will understaffing occur?
- If necessary, can scheduled meetings, coordinating projects, etc. be accommodated?
- Are there safety concerns or building access issues?
- If computer support (or any other support) is necessary, will support be available?
- Has the reversibility of the arrangement been discussed?

3. Telecommuting

Telecommuting involves doing a portion of the employee's work at an alternative work site, connected to the office via computer, fax and/or telephone.

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- Will the change in job location cause understaffing at the on-site work place?
- Can scheduled meetings, coordinating projects, etc. be accommodated?
- Will office communication (customer/co-worker) be affected?
- Is it important to have social interaction and in-person job support from co-workers?
- Is regular feedback and oversight from a supervisor necessary?
- Is computer literacy and problem solving critical?
- How will files be protected and confidentiality maintained?
- Are materials and/or equipment necessary at the alternative job site and if so, how will they be provided?
- Is face-to-face communication with anyone required?
- Is access to in-office materials necessary?
- Are needed databases remotely accessible?
- If children will be at the off-site workplace, will childcare be arranged by the employee so that childcare needs will not interfere with work duties?
- Has the reversibility of the arrangement been discussed?

4. Job Sharing

Job sharing refers to the practice in which two employees share the responsibility of one full-time position by splitting the hours and responsibilities, either evenly (each employee works two-and-one-half days per week) or unevenly (one employee might work two days per week and the other works three days per week).

Reducing hours worked may affect salary, benefit levels, and accrual rates of paid leaves (vacation, temporary disability, and holiday), among other considerations.

- Is there already a partner identified to share job responsibilities or will a partner need to be hired? Please address compatibility with the partner.
- What are the job hours for each and is overlap necessary? Are both to attend team or unit meetings? Will there be additional salary costs?
- Has the change in (specifically, any decrease in) pay and benefits been explained?
- Have job tasks been addressed?
- Has supervision been addressed? How will evaluations occur – separately or as a team?
- How will communication between the job partners be maintained?
- What will occur if one partner leaves?
- Has the reversibility of the arrangement been discussed?

5. Reduced Hours or Change to Part Time

Reduced work hours or changing to part time decreases the current hours worked, which could result in the position being less than full-time.

Reducing hours worked may affect salary, benefit levels, and accrual rates of paid leaves (vacation, temporary disability and holiday), among other considerations.

- Has reduction in income and benefits been reviewed?
- How will the unassigned job tasks be handled?

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- Will understaffing occur?
- Can scheduled meetings, coordinating projects, etc. be accommodated?
- Will office communication (customer/co-worker) be affected?
- Has the reversibility of the arrangement been discussed?

6. Phased Retirement

For more information on phased retirement for staff employees with an FTE of 0.5 or greater, please see *or UAR # XXX Phased Retirement Program (PRP)*.

E. FLEXIBLE WORK ARRANGEMENTS FREQUENTLY ASKED QUESTIONS (FAQ)

1. What are common uses of a flexible work arrangement?
2. What are the benefits of a flexible work arrangement?
3. Who decides if an employee can have a flexible work arrangement?
4. What factors should be considered in approving a flexible work arrangement?
5. How does an employee request a flexible work arrangement?
6. What if it doesn't work out?
7. Who can I ask for help?

1. What are common uses of a flexible work arrangement?

A flexible work arrangement may be implemented for a variety of reasons. Some common examples include:

- Adjusting for a long commute to/from work.
- Offsetting peak traffic transit times to reduce an employee's time on the road;
- Reducing the number of days (i.e., number of commutes) for work each week.
- Attending classes for a degree program, academic enrichment, continuing education, etc.
- Transporting children to and from daycare or school.
- Caregiving for children or adults that requires time during regular work arrangement.
- Volunteering.

2. What are the benefits of a flexible work arrangement?

Flexible work arrangements succeed when they meet both the employee's personal needs in balancing work and life AND the department's operational needs in providing efficient and effective services. Some benefits of a flexible work arrangement may include:

- Improved gas mileage, transportation options and parking availability.
- Reduced stress through the ability to better balance work and personal responsibilities.

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- Improved morale and productivity as a result of matching work time and employee work style.
- Longer blocks of time away from the office without reduction to employee leave balance.
- Accommodating a department's annual irregular schedules.
- Extended service hours with minimal to no increase in budget or overtime expense.
- Reduced absences and tardiness through finding a more agreeable start/stop time.
- Enhanced recruitment and retention through work-life practices.
- Greater flexibility in available office space or equipment due to shifts in peak use.
- Increased opportunities for cross-training due to some shared job duties and coverage adjustments.

3. Who decides if an employee can have a flexible work arrangement?

The responsibility for deciding if a flexible work arrangement is appropriate lies with department heads and supervisors. The next higher-level supervisor or department head/chair will approve any flexible work arrangement, through the utilization of the Letter of Understanding. The supervisor is responsible for setting work assignments and work arrangements for employees based on the operational needs and resources of the department.

Supervisors are encouraged to be as flexible as possible in accommodating the work-life needs of employees, but the final decision to set and/or adjust flexible work arrangements is made by the supervisor and the next higher-level supervisor or department head/chair, not by the individual employee.

4. What factors should be considered before approving a flexible arrangement?

In reviewing requests for flexible work arrangements, supervisors need to consider the overall needs of the department, the supervisor, and the employee.

(Other flexible work arrangement-specific questions (see above) must also be considered.)

- What are the operational needs of the department?
- What are the customer needs of the department?
- Are there restrictions on when and where work must be performed?
- Does the employee function as part of a team that would require a matching schedule of all team members?
- Is the work unit able to provide coverage for functions handled by the employee in his/her absence without undue burden on other employees in the unit?
- Have provisions been made for handling holidays, sick time, vacation days, etc equitably?
- Are requests for flexible work arrangements being handled equitably?
- Can the department continue to effectively monitor employee work that occurs outside the supervisor's regular schedule?
- Can the employee fully perform the job duties/responsibilities without supervision?
- Does the employee's past performance either at MSU (as illustrated in the Performance Evaluation) or past employment history elsewhere suggest that a flexible work arrangement will be successful for all involved?

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- If supervision is required, will supervision be present during the agreed flexible work arrangement?
- Can the department continue to effectively adhere to federal wage-hour regulations regarding work that occurs outside the supervisor's regular arrangement?
- Does the department have guiding principles in place to help make decisions?
- If for some reason the flexible work arrangement does not work out, what length of notice must be given (to the employee or the supervisor) regarding ending the arrangement?
- Can the conditions of the flexible work arrangement be accommodated and evaluated during the employee's annual Performance Evaluation?
- Has the reversibility of the flexible work arrangement been discussed?

5. How does an employee request a flexible work arrangement?

Different departments may have different procedures for requesting adjustments to work schedules. Issues that should be addressed in requesting a flexible work arrangement include:

- The organizational benefit of the proposed schedule.
- A plan for continued fulfillment of work expectations, including:
 - ⇒ How communications with co-workers, customers, and the supervisor will occur during work hours outside the regular schedule; and
 - ⇒ How customer or organizational needs that arise during the employee's absence will be handled.
- Is there a willingness to be flexible, to make any necessary changes, or to consider alternative proposals to ensure the success of a flexible work arrangement?
- How much notice is required by either party (the supervisor and the employee) if the flexible work arrangement needs to be modified or ended?

After appropriate discussions, the department's business officer (or other appropriate individual) will prepare a Letter of Understanding that will include a wide variety of information, such as changes in pay, rates of accrual of paid leaves (vacation, temporary disability and holiday), work schedule, etc. The Letter of Understanding will include the dates of the pilot period and the date (one pay period immediately prior to the end of the pilot period) on which the employee will meet with the supervisor so the supervisor can inform the employee whether the FWA will be allowed to continue or not.

6. What if it doesn't work out?

It is strongly recommended that any approved flexible work arrangement begin as a "pilot program," to be re-assessed after 90 days to see if the department's and employee's needs are being met through the adjustment in schedule. Additional tweaks to the arrangement may be needed, or the flexible work arrangement may be terminated by either party, in accordance with the contents of the Letter of Understanding.

All efforts should be made between the supervisor and employee to reach an equitable resolution. Possible reasons for a supervisor to modify or discontinue a flexible work arrangement include, but are not limited to:

- A change in the business or coverage needs;
- An occurrence of valid negative feedback, from either internal or external customers;

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- Deterioration in performance or attendance;
- Shortages in departmental staff ;
- The flexible work arrangement becomes too disruptive to the rest of the work unit; and/or
- The employee is dissatisfied or his/her needs have changed.

7. Who can I ask for help?

MSU's Office of Human Resources can:

- Assist supervisors in reviewing requests for flexible work arrangements and help find strategies to implement employee requests based on the department's guiding principles and operational needs;
- Assist both supervisors and employees in identifying possible flexible work arrangements; and
- Provide assistance to supervisors and employees in evaluating the effectiveness of flexible work arrangements.
- Help determine the contents of the Letter of Understanding.