Flexible Work Arrangement and Remote Work Guidelines

I. Guiding Statement:

Consistent with UNC System regulation 300.8.6[R] (Regulation on Flexible Work Arrangements and Remote Work), the Flexible Work Arrangement and Remote Work guidelines are designed to facilitate flexible work arrangements where practicable while ensuring all operational needs of the University are met. In that regard, the University must be appropriately staffed at all times in order to effectively pursue our educational mission. In recognition of the wide range of professional responsibilities and duties required of University employees, there may be special circumstances in which a flexible work arrangement can be implemented so as to optimally balance the needs of the University and an individual staff member and/or work team. These guidelines outline the types of flexible work arrangements that may be available and the process by which such an arrangement is developed and implemented. The existence of these guidelines shall not create a guarantee, right, or entitlement to such an arrangement by any employee or groups of employees.

II. Definitions:

- **Flexible Work Arrangements**: Work structures that alter the time and/or place of work to accomplish work duties, either by employee request or at management's discretion. A flexible work arrangement may include:

    - **Flexible Work Schedules:** Flexibility in the scheduling of hours worked, such as alternative work schedules (e.g., flex time and compressed workweeks) and arrangements regarding shift and break schedules;

    - **Flexible Work Hours:** Flexibility in the number of hours worked, such as part-time work and job shares; and/or

    - **Flexible Work Locations:** Flexibility in the place of work, such as remote work from home or a designated satellite location.

    - **Ongoing Change in Work Hours/Work Station**: Changes in work schedule and/or work location that are long-term in nature (4 months or more).

    - **Temporary Change in Work Hours/Work Station:** Changes in work schedule and/or work location that are temporary in nature (less than 4 months).

III. Procedures for Establishing a Flexible Work Arrangement (excluding temporary changes)

Any employee seeking an Ongoing Change in Work Hours/Work Station with an anticipated duration of four (4) months or more should make a written request to his or her supervisor using the WCU Flexible Work Arrangement Agreement Form. In addition to the supervisor, any flexible work arrangement of four (4) months or more requires the approval of the appropriate division head. Approved Agreements should be submitted to Human Resources who will monitor and report overall metrics to University leadership.

- The written request should include:

- The type of flexible work arrangement being requested;
- The reasons for the request;
- The employee's plan for meeting the responsibilities of his or her position;
- Work schedule (hours, days, commitment) requested; and
- The proposed start and end date of the Flexible Work Arrangement.

Temporary Changes in Work Hours

Employees may request and supervisors may grant a change in an employee's regular work schedule that is not permanent or ongoing (less than four (4) months in duration) in order to adjust for an unplanned, short-notice, or sporadic event. This change may include modifying normal work start and end times or allowing work missed on one day to be made up on another. The flexibility helps the employee to avoid taking leave or other paid time off that would otherwise have to be accounted for in a given week. Supervisors have the discretion to grant temporary changes in work hours as long as the operational needs of the department are satisfied and to discontinue such arrangements when deemed necessary. Temporary change requests (less than 4 months) should be addressed between the employee and supervisor. Consistent with university best practices, supervisors are encouraged to document short-term/temporary flexible work arrangements.

IV. Considerations for Evaluating Flexible Work Arrangements

Every proposal for a Flexible Work Arrangement will be evaluated on a case-by-case basis. That evaluation will include a discussion between the supervisor and the employee seeking the Flexible Work Arrangement regarding the reasons for the request and the needs of the department in which the employee works. The evaluation will take into account the following factors:

- Operational needs of the specific department and the University along with the impact of the request on students, faculty, parents, and staff;
- Ability for a department to maintain appropriate staffing levels during Core Hours and Peak Periods;
- Impact on other employees within the department and those who may work regularly with the department; and
- Past and current performance levels of the employee.

In addition to the factors outlined above, the following factors will be considered with respect to a proposed arrangement:

- Whether the position has clearly defined work that can be accomplished off-site;
- If there are position requirements that cannot be met from an off-site location;
- Whether the employee's results/productivity can be measured effectively through offsite supervision;
- Whether the department can continue to meet its standards for service and staff availability;
- Whether the employee proposing the arrangement has a demonstrated satisfactory attendance record, meets all performance expectations in their current role, and consistently demonstrates the ability to complete tasks and assignments on a timely basis;
- Whether there are effective methods for communicating between the employee and supervisor;

- The frequency and schedule for the employee being on-site to meet with the supervisor, co-workers, and customers;
- How the proposed arrangement may affect cross-training initiatives, team-based approaches, and other similar strategies; and
- Expectations for availability during the work day.

V. Approval of Flexible Work Arrangements

- Upon receipt of an Ongoing Flexible Work Arrangement proposal, the supervisor receiving the request will discuss the request with the employee. While each department and division is structured differently, the supervisor must discuss the request with the relevant division head.
- The appropriate Division Head must approve any Flexible Work Arrangement in his or her respective division, in consultation with the employee's supervisor and/or department head.
- If approved, the employee will receive a copy of the Flexible Work Arrangement Approval Form specifying the terms and conditions for the Flexible Work Arrangement and a copy will be provided to Human Resources.
- If a request for a Flexible Work Arrangement is not approved, the supervisor will inform the employee of the reasons for such decision.

VI. Modifying or Terminating Flexible Work Arrangements

- Once approved, the employee may not modify the Flexible Work Arrangement without the written consent of his or her supervisor.
- A supervisor may modify an approved Flexible Work Arrangement if the supervisor or relevant division head determines that such modification will better meet the current needs of the department and/or the University. Any modification should be specified in writing, approved by the Division Head, and provided to Human Resources.
- A supervisor, after consulting with the division head and HR, may terminate a Flexible Work Arrangement at any time if the supervisor determines that the arrangement is no longer consistent with the department's obligations or if the performance of the employee is not meeting performance expectations.
- If a Flexible Work Arrangement is terminated, the supervisor shall make every effort to provide the employee with reasonable advance notice to permit the employee to make alternate arrangements. Ten (10) business days of notice is generally considered appropriate, unless employee conduct or safety issues necessitate a shorter notice period.

VIII. Requirements and Expectations:

- Flexible work arrangements are made available based upon the needs of the department as determined by department and division leadership. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing disruption to performance and or service delivery.
- Not all flexible work arrangements may be available in all organizational units or for all positions. Arrangements will be determined by management and may be affected by factors such as the nature of the work performed, employee productivity, task interdependence, federal and state laws, and operational constraints.

- Although an employee may request a flexible work arrangement, all such arrangements are provided to employees at management's discretion and direction and may be revoked at any time. There is no guaranteed right to a flexible work arrangement.
- The availability and terms of all flexible work arrangements shall be administered equally based upon applicable factors and without regard to an employee's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.
- Flexible work arrangements, once established, may be changed or revoked at any time by the University due to changing business or operational needs or due to unsatisfactory employee performance.
- If a flexible work arrangement is regular or recurring, continuation of the arrangement should be reviewed on a bi-annual basis to determine whether the arrangement should continue.
- For a flexible work arrangement to be considered and maintained, the employee should have a satisfactory attendance record, meet all performance expectations in their current role, and consistently demonstrate the ability to complete tasks and assignments on a timely basis.

IX. Additional Requirements for Flexible Offsite Work Locations

- **Duty Station and Reasonable Commuting Distance**

    - The employee's designated on-site University work site is considered their duty station. Employees who are working from an alternative location may not charge mileage for travel between their alternate work location and their assigned duty station. Employees traveling for business departing from their alternate work location will be reimbursed for mileage the distance between their on-site duty station and the work destination, consistent with existing state policies.
    - It is the University's official position that to the greatest extent practicable, the University shall principally employ individuals who reside within or in close proximity to the State of North Carolina. Employees with flexible work arrangements are expected to maintain a place of residence with a reasonable commuting distance of their on-site duty station. Consistent with UNC System guidance, long-term flexible work arrangements for employees who reside outside the State of North Carolina and/or a reasonable commuting distance are generally not allowed. Limited exceptions to this requirement may be granted, based upon operational needs to address recruitment for unique or scarce skills, arrangements for faculty who teach exclusively in distance education programs, or arrival or departure of employees for a transitional period of relocation. All such exceptions must be approved by both the appropriate Division Head and the Associate Vice Chancellor for Human Resources & Payroll.

- **Information and Data Security**

    - The security, confidentiality, and integrity of University records and information must be protected at all times in flexible work arrangements and comply with all information security requirements that would apply at the primary work location. Sensitive information/data, as defined by University Policy #97 (Data Security and Stewardship) and Information Security Standard 11.2a, must not be processed nor stored on a personally owned computer or device, but instead must be processed on institutionally owned systems, stored in approved, secure remote storage, and accessed only by secure network access technologies.

- For employees with flexible work arrangements, the university may require additional training on security policies, data handling and general information security for remote work.

- **University Property and Equipment Insurance**

  - All University property used off-site as part of a remote work arrangement must be used in compliance with all institutional policies governing personal use, including complying with all software and technology licensing agreements. The Flexible work arrangement agreement must include an inventory of state property authorized for use from the employee's remote work location. In the event of an employee's separation from employment or the termination of a flexible work arrangement, appropriate steps must be taken to secure the return of all University property used off-site.
  - Appropriate insurance arrangements should be made for University equipment and resources located at an alternate worksite with respect to any required loss or damage. This includes reviewing information about equipment insurance with employees and ensuring that flexible work arrangement agreements specify who bears the risk of loss or damage if incurred.

- **Workers' Compensation**

  - Employees working under a flexible work arrangement are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. When the remote worksite is in the employee's home, however, workers' compensation does not cover injuries that are not job-related.

X. Additional Considerations

- **Faculty Course Modalities**: Course modalities for faculty are determined by the Department Head and Dean.
- **Overtime-Eligible Employees**: For overtime eligible employees, certain activities, such as travel to and from required meetings that occur during scheduled work time, may be included as hours worked.
- **Out-of-State Compliance Issues**: Employees with remote work arrangements outside of North Carolina may be subject to laws and regulations (including differing taxation rules) of other states or countries with respect to the employee/employer relationship. As a general practice, the University does not support long-term alternative work arrangements where the employee is based outside the state of North Carolina (with limited exceptions based upon recruitment of a unique or scarce skill set).
- **Tax Implications:** Employees are expected to cooperate with the university's compliance programs for tax withholding; however, employees remain individually responsible for the payment of employee income taxes, including ensuring that sufficient taxes are remitted to taxing authorities through withholding or estimated payments.
- **Compliance with University Policies**: Work performed under a flexible work arrangement remains subject to all applicable laws, policies, and regulations, as if it were performed on-site. These provisions include, but are not limited to, recordkeeping for work hours and leave, prohibitions on discrimination and workplace harassment, records retention obligations, and the North Carolina Public Records Act.

- **ADA Accommodations Process**: Flexible work arrangements are not intended to substitute for reasonable accommodations resulting from an interactive process under the Americans with Disabilities Act (ADA), or meet the University's ADA obligations. Flexible work arrangements shall be administered and determined separately from the accommodation process mandated by the ADA. Even so, a flexible work arrangement may be a viable outcome of the interactive accommodations process under the ADA.

XII. Related Resources

Western Carolina University Flexible Work Arrangement Agreement

UNC System Regulation on Flexible Work Arrangements and Remote Work (300.8.6[R]

North Carolina Office of State Human Resources Teleworking Program Policy

Managing a Remote Workforce