

FLEXIBLE WORK FRAMEWORK

BACKGROUND:

Concordia University, St. Paul strives to be a workplace where employees are empowered to do their best work. As the employment landscape changes, we find that it is important to adapt and to add value by creating a work environment that cultivates employee engagement and empowerment while enhancing employee recruitment and retention. We recognize that an employee's work environment sets the stage for how they engage with students, employees, partner employers, and others they serve. We aspire to create flexible work environments that foster employee success and support the needs of the departments and the constituencies they serve well.

In creating this flexible work framework, we desire to provide guidelines for flexibility to individual departments while at the same time establishing a common foundation to ensure there is fair and equitable opportunity for similarly-circumstanced employees. Each department leader is empowered to review all positions within their area and determine which are appropriate for a flexible work arrangement and which, due to the nature of the position's role and responsibilities, are not eligible for such a plan.

As we continue to adapt to this changing employment landscape, we will continue to assess what is working well and where adjustments are necessary.

FRAMEWORK OVERVIEW

Our flexible work framework provides employees in roles as determined to be eligible by the department leader the flexibility to adjust their work location and/or work hours with the initial agreement of their supervisor and/or department leadership, and approval by their department Vice-President. Flexible work arrangements should be practical for the employee and prioritize for the business needs of the university.

When evaluating an employee-initiated flexible work arrangement request, the supervisor must determine that the employee can effectively perform the duties of the position while working away from their predominant work location or working hours outside of the traditional business hours of the University. The supervisor must also determine that the flexible work arrangement conforms with applicable regulations, statutes, and policies. Requests to work remotely as an accommodation for a qualifying condition under the ADA or to comply with the Family Medical Leave Act should be made through the Human Resources Department.

Flexible Work Arrangement Defined

A flexible work arrangement refers to an agreement where an employee works away from their predominant work location and/or has hours outside of the traditional business hours of the University. Depending on the details of the arrangement, a flexible work agreement constitutes

either a portion of the employee's work time or all of it within a specific day. Typically, the flexible work arrangement is initiated by an employee's request or by a determination of the University.

Supervisors must determine the feasibility of an employee-initiated flexible work arrangement request before approving it. The arrangement is intended to benefit the employee without putting undue burden on the supervisor or the rest of team.

To help ensure that employees continue working effectively under a flexible work arrangement, supervisors should develop a flexible work plan and agreement.

Types of Flexible Work Arrangements

University-Imposed Flexible Work Arrangements are initiated by the University in response to a medical or natural emergency that moves University operations online to preserve the health and well-being of both students and employees. The arrangement is intended to persist only for the period of time during which the University has determined a need. The University is unable to honor requests for a flexible work arrangement for the purposes of self-imposed monitoring or isolation.

Regular Flexible Work Arrangements are supported by a written agreement that specifies the requirements and details of the arrangement. The arrangement is intended to continue indefinitely with periodic reviews to ensure the business needs continue to be met and performance remains satisfactory. The arrangement must comply with any school, college, or department requirements which should be specified in the agreement. These arrangements are either requested by the employee or required due to the nature of the position. The Flexible Work Evaluation Process is initiated with the submission of a Flexible Work Plan and Agreement. After initial approval by the direct supervisor, the request is submitted for approval by the department Vice-President, and finally submitted to Human Resources for an equity analysis.

Temporary Flexible Work Arrangements are approved on a case-by-case basis and are regularly scheduled for a specific time-period that is limited in nature. Approval must be documented to the manager's employee file and is not required to be submitted to HR.

Examples of supported occasional flexible work arrangements may include:

- Has an ongoing but temporary personal need at home, such as meeting service technicians
- Has a temporary workplace disruption, such as office remodeling
- Needs to devote concentrated effort to a project without disruption

Occasional Flexible Work Arrangements are approved on a case-by-case basis and are not regularly scheduled. Approval should be documented by the supervisor in the manager's employee record and is not required to be submitted to HR.

Examples of when occasional flexible work arrangements can be used may include:

- Has a single/limited instance of a temporary workplace disruption, such as office remodeling
- Has a midday appointment where travel between work and back would be prohibitive

Flexible Work Evaluation Process

Both non-exempt (hourly) and exempt (salaried) regular employees may request a flexible work arrangement. Considerations for a flexible work arrangement will be based on a number of factors, which should include, but may not be limited to:

- Department needs
- Duty portability (can the duties of the position be completed away from the predominant workplace?)
- Degree of student-facing interactions
- Interrelationship with duties of other persons
- In-person visitor/customer traffic
- Current and past productivity and performance considerations

Upon receipt of an employee-initiated request through the Flexible Work Agreement and Plan, the supervisor will evaluate the proposal. As part of the proposal's consideration, how the proposal will affect both the employee and the rest of his/her business unit are important. Any potential issues and ways to address those issues must be identified and resolved prior to moving the request on in the process.

Process for consideration of a flexible work agreement should include:

- A. Skill Evaluation: When evaluating a flexible work request, consider how well the employee has demonstrated the kind of skills and work habits that working off site will require. These include the ability to:
 - Prioritize work to meet deadlines
 - Accomplish job duties with minimal supervision
 - Communicate effectively with clients, customers, and team members
 - Attend meetings and other events on time
 - Have an understanding of the liability involved in engaging in a flexible work agreement and be willing to provide evidence of insurance coverage
- B. Productivity Evaluation: An evaluation of the employee's ability to continue to be effective and productive while working offsite must be completed. To maintain this accountability, the supervisor should discuss the following expectations with the employee requesting flexible work:
 - How the supervisor will stay informed about the employee's work
 - How the team will stay informed about the employee's work
 - Effective ways to facilitate communication while working offsite
 - When in-person attendance is required
- C. Responding to the flexible work request:
 - If the request to have a flexible work arrangement is approved, the employee and supervisor should document the expectations and terms of the agreement on the Flexible Work Arrangement and Plan. Once the terms are documented, both the employee and the direct supervisor must sign the plan. For Regular Flexible Work Arrangements, the completed document must be sent to the department's Vice-President for approval and then to HR for an equity review before the flexible arrangement is scheduled to begin.
 - If it is uncertain that the proposed flexible work arrangement can be successful, allowing the employee to work away from the predominant workplace and/or hours

outside of traditional University hours on a temporary basis should be considered. Any flexible work agreement should have a clear and finite initial review period after which time a final decision on the arrangement will be made.

- If the flexible work arrangement request is denied, the supervisor should explain the denial based on both the proposal's impact on department operations and, if relevant, the employee's work record. Concerns about accommodation-related flexible work requests must be discussed in collaboration with the Director of Human Resources.

D. Document the flexible work arrangement: The goal when working together to create the agreement is to ensure that both the supervisor and employee have a clear, shared understanding of the terms and expectations of the flexible work arrangement. The content of the agreement should follow the general provisions of the Flexible Work Plan and Agreement. At a minimum, the agreement must define:

- A work schedule that specifies flexible workdays and work times during each day
- How to make short-term changes to specified flexible work days
- The length of the flexible work arrangement
- How the flexible work arrangement may be terminated
- When the employee is required to be available, either at home or at the predominant work location

In addition, the flexible work agreement parameters should be considered in the evaluation process for the employee's job performance.

Flexible Work-related Policies and Practices

Both supervisors and employees must understand comply with the following policies:

Environment Expectations

1. The employee will have a suitable work location offsite. A suitable work environment includes being free of distractions and/or noises that customers (employees, clients, students, etc.) may detect as being non-office sounds. In addition, the employee must alternate care for children or vulnerable adults who require supervision. The employee will maintain a professional appearance for all video conferences and presentations.
2. Employees are responsible for the cost of their own confidential, professional work space including their own computer monitors and other accessories, office furniture and equipment, and supplies. Duplicate equipment, office furniture, or other accessories for both onsite and flexible work will not be provided. An exception to this may be made based on Americans with Disabilities Act (ADA) requirements if it is determined that the university should make reasonable accommodations. For ADA requests, please speak directly with the Director of Human Resources.
3. Employees will provide, at their own expense, a secure broadband internet connection and related hardware to ensure they have reliable connectivity. All work performed off site must be through a secure internet connection. Employees should work with Network Services if they are unsure whether their internet connection is secure.
4. Reasonable steps must be **taken** to ensure that university property is used in compliance with University policy. This includes complying with all software licensing agreements. The security and confidentiality of all university records and data must also be protected in a safe environment.
5. The university's help desk and IT staff will ensure that university-owned computers and software are working properly. In the event that any issues are not able to be resolved over the phone, it will be the employee's responsibility to bring the equipment to the university for troubleshooting.

6. Flexible work arrangements must comply with State and Federal employment laws. This includes the Fair Labor Standards Act (FLSA) which regulates the payment of overtime for non-exempt employees. Non-exempt employees are required to accurately record the hours they work to ensure that they are paid for all hours worked and to verify the actual hours worked in relation to their scheduled and pre-approved hours. The university requires approval of overtime *before* it is worked.

Employee Expectations

1. Employee job responsibilities, expectations, and the amount of work time will not change due to a flexible work arrangement. Employee work hours will be mutually agreed upon by the supervisor and the employee. While individual department hours may vary to serve their students and other constituents, our core university business hours will be 8 a.m.-4:30 p.m. CT.
2. Employees will be accessible to the same extent as if they were onsite. Arrangements should include the ability to contact employees directly by the same methods as are used onsite by the department, e.g. phone, email, etc. Flexible work response time expectations should be equal to that of onsite response time expectations.
3. Any change requested by an employee in the flexible work arrangements will be reviewed and a decision to approve or disapprove will be made by the supervisor in advance and documented using the Flexible Work Arrangement and Plan form. No changes will be effective until this process is completed and submitted to Human Resources.
4. The supervisor and employee should communicate at a level consistent with employees working at the office or in a manner and frequency that seems appropriate for the job and the individuals involved.
5. Employees are responsible for storing and/or destroying their CSP business-related information securely. Electronic files must be stored on the CSP network and/or in CSP Google docs. Paper files must be secured in a locked filing cabinet, and if needed, brought to the university for shredding.
6. Employees must adhere to all university policies governing employee work.
7. It is the responsibility of the employee to obtain at the employee's cost any appropriate permit/license for their home office, if required by zoning laws in their area. Employees should consult their city or county with questions.

Limitations

Employees may not conduct in-person university business meetings or conduct personal interviews in their homes.

To ensure accessibility for all employees, a flexible option should be provided with each meeting unless onsite attendance is deemed essential by the supervisor in charge of the meeting.

Based on department goals and needs, supervisors may designate that a minimum number of employees be onsite daily. Additionally, supervisors will work to make a daily onsite presence equitable across employees in the department.

While employees who are approved for a Flexible Work Plan and Agreement are empowered to enact the terms of their plan, the University reserves the right to revoke an approved plan due to documented underperformance or repeated non-response or unavailability during peak work times.

Workers' compensation

The university will provide workers' compensation insurance as required by state law and liability protection under the university's insurance program for the employee while in the course and scope of employment within the agreed upon location and defined work schedule. The university assumes no responsibility for any activity, damages, or injury which is not directly associated with or directly resulting

from the official job duties and for which the university has no ability to exercise control. The university assumes no responsibility for the employee's personal safety while working offsite.

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.

A designated workspace should be maintained by the employee in a clean, professional, and safe condition.

Any injury that occurs within the course and scope of employment must be reported according to state and federal reporting requirements.

Tax implications

Federal and state tax implications of offsite work and use of a home office are the responsibility of the employee.

The university will withhold taxes for the State in which an employee primarily works. It is the responsibility of the employee to notify the Office of Human Resources and to complete new tax withholding forms in the event that the employee's primary work location changes. Employees should consult with their tax professional for assistance.

Travel/Expenses

Commuting travel expenses for employees who voluntarily work away from the predominant workplace are not reimbursed, just as they are not for onsite workers.

Employees engaged to work primarily offsite and who live outside of reasonable commuting distance may on occasion be reimbursed for travel to the university as negotiated between the supervisor and employee. Each department should be mindful of consistency and have a rationale for travel reimbursement decisions.

All requests for flexible work arrangements will be treated equitably. The university adheres to all federal and state anti-discrimination laws in approving requests for flexible work arrangements.