

# Flexible Work Arrangements

Policy 602.36

## 1 Introduction

Appalachian State University recognizes that flexible work arrangements may promote the recruitment and retention of a highly qualified workforce, economies with respect to facility utilization and other institutional operating expenses, and staff engagement and productivity. Accordingly, university managers may implement flexible work arrangements to meet operational needs and to provide enhanced flexibility to both employees and management, pursuant to the provisions of this policy. Flexible work arrangements may not be available to all employees, based on the nature of their work, and this policy does not create a guarantee, right, or entitlement to any specific flexible work arrangement for any employee.

## 2 Scope

2.1 This policy applies to permanent and temporary EHRA Non-Faculty and SHRA university staff.

2.2 This policy applies to structured, recurring work arrangements. Sporadic, nonrecurring work flexibility to address short-term operational or employee circumstances may be granted at management discretion and is not subject to the requirements of this policy.

## 3 Definitions

### 3.1 Flexible Work Arrangements

Recurring adjustments to an employee's scheduled work hours, scheduled workweek, and/or customary work location.

#### 3.1.1 Flexible Schedule Arrangements

Recurring adjustments to an employee's daily and/or weekly work schedule. Flexible work schedules may include, for example, adjustments to the start and end times of an employee's scheduled work day and/or adjustments to an employee's scheduled workweek.

#### 3.1.2 Remote Work Arrangements

Recurring adjustments to an employee's customary work location involving the employee performing assigned work from a location other than their designated university duty station.

### 3.2 Duty Station

An employee's designated on-site university work site. All employees must have a designated work site at a university facility, which is considered their duty station regardless of any approved flexible work arrangement.

## 4 Policy and Procedure Statements

### 4.1 Eligibility for Flexible Work Arrangements

Flexible work arrangements may not be available to all employees, based on the nature of their work, and this policy does not create a guarantee, right, or entitlement to any specific flexible work arrangement for any employee. Decisions regarding the establishment of flexible work arrangements are management discretion. In directing or approving flexible work arrangements, management is expected to exercise reasonable judgement and should, at minimum, consider the following factors:

- Operational and customer service needs of the work unit;
- Employee work performance;
- Labor market forces and market competitiveness;
- Ability to measure and manage employee work hours, productivity and performance; and
- Equity among employees within the unit in the availability and terms of flexible work arrangements.

### 4.2 General Provisions for Flexible Work Arrangements

#### **4.2.1 Impact on Business Operations and Campus Services**

Flexible work arrangements may not adversely impact university business operations or limit or adversely impact the delivery of any university services to any constituency.

#### **4.2.2 Impact on Duties, Performance Standards, and Other Staff**

Flexible work arrangements may not reduce or fundamentally alter the work responsibilities, performance standards, or attendance standards of an employee or add responsibilities to any other university employee.

#### **4.2.3 Hours of Work and Overtime**

Flexible work arrangements may not establish a work schedule under which any employee subject to overtime under the Federal Fair Labor Standards Act is scheduled to perform work in excess of forty hours in any workweek.

#### **4.2.4 Periodic Review, Alteration, and Revocation**

All flexible work arrangements must be reviewed by management periodically and may be altered or revoked by management at any time, based on operational needs of the work unit, unsatisfactory employee performance, or violations of the conditions of this policy. Initial approvals for flexible work arrangements should be assessed for viability approximately 60 days after initial approval and at least annually thereafter during the annual performance appraisal process. Management must provide employees notice of at least 30 calendar days prior to revocation of, or significant changes to, an employee's approved flexible work arrangement. Exceptions to the notice requirement may be made, in consultation with the Office of Human Resources, due to employee misconduct, significant performance deficiencies, and/or to address critical operational needs.

#### **4.2.5 ADA Accommodations**

Flexible work arrangements are determined and administered separately from reasonable workplace accommodations under the Americans with Disabilities Act (ADA). Flexible work arrangements are not intended to substitute for the interactive reasonable accommodations process required under the ADA or to meet the University's ADA obligations. Requests for ADA workplace accommodations must be made through the University's Office of Disability Resources.

#### **4.2.6 Approvals and Documentation**

All flexible work arrangements must be requested, approved, and documented using a Flexible Work Arrangement Agreement Form and following procedures implemented by the Office of Human Resources. The form and procedures are available on the Office of Human Resources website at: [https://hr.appstate.edu/flexible\\_work\\_arrangements](https://hr.appstate.edu/flexible_work_arrangements). All proposed flexible work arrangements require approval by the employee's immediate supervisor, the employee's second-level supervisor, and review by the Office of Human Resources for compliance with the conditions of this policy.

#### **4.2.7 Position Specific**

All flexible work arrangements are position-specific. Approved arrangements do not transfer with an employee who changes positions within the University and arrangements applying to a specific hire into a position do not automatically transfer to subsequent hires for the same position.

### **4.3 Additional Provisions for Remote Work Arrangements**

#### **4.3.1 Full-Time Versus Hybrid Remote Work Arrangements**

The University considers in-person engagement with colleagues, constituents, and the larger campus community to be an important part of the employment relationship. Accordingly, it is generally required that approved remote work arrangements be hybrid arrangements involving a combination of on-site and remote work. Full-time remote work arrangements may be approved by management only in exceptional circumstances necessary to meet specific operational needs of the University and/or when necessary to fill vacancies or retain employees in critical positions where the full functions of the position can be performed remotely.

#### **4.3.2 Reasonable Commuting Distance**

Employees approved for remote work arrangements are expected to work within a reasonable commuting distance to their designated on-site duty station, to be able to report to their duty station within a practical period of time when directed due to operational needs and/or changes to or revocation of their flexible work arrangements. Exceptions may be made to the reasonable commuting distance based on operational needs and/or when necessary to fill critical vacancies.

#### **4.3.3 Out-of-State Work**

As a state government entity, the University is committed to contributing to the economy of the State of North Carolina, in part by employing people who reside in the State to the greatest extent possible. Accordingly, recurring remote work arrangements will generally not be established where the employee would primarily perform their assigned work outside of the State. In exceptional circumstances where an employee is approved to perform work remotely from another state, including newly hired employees unable to relocate to North Carolina prior to the commencement of employment, the hiring department must consult with the University's Office of the Controller to ensure that any applicable out-of-state tax compliance requirements are implemented prior to the commencement of compensable work.

#### **4.3.4 Remote Work Location and Travel**

Employees with approved remote work arrangements are not eligible to receive mileage or other expense reimbursements for travel between their remote work location and their assigned duty station. Generally, travel between the remote work location and the assigned duty station should occur outside of the employee's scheduled work hours. Where it is necessary, for business-related reasons, for an employee to travel between their remote work location and their assigned duty station during their scheduled work hours, the travel time will be considered compensable work time. Employees may be eligible for travel expense reimbursement for business-related meetings and events that take place off-campus, in accordance with applicable university travel policies and procedures.

#### **4.3.5 Resources for Remote Work Arrangements**

4.3.5.1 The University may provide employees with office supplies and/or equipment to support remote work arrangements as management deems appropriate to ensure that operational needs of the work unit can be met.

4.3.5.2 Generally, the University will not provide internet service to support remote work arrangements, except in instances where the arrangement is compelled by the University for business-related reasons and the employee does not otherwise subscribe to such service for personal use.

4.3.5.3 Reimbursement for any out-of-pocket expenses incurred by an employee under a remote work arrangement requires prior approval by the supervisor.

4.3.5.4 The Flexible Work Arrangement Form must include a complete inventory of equipment and materials used at an employee's remote work location.

4.3.5.5 Employees with remote work arrangements understand and agree that university-owned resources will be used primarily for official university business in accordance with university policies and will take reasonable steps to protect all university property from theft, damage, or misuse.

4.3.5.6 In the event of an employee's separation from employment with the University, or the termination of a remote work arrangement, employees are responsible for returning all university property and resources used at the remote work location no later than the employee's separation date or date of termination of the remote work arrangement.

#### **4.3.6 Safe and Secure Work Environment**

4.3.6.1 Employees with remote work arrangements must maintain appropriate data security standards and maintain a work environment free from hazards or potential workplace injuries.

4.3.6.2 The security, confidentiality, and integrity of university records and information must be protected and employees working remotely must comply with all information security requirements that would apply at the on-site work location. Sensitive information and data must not be processed or stored on a personally-owned computer or device. Employees must complete and adhere to all

4.3.6.3 information security training required by the University's Information Technology Services or the Office of Human Resources.

4.3.6.4 Employees working under remote work arrangements are covered by workers' compensation for job-related injuries that occur in the course and scope of employment during the employee's approved work hours.

4.3.6.5 Documentation of all remote work arrangements must include completion of a Workplace Safety Attestation and Checklist in addition to the Flexible Work Arrangement Form. The Workplace Safety Attestation and Checklist is available on the Office of Human Resources website at: [https://hr.appstate.edu/flexible\\_work\\_arrangements](https://hr.appstate.edu/flexible_work_arrangements).

#### **4.3.7 Professional Workplace Conduct**

When working from a remote work location, employees are expected to perform their job duties with the same level of professionalism as is expected for on-site work. Employees must be able to perform their duties free of non-work-related obligations and unreasonable interruptions to the greatest extent practicable. Personal appointments and attending to personal business should be kept to a minimum during normal business hours unless otherwise approved by the employee's supervisor and covered as needed by accrued personal leave. When participating in video conferences, employees should dress appropriately and take reasonable steps to minimize background noise and disruptions.

#### **4.3.8 Compliance with University Policies**

Work performed under a remote work arrangement remains subject to all applicable laws and university policies as if it were performed on-site. These provisions include recordkeeping for work hours and leave, prohibitions on discrimination and workplace harassment, and records retention obligations.

**5 Additional References**

**6 Authority**

UNC Policy Manual 300.8.6[R] - Regulation on Flexible Work Arrangement and Remote Work

**7 Contact Information**

Office of Human Resources | 828-262-3187

**8 Original Effective Date**

June 13, 2022