

# The University of Akron Flexible Work Arrangement Policy

Issued: June 2021

The University of Akron (University) recognizes the growing demands on employees and the increasing challenge of finding new and better ways to provide service and meet University goals. Workplace flexibility provides a way to successfully manage people, time, space and workload. The University supports Flexible Work Arrangements (FWA) to achieve a highly productive work environment that increases employee satisfaction and engagement while providing workforce predictability and stability. Workplace flexibility is a strategy for using resources most efficiently and providing the best environment for talent.

## A. Terms and Definitions

**Flexible Work Arrangement (FWA):** An FWA for the purpose of these guidelines should be an arrangement with a duration lasting at least three (3) months but no longer than twelve (12) months. FWAs on a more temporary basis (three (3) months or less) remain permissible at the first-level supervisor's discretion and should be documented using the [FWA Request Form](#). Examples of an FWA include the following three (3) options, which may be used individually or in combination.

1. **Condensed Work Week:** Scheduled work week condensed into fewer days than normally scheduled (e.g., four (4) days/ ten (10) hours or four (4) days/ nine (9) hours and one (1) day/ four (4) hours, etc.)
2. **Flexible Time:** Weekly work hours are satisfied, but the daily starting and ending work times may change periodically and may differ from the department's standard operating hours. (e.g., Monday through Friday, 8:00 a.m. to 5:00 p.m.)
3. **Flexible Workplace (Remote Work):** Work hours are satisfied at an approved location other than the normally scheduled workplace. Some or all work hours are completed from a virtual location (e.g., home, a different department or other off-campus location).

## B. Eligibility

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.

The options available and appropriate for an FWA will be determined based on the guidance below.

## C. Procedures

1. Employees must request an FWA from the first-level supervisor using the FWA Request Form. Requests related to medical leave, injury or disability should follow the process for requesting [family and medical leave](#) or an [ADA reasonable accommodation](#) rather than an FWA request.

Note: Employees with a dotted line reporting structure must also include the dotted line supervisor in the request process.

2. The first-level supervisor should review and evaluate the feasibility of the FWA request using the guidance provided in section D of this policy. After evaluating the request, the employee and the first-level supervisor must discuss the FWA request. The employee and the first-level supervisor may make modifications to the request during this discussion. The decision-making process regarding FWA requests must be transparent and consistent with [Equal Employment Opportunity and Affirmative Action Requirements](#). Supervisors cannot take adverse action against employees for requesting an FWA or accessing the policy.
3. Following the employee and first-level supervisor meeting, the first-level supervisor should complete the FWA Request Form supervisor portion, consistent with the discussions between the employee and the first-level supervisor.
  - a. If the first-level supervisor approves the FWA, the first-level supervisor must route the FWA Request Form to the second-level supervisor for consideration. If the first-level supervisor denies the FWA, the first-level supervisor shall specify in writing the reason for such denial and provide a copy to the employee and Human Resources.
4. Approved FWA requests that have been routed to the second-level supervisor for consideration shall be reviewed by the second-level supervisor. The second-level supervisor may make modifications to the arrangement. The approval or denial of an FWA request will be documented in writing by the employee's second-level supervisor. The approved or denied form shall be sent back to the first-level supervisor and Human Resources for review and recordkeeping. Human Resources retains the right to deny an FWA request that does not comply with local, state, or federal regulations, University rules or University Policy.
5. The first-level supervisor shall provide the employee with a copy of the completed form.
  - a. If the FWA is approved, the first-level supervisor shall coordinate implementation of the FWA with the employee including begin date for the FWA and performance management check-in frequency. The [Approved Flexible Work Arrangement Performance Management Tool](#) is available to facilitate this process.

#### **D. Determining Feasibility of FWAs**

A critical part of The University of Akron mission is to support student life and an on-campus experience. All FWAs should support this mission. It should be recognized that FWAs are a privilege, not a right or benefit of employment.

The suitability of an FWA for a particular position or employee depends on many factors, including the duties of that position, office staffing needs, the needs of employees, the relevant unit(s) impacted, the employee's employment history (i.e., performance, discipline or attendance related issues), and system and information security requirements. The request for an FWA must meet both the unit and employees' needs, requirements and constraints. First-level supervisors should collaborate to develop

FWAs for individuals and departments, when appropriate, and be consistent in their decision-making process.

1. **Evaluating the position.** First-level supervisors should first consider whether the position's essential functions can be performed in the manner expected under the conditions requested in the FWA. Some items to consider when evaluating the position are:
  - a. The extent to which job duties involve face-to-face interaction and coordination of work with other employees and students;
  - b. The need for and frequency of interactions with departmental employees, outside colleagues, students and the community;
  - c. What access to equipment, information and materials are needed to perform the work effectively;
  - d. Whether service quality, University operations or workload of others will be impacted;
  - e. Whether the position responsibilities can be performed independently based on the level of support and face-to-face interaction needed;
  - f. Whether performance can be assessed accurately using specific, measurable duties and outcomes, and;
  - g. Whether working hours can be appropriately documented for non-exempt positions.
2. **Evaluating employees.** If the position is deemed appropriate for an FWA, the first-level supervisor should evaluate whether the employee is a good candidate for an FWA. Considerations include:
  - a. **Work performance history.** Individuals who meet or exceed performance standards are typically good candidates for FWAs. Individuals with corrective action and/or on a performance improvement plan may not be good candidates for FWAs.
  - b. **Length of service.** Employees in their probationary period may not be good candidates for an FWA.
  - c. **Demonstrated ability to independently work productively.** Employees who demonstrate the ability to manage time and work productivity with minimal supervision and have a thorough understanding of job responsibilities may be good candidates for an FWA.
3. First-level supervisors should communicate with employees whether the FWA is feasible and document the rationale for the decision as outlined in section C.

## E. Managing FWAs

The job duties and responsibilities of employees remain the same while employees participate in an FWA. Employees are required to adhere to performance standards for their position. They will continue to comply with federal, state and local laws, regulations, University rules, policies and procedures during the FWA. First-level supervisors have a responsibility to manage employee performance.

1. First-level supervisors need to manage and monitor the sustainability of the FWA to ensure the success of the unit and the continued feasibility of the arrangement. In doing so, first-level supervisors should discuss the FWA with employees on an ongoing basis. It should be clear to

employees whether performance expectations are being met. Use the Approved Flexible Work Arrangement Performance Management Tool to help guide these discussions.

2. First-level supervisors may require a temporary change(s) to the FWA with reasonable notice to accommodate meetings, project reviews or other business needs. Notification of the necessary change(s) shall be documented in writing. When practical, first-level supervisors will give employees a ten (10) business day notice prior to temporarily modifying a previously approved and documented FWA.
3. University rules, policies and standard work practices apply to FWAs, including those at a designated remote worksite (e.g., department call-off procedures, use of paid time off, work attire etc.) Employees will not be excused from performing job duties due to technical issues while working remote. Arrangements must be made to have reliable internet connectivity. If technical issues occur while working remote employees must make arrangements to travel to their on-campus work location, use vacation or, if applicable, compensatory leave.
4. FWAs utilizing a condensed work week may need to be adjusted during weeks that contain a University observed holiday to ensure the employee receives proper holiday pay; refer to [Absence from Campus Rule](#), [applicable collective bargaining agreement](#) or consult Human Resources.

#### **F. Renewing, Modifying or Discontinuing an FWA**

1. An FWA will remain in effect for one year or less and will expire at the end of the designated term. An employee must apply for renewal no later than thirty (30) days prior to the expiration of the FWA. Renewal is possible but not guaranteed. Employee performance, business operations, rotation of opportunities and other circumstances will be considered in determining whether to renew the FWA. The renewal or non-renewal of an FWA will be documented in writing by the employee's first-level supervisor following the procedures in section C.
2. If an employee doesn't apply for renewal (or the renewal is not approved) then it is the first-level supervisor's responsibility to ensure that action is taken upon expiration of the FWA. The first-level supervisor must clearly communicate the expected schedule and worksite location to the employee upon expiration of the terms of the FWA.
3. An FWA may be modified or discontinued at the employee's request and with approval from the first-level supervisor. Employee requests for modification or discontinuation shall follow the procedures outlined in section C.
4. A first-level supervisor may modify or discontinue an FWA at any time. 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.
  - a. If the University discontinues an FWA that includes remote work and requires an employee to return to campus and the affected employee is unable or unwilling to do

so, the University may terminate employment if the grounds for termination warrant such action. If employment is terminated while the employee is working remote, the employee is responsible for returning all University equipment safely and in good working order in the manner specified by the University.

## **G. Additional Considerations for Flexible Workplace (Remote Work) FWAs**

### **Working Environment and Location**

1. Employees shall provide an appropriate workstation when working remotely.
  - a. Employees will designate a workspace at the off-site work area to install any equipment to be used working remote. This workspace should be maintained in a safe condition, free from hazards to people and equipment ([see Safety Checklist for guidance](#)). Employees are solely responsible for observing any municipal zoning ordinances regulating work at the off-campus worksite.
  - b. Employees should have a dedicated quiet working space working during work hours. Ambient noise should not rise to a level that would be audible on a telephone or voice-over-internet line. The workspace should be free of distractions during the employee's scheduled work hours. Shared public spaces such as libraries, coffee houses, restaurants or malls are not permitted as designated working spaces for FWAs.
2. Employees on an FWA may still be required to be present at on-campus meetings, project reviews or other business purposes. If necessary, the University will seek to designate, in advance, specific times or events when employees are expected to be at an on-campus work location. If those expectations change first-level supervisors will give employees at least a ten (10) business day notice in writing, when practical.
3. The employee's designated remote worksite must be within the state of Ohio. Employees working remote through an FWA should not assume they can relocate or perform work from a place other than that identified when the FWA is approved.
4. Employees must adhere to the schedule and location(s) identified in the approved FWA. Should an employee or first-level supervisor desire to modify the FWA, the procedure in section C will be followed. Not following the procedure in section C may result in unintended consequences, such as improper payroll tax withholding. Employees are solely responsible for addressing and resolving any tax consequences associated with the FWA.
5. An FWA is not a substitute or alternative for child or dependent care. Employees are responsible for arranging for child or dependent care to fulfill their job duties/responsibilities and schedule.
6. The University reserves the right to require that employees provide floor plans of their remote worksites and/or be subject to a visit by a representative of the University to determine the appropriateness and viability of the remote workspace from a technical standpoint.
7. Workers' compensation procedures do not apply to injuries to any third parties or members of the employee's family if the injuries are incurred in an FWA workspace maintained by employees, regardless of whether the workspace includes supplies and/or equipment provided

by the University. In the event of a job-related injury, employees must immediately report the incident using the [Accident Information Report Form](#).

8. The University will not be responsible for operational maintenance or incidental costs associated with the employee's use of their home or other agreed-upon location as a remote worksite.

### **Time Reporting and Monitoring**

1. Employees working remotely under an FWA are expected to dedicate their efforts solely to their University job responsibilities during scheduled working hours. At all times that University work is being performed, employees using FWAs must be logged into the same required systems as on-campus employees and use the University phone system rather than a non-University phone system (e.g., a personal home phone or personal mobile phone).
2. Employees working remote are not exempt from the overtime requirements of the Fair Labor Standards Act, and therefore must comply with all recordkeeping requirements. Non-exempt employees must accurately record and timely report all hours worked and must agree to work only the scheduled hours approved by their first-level supervisor as a condition of continued participation in the FWA. Non-exempt employees must obtain approval for overtime work, in advance, from the employee's first-level supervisor. Working hours outside of the approved work schedule and/or in excess of approved overtime are grounds for disciplinary action for non-exempt employees, up to and including termination of employment.
3. Unless flexible time is previously approved, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time. Requests to use sick leave, vacation or compensatory time must be approved in the same manner as employees who work on campus. If an employee becomes ill while working at a remote work location, the employee must report the hours worked and use sick leave for those hours not worked.

### **Equipment, System Access and Supplies**

1. Employees working remote under an FWA may access University systems and data in accordance with University rules and information technology policies and standards.
2. Employees are responsible for familiarizing themselves with the associated University rules and information [technology policies](#) and standards.
3. Employees are responsible for notifying their department when equipment and/or supplies are needed. The department shall review related requests. If the employee has specific technical requirements, the department shall notify Information Technology Services (ITS) of any technology needs.
4. Information Technology Services (ITS) will provide remote support whenever possible. If remote support is not sufficient or possible, the employee is responsible for bringing the device to campus for service or, with departmental approval, shipping the device to campus at the department's expense.
5. Employees are responsible, on their own, for ensuring they can perform their duties and responsibilities while working remote including, but not limited to, sufficient internet access and

a functional, secure and safe working environment.

### **Securing University Information and Property**

1. Employees working remotely under an FWA must comply with [University rules](#) and information technology policies and standards.
2. All products, documents, records and work products used, developed or revised while working remote remain the University's property.
3. Employees are responsible for securing University property and protected institutional data from theft and/or unauthorized disclosure.
4. Theft or loss of University equipment and/or unauthorized disclosure of protected institutional data must be reported immediately to the Information Technology Security Officer (ITSO).

## **H. Policy Exceptions**

### **Non-Bargaining Unit Faculty Flexible Workplace (Remote Work)**

Except for faculty whose appointment requires on-location work for specified hours, it is an accepted practice for faculty to carry out their work with varied schedules on campus and elsewhere. To avoid doubt, teaching courses assigned for delivery in an online or remote mode or taking approved professional development leave will not necessitate an FWA formal request. If an alternative work location is a negotiated term of faculty employment, this will be documented in the appointment letter.

### **University-Required Remote Work**

The University may establish remote work as a condition of offered employment or mandate remote work due to public health emergencies or other circumstances as determined by the President or designee. Such remote work arrangement shall not mean that the University is closed.

### **Remote Work for Health-Related Reasons**

In keeping with current practice, employees with a documented disability may request remote work as a reasonable accommodation to enable employees to perform their essential job functions. Human Resources will handle those requests in accordance with its usual procedures. In such cases, employees should request an ADA reasonable accommodation rather than an FWA.

### **Temporary FWAs**

FWAs on a temporary basis of three (3) months or less are permissible at the first-level supervisor's discretion and should be documented using the FWA Request Form. 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 payroll tax withholding.

**Key Contacts:**

Policy Consultation	Emily Lenke, Director, Employee and Labor Relations	330-972-6195	<a href="mailto:emf22@uakron.edu">emf22@uakron.edu</a>
Reasonable Accommodations	Tami Hannon Director of EEO/AA	330-972-8201	<a href="mailto:tlz2@uakron.edu">tlz2@uakron.edu</a>
Data Security	IT Security, Office of the CIO		<a href="mailto:security@uakron.edu">security@uakron.edu</a>
Ergonomic/Safe Workspace	Environmental Health and Safety, Office of Administration and Planning	330-972-6866	
Worker's Compensation	Benefits Administration	330-972-7090	<a href="mailto:benefits@uakron.edu">benefits@uakron.edu</a>
Payroll Questions	Payroll Office	330-972-7205	