

## Alternative Work Arrangements

### **POLICY:**

Generally speaking, work expectations for faculty, exempt staff, and non-exempt staff are established at the time of hire through job postings, formal contracts, letters of appointment, and/or customary expectations for that type of position. These expectations may include “normal” work schedules (i.e., days and hours to be worked) as well as the “normal” work location (i.e., off-campus sites, including, if applicable, the employee’s home).

However, changes in circumstances – whether for the employee or for the University – may require that the employee follow a work schedule or work from a location that differs from the schedule or location that was established when the employee was hired. In cases where the work schedule or location is modified in some regular fashion (for example, changing a schedule or work location for the last week of every month, or changing a schedule or work location entirely from the original requirements of the job description for a certain period of time), alternative work arrangements must be formally approved by the employee’s supervisor and must be fully documented in an Alternative Work Arrangement Agreement.

Alternative work arrangements:

- Must comply with all applicable federal laws, state laws, and University regulations, rules, policies, practices, and instructions;
- May not be suitable for all employees and/or positions;
- Are not an employee benefit or negotiated term of employment;
- Must be formally established whether the arrangements are ongoing or intermittent.

No University employee is entitled to or guaranteed the opportunity to use an alternative work arrangement, and the supervisor may terminate an existing Alternative Work Arrangement Agreement at any time unless an alternative work arrangement is otherwise made an initial or continuing condition of employment.

Employees’ classification, compensation, and benefits will not change if using an alternative work arrangement. Alternative work arrangements will ordinarily be the result of mutual agreement. However, the University may establish alternative work

arrangements as an initial or continuing condition of employment based on the University's business needs.

## **Exceptions**

### **Staff:**

Some staff members work an established schedule that may vary from standard business hours (i.e., 8:00 a.m. to 5:00 p.m.) but that is still a fully defined shift (e.g. someone whose position requires them to work set hours of 9:30 a.m. to 6 p.m.). Other staff members work a "variable schedule," meaning that it is understood that schedules may change based on needs of the department. Variable schedules may exist in areas such as the Library and IITS, where hours of operation may fall outside the standard business day. Staff members who fall in either of these two categories are not required to document their schedules in Alternative Work Arrangement Agreements, since their schedules do not differ from the schedules that were established when they were hired.

Since by definition exempt employees are required to maintain flexible work schedules, this policy will generally not apply to such employees unless changes in circumstances significantly affect the employee's ability to complete their job responsibilities. In these cases, alternative work arrangements must be formally approved by the employee's supervisor and must be fully documented in writing.

### **Faculty:**

It is understood that faculty schedules and definitions of a normal work day differ greatly from non-faculty employees. In addition, when not teaching classes, advising students, or attending on campus meetings or events, ground-based faculty members (both full-time and adjunct) as well as online faculty members may, depending on their assigned duties, work from home or a location other than the main campus. As such, there may be only a few instances in which a faculty member will be required to request alternative work arrangements. Regardless, any information about terms and conditions of employment established under the current collective bargaining agreement between Utica University and the American Association of University Professors – Utica Chapter (AAUP-UC) are deemed to be incorporated into this policy, and in the event of inconsistency between the terms of that agreement and this policy, the terms of the agreement will govern.

### Student Employees:

Student employees, not working with private or sensitive data, are exempted from this policy.

### Seasonal Office Hours:

At their discretion, the President of the University may implement shortened work hours, typically between Christmas and New Year's Day and/or between Commencement and Convocation. In these cases, it is the supervisor's responsibility to ensure that critical office operations are covered as necessary.

### **SCOPE:**

This policy applies to all regular full and part time employees of Utica University at all University locations. It does not apply to student, temporary, or seasonal employees.

### **REASON FOR POLICY:**

Utica University recognizes the value that alternative work options provide to both employees and the University. Alternative work options can also have an important environmental benefit, reducing traffic congestion and pollution. At the same time, the University must ensure that the needs of those whom it serves are being met. The University must additionally protect scarce resources by ensuring that employees fulfill their job responsibilities and expectations as outlined in job postings, formal contracts, letters of appointment, and/or customary expectations. Furthermore, the University has an obligation to comply with state and federal labor laws. Finally, while not directly addressed by this policy, the University must protect its assets, including computer equipment, office furniture, and proprietary and/or confidential information.

### **DEFINITIONS:**

**Alternative Work Arrangement:** A work option that changes the employee's work schedule in ways that are not otherwise addressed through policy, job description, appointment letter, or other document, or that offers employees an alternative location (alternative work site) from which to perform the work. An alternative work arrangement may include both an alternative work schedule and an alternative work site. In any case, unless made a specific requirement of the job, the alternative work arrangement must be agreed to by the supervisor and the employee and in most cases will require a written agreement.

### **Types of Alternative Work Arrangements:**

**Telecommuting:** A work arrangement where an employee of the University works at an approved alternative work site for an agreed period of time.

**Alternative Work Schedule:** A work arrangement where an employee of Utica University works an approved alternative work schedule that enables completion of their scheduled hours per week in variance to the typical or regularly scheduled work week. Types of alternative work schedules include:

- **Compressed Work Schedule:** An alternative work schedule completed in fewer than five full workdays per week.
- **Extended Work Week:** An alternative work schedule where an employee works fewer hours each day and satisfies their hours per week by extending the number of days worked (e.g., working six 6.25 hour days).
- **Variable Work Week:** An alternative work schedule where an employee works more hours on some days and fewer on others.

**Job Sharing:** A work arrangement where two staff members share the responsibilities of one full-time position, in which each staff member shares a specific proportion of a full-time position. Employees who job share must be considered part-time employees. Eligibility for benefits will be determined by the number of hours worked per week as outlined in each benefits summary plan description.

## **Other Definitions**

**Alternative Work Schedule:** An acceptable schedule, agreed to by the supervisor and employee, that enables completion of scheduled hours per week in variance to the typical five-day, 37.5 hour work week.

**Alternative Work Site:** An acceptable site for performing job duties and responsibilities outside the official University office where business is normally performed. Such locations may include, but are not necessarily limited to, employees' homes and satellite offices.

**Overtime:** For purposes of alternative work arrangements only and applicable to non-exempt employees only, hours in excess of the approved alternative work schedule. This is not the same as overtime pay, which is invoked only after 40 hours in a work week in accordance with New York State law.

**Alternative Work Arrangement Agreement:** The formal written agreement between the supervisor on behalf of the University and the employee that details the terms and conditions of an employee's alternative work arrangement.

**Work Schedule:** The employee's established hours of work.

**PROCEDURE:**

1. Alternative work arrangements must be documented in an Alternative Work Arrangement Agreement. The employee must sign the document indicating their understanding of all expectations as outlined in the agreement.
2. Alternative work arrangements must be reviewed and approved by the Office of Human Resources before they take effect.
3. Alternative work arrangements must be reviewed after three months to determine if the needs of the University and those whom the University serves are being met. Upon completion of a positive three-month review, the arrangement will then be in effect for an additional 12 months unless earlier terminated or modified as provided in this policy. The arrangement may be renewed annually. Renewals will include the three-month review unless the employee and their supervisor feel that more or less time is appropriate. If the arrangement is to be extended with no change in terms except the end date, it may be renewed via an email from the supervisor to the department head. Once the department head and any other required departmental approvals have been given, the renewal must be submitted to the Office of Human Resources.
4. Additionally, a review of an alternative work arrangement will be part of the supervisor's annual review of the employee.
5. All Utica University policies, rules, and practices, including the Employee Handbook, if applicable, will apply to the alternative work arrangement. Failure to follow policies, rules, and practices may result in termination of the arrangement and/or disciplinary action.
6. An alternative work arrangement may be terminated at any time by either party unless the arrangement was a condition of employment. Employees should provide reasonable advance notice, particularly if their agreement works in concert with the agreements of colleagues in their department. Supervisors should provide reasonable advance notice of termination of an alternative work arrangement unless termination of the arrangement is in response to a work-

related performance or disciplinary action, or unforeseen University needs. If the agreement is modified or ended, the supervisor will send correspondence to that effect to the Office of Human Resources with a copy to the department head.

7. Most offices and departments are to be open during regular business hours (normally 8:00 a.m. to 5:00 p.m., Monday through Friday). However regular business hours may be adjusted depending upon the needs of the department and the needs of the University.

8. If an employee works more than six hours in a day, a half-hour lunch break is mandatory. The lunch break cannot be shortened or eliminated to support an alternative work arrangement. For example, if an employee is working a compressed schedule of four 10-hour days, the employee must take a 30-minute lunch period. They cannot work 10 consecutive hours without a lunch break.

9. Full-time non-exempt employees must record a minimum of 37.5 hours inclusive of Flex Time (see Flex Work policy) or 75 hours over two weeks, including approved leave, during a full-time work week, Sunday through Saturday. As a reminder, exempt employees are paid for 81.25 hours per pay, inclusive of Flex Time, because they have less pay periods (24 vs. 26) on an annual basis. If a paid University holiday falls on the employee's regularly scheduled work day, the employee will be credited with a full day of holiday pay for that day, based on their scheduled work hours. For example, if an employee's arrangement includes a 10-hour work day, they will be credited with an entire day of pay (10 hours of pay) for the recognized holiday.

10. Annual performance evaluations of employees who engage in alternative work arrangements must indicate a satisfactory performance level. Faculty members are subject to performance criteria as outlined in the current collective bargaining agreement.

11. Work duties must be arranged so as not to alter the essential job responsibilities or compromise the level of service, either by the employee or the department. Employees who have alternative work arrangements are required to be accessible according to the requirements of the job and the expectations of the supervisor. Supervisors may ask an employee who has an alternative work arrangement to post their schedule and contact information for

the benefit of others in the department or elsewhere in the University who need regular access to the employee.

12. Employees' classification, compensation, and benefits will not change based upon their acceptance of any alternative work arrangement.

### **Alternative Work Schedules**

1. Employees who record leave while on an alternative work arrangement must record all types of leave based upon their alternative schedule. For example, a full-time employee who uses vacation leave on a compressed three-day, 12.5 hour schedule must account for 12.5 hours of work on a work day, not 7.5 as if on a regular schedule. Leave that is not accrued or awarded annually to the employee (e.g. University leave) is limited to up to 7.5 hours per day. Employees must account for the difference in their work day by working the relevant number of additional hours during the pay period or by using other appropriate leave (e.g. annual, recognition, compensatory, etc.).

2. Alternative work schedules, such as rotating shifts or a compressed work schedule, may be developed to allow departments to provide services outside traditional hours of work or to meet employee needs. Schedule adjustments will not result in an employee working more or less than their prescribed hours during a pay period. Alternative work schedule arrangements will not necessarily result in compensatory time or overtime pay. The supervisor must establish clear procedures to track time worked and to document hours worked by employees covered under the Fair Labor Standards Act.

### **Alternative Work Locations**

1. Alternative work arrangements must be designed to ensure the following quality assurance controls:

- Telecommuters are considered agents of the University and will adhere to all University policies, rules, practices, and instructions as well as state and federal laws.
- Work performed offsite is considered official University business; therefore all work objectives and tasks must be clearly defined with measurable results

for the flexible work position. The supervisor will monitor deadlines and work produced and will measure and evaluate offsite work performance.

- Work performed at alternative locations should require minimal supervision or in-person contact with those whom the University serves. The employee should demonstrate work habits and performance suited to successful alternative work arrangements.
- Employees must report to a campus location as needed for work-related meetings or other events or may meet with supervisor or others in the alternative work site as requested by their supervisors to discuss work progress or other work related issues.
- Employees working from home or an alternative site during a University closing (other than campus holidays) are expected to continue working unless the closing somehow prevents them from working. Telecommuting employees working during an authorized closing do not receive compensatory time off.
- Supervisors will ensure that employees who are working from an alternative work site do not take proprietary, confidential, or restricted access materials from their official office without the written consent of their supervisor.
- Employees working offsite are responsible for the security and confidentiality of any information, documents, records, or equipment in their possession. When the offsite work involves remote access of the University's computer network, remote users must abide by the University's security standards relating to remote access. All remote access involving private or sensitive data stored on the University network requires encryption. The University will provide the encryption mechanism that is appropriate for the level of access and the data involved. Sensitive data should not be included in email messages unless there is an adequate form of encryption being used. See the Utica University security website for network data security protocols. For more information, see the University's Responsible Use of University Computing Resources policy.
- Employees must certify that the offsite work environment is safe and they must practice the same safety habits they would use on-site at Utica University. (A safety confirmation statement is included in the Alternative Work Arrangement Agreement.)
- Telecommuting may be used as an opportunity for partial or full return to work, if appropriate (i.e. if deemed appropriate by a physician in the case of medical leaves), in cases of Short-Term Disability, Worker's Compensation, Family and Medical Leave, and illness. In such cases, it must be by agreement of the employee, their supervisor, and the department head. Telecommuting is not intended to be used in place of leave taken for these reasons.

- The approval of a position for telecommuting does not mean that any employee who later may fill that same position would be authorized to work under the same arrangement.

## **RESPONSIBILITY:**

The Vice President for Human Resources and Personnel Development is responsible for the administration, implementation, and interpretation of the Alternative Work Arrangements policy.

The Office of Human Resources will audit and maintain records of Alternative Work Arrangement Agreements to ensure compliance with all University policies as well as state and federal laws. The Office of Human Resources will provide training and guidance on the application of the Alternative Work Arrangements policy, as well as maintaining all forms and documentation on the Human Resources home page (<http://www.utica.edu/hr/>).

Employees who have alternative work arrangements (as defined by this policy) prior to the effective date of this policy will review the arrangement with their supervisor on the anniversary of the date an alternative arrangement began, or at the time of their annual performance review, whichever comes first. If it is determined at the review that the alternative work arrangement will continue, an Alternative Work Arrangement Agreement must be completed and signed by the employee and the supervisor.

Supervisors are responsible for assuring that approved alternative work arrangements are within the scope of this policy and establishing the quality assurance controls outlined under Procedure above, where applicable.

Employees working offsite must comply with all federal and state laws and University policies, practices, and guidelines. They must notify their supervisors immediately of any situation that interferes with their ability to perform their jobs, and they must obtain prior supervisory approval for overtime, if applicable.

This policy does not provide for every contingency that may arise. Supervisors and employees entering into Alternative Work Arrangement Agreements based upon this policy will endeavor to work together to resolve any unforeseen situation that may arise. Supervisors may start, modify, or end an Alternative Work Arrangement Agreement at any time.

## **ENFORCEMENT:**

Enforcement of Utica University policies is the responsibility of the office or offices listed in the "Resources/Questions" section of each policy. The responsible office will contact

the appropriate authority regarding faculty or staff members, students, vendors, or visitors who violate policies.

Utica University acknowledges that University policies may not anticipate every possible issue that may arise. The University therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by an officer of the University (i.e. President, Provost and Senior Vice President for Academic Affairs, Vice President for Financial Affairs, or Vice President for Legal Affairs and General Counsel).

**RESOURCES/QUESTIONS:**

For questions regarding the implementation and interpretation of this policy, employees may contact the Office of Human Resources at (315) 792-3276 or via e-mail at [hr@utica.edu](mailto:hr@utica.edu).

Please note that other Utica University policies may apply or be related to this policy. To search for related policies, use the Keyword Search function of the online policy manual.

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