

## **University of Akron Flexible Work Arrangement (FWA) Frequently Asked Questions (FAQs) for Employees**

### **1. Can my FWA be changed? Who can make a change?**

The first priority for a first-level supervisor is to have an appropriately staffed and functioning unit; therefore, if something changes in the unit an FWA may need to be altered. First-level supervisors are encouraged to provide reasonable notice to an employee when changing or terminating an existing FWA unless an immediate or critical need necessitates a shorter notice. When practical, the University will give employees a thirty (30) day notice prior to discontinuing or modifying a previously approved and documented FWA. However, FWAs can be discontinued without notice, particularly where the discontinuation is based on documented failure to meet job expectations or misconduct. Notification of the required change shall be documented in writing. The employee may request to terminate the FWA at any time.

### **2. What happens if a meeting, training session or important event is scheduled during a time I am not scheduled to work due to a flexible time or condensed work week FWA?**

It is important to remember that the work of the University and the department must not suffer as a result of employees using FWAs. There will be events or meetings that cannot be scheduled around an employee's FWA. The employee and first-level supervisor would need to discuss and determine how scheduling issues will be handled. In some cases, the employee may need to come to campus to fulfill certain job responsibilities. When scheduling, care should be taken to avoid creating overtime for non-exempt (hourly) employees.

### **3. What if I don't have an approved FWA and my schedule needs to be adjusted for a short period of time. Do I need to fill out an FWA Request Form?**

If a schedule is being adjusted for a short time, less than three (3) months, employees should use the FWA Request Form and check the box noting that the request is temporary. Temporary FWAs for three (3) months or less do not require approval from the second-level supervisor. Approved Temporary FWA requests that will result in remote work of twenty (20) days or more in a calendar year must be forwarded to Human Resources. Failure to follow this procedure could result in improper tax withholding.

### **4. What do I do if my FWA isn't working out?**

It is up to the employee and first-level supervisor to ensure that the FWA is mutually beneficial. The employee should have a discussion with their first-level supervisor to address any concerns with the agreed upon arrangement. An employee should also consider whether a modification to the existing arrangement might be necessary.

**5. What if my FWA request is denied, is there an appeal process?**

No. There is no formal appeal process. The priority for a first-level supervisor is to ensure that the unit is appropriately staffed and functioning. An individual FWA may not be feasible based on the unit's business and operational needs. Supervisors are encouraged to be transparent in their decision-making process so that an employee understands why a request may be denied.

**6. Can a request for an FWA for the same position but in different entities or schools be handled differently? Can one be approved and the other denied?**

Yes. Since every job, employee and work situation differs, it cannot be assumed that the same decision is appropriate for two similar positions. First-level supervisors know best their unit's operations and are responsible for final decisions on how to complete the unit's operational responsibilities successfully. First-level supervisors have the authority to approve or deny an FWA, or to postpone consideration of flexible arrangements to another time.

**7. Can a supervisor mandate work arrangements for an entire unit or department?**

A first-level supervisor may change work schedules and arrangements to accommodate and meet organizational needs. However, first-level supervisors are encouraged to consider individual scheduling preferences and to make best efforts to respond to FWA requests.

**8. May I work in a location outside of Ohio under an FWA?**

No. FWAs are limited to work within the state of Ohio. Regulations related to employment law, unemployment, workers compensation, and local payroll tax are dependent on the location where the employee works and not the location of the employer. Due to the complexities of complying with the laws and regulatory requirements of multiple jurisdictions, the FWA policy currently limits remote work to the state of Ohio. The University plans to consider an expansion to other states in the future.

**9. Who is eligible to request an FWA?**

All staff, contract professionals and non-bargaining unit faculty are eligible to request an FWA. However, not all positions lend themselves to flexible work, and not all employees are good candidates for an FWA. (Please note that further discussions are pending with Akron-AAUP regarding bargaining unit faculty eligibility.)

**10. May an employee request an FWA after the dates identified in the implementation plan?**

Yes. The FWA policy is ongoing, and new FWAs or changes to existing FWAs may be requested at any time. The implementation dates serve as a guide for initial implementation to correspond with the physical return of employees to campus following the COVID-19 pandemic.

## **Benefit/Payroll Issues**

### **1. How are vacation, sick leave and holidays calculated under a flexible work arrangement?**

Vacation, sick leave and holidays are calculated the same for employees on an approved FWA as they are for those employees that aren't. Tracking these hours is the responsibility of the employee and their first-level supervisor.

### **2. How does an employee on an FWA record sick or vacation time?**

When employees use sick or vacation time, they must indicate the hours they were regularly scheduled to work. For example, if a non-exempt employee is regularly scheduled to work four (4) ten (10)-hour days each week and is sick on one of the scheduled days, they must indicate ten (10) hours of sick leave on their weekly timesheet.

### **3. What happens if there is an inclement weather event that affects campus operations on a day I am not scheduled to work due to a condensed work week or flexible time FWA?**

An inclement weather event that affects campus operations on an employees non-scheduled workday will have no impact on their work time.

### **4. How would an FWA affect my benefits?**

As long as an employee's total regular work hours remain the same, employee benefit eligibility will remain the same.

### **5. Does an FWA impact my taxes?**

FWAs that utilize a flexible workplace (remote location) may impact payroll taxes. The University is required to withhold payroll taxes for the location in which an employee is working. It is imperative that if an employee's off-campus schedule or remote location changes, a new FWA Request Form is submitted so that payroll taxes may be adjusted accordingly, if necessary.