

## UNIVERSITY POLICY

<b>Policy Name:</b>	Alternative Work Arrangements and Telecommuting for Regularly Appointed Staff				
<b>Section #:</b>	60.3.22	<b>Section Title:</b>	Human Resources (HR): Non-Academic Employees	<b>Formerly Book:</b>	N/A
<b>Approval Authority:</b>	Senior Vice President for Human Resources and Organizational Effectiveness		<b>Adopted:</b>	N/A	<b>Reviewed:</b> 02/26/2020
<b>Responsible Executive:</b>	Senior Vice President for Human Resources and Organizational Effectiveness		<b>Revised:</b>	07/01/2013; 09/09/2013 (Updated title and Section 3); 02/26/2020	
<b>Responsible Office:</b>	University Human Resources		<b>Contact:</b>	<a href="mailto:policies@hr.rutgers.edu">policies@hr.rutgers.edu</a>	

### 1. Policy Statement

Regularly appointed staff employees may be eligible to participate in alternative work arrangements in specific circumstances including telecommuting.

### 2. Reason for Policy

To provide guidelines on eligibility criteria for alternative work arrangements including telecommuting. Alternative work arrangements can facilitate accomplishing several objectives: achieving greater administrative efficiency; addressing current environmental concerns such as traffic congestion, air pollution, and transportation costs; improving employee productivity and performance; enhancing employees' work-life balance; supporting business continuity plans; and sustaining the hiring and retention of a highly qualified workforce.

### 3. Who Should Read This Policy

This policy is applicable only to employees in legacy Rutgers positions. A legacy Rutgers position is a position which, historically, was associated with Rutgers University before June 30, 2013. These positions may be governed by different negotiated agreements and policies from those that would be applicable to individuals in legacy University of Medicine and Dentistry of New Jersey (UMDNJ) positions. In this regard, individuals employed in legacy Rutgers positions may be eligible for different non-State benefits than individuals who hold legacy UMDNJ positions.

### 4. Resources

- a. [University Policy 60.3.14: Overtime/Comp Time for Regularly Appointed Staff](#)
- b. [University Policy 60.3.15: Additional Compensation for Full-Time Staff Members with "NL" Titles](#)
- c. [Telecommuting website](#)
  - [Telecommuting Guidelines](#)
  - [University Telecommuting Agreement](#)
  - [Request to Telecommute](#)
  - [Feasibility Assessment Telecommuting Policy](#)
  - [Safety Self Audit Telecommuting Policy](#)

## 5. Definitions

- a. Alternate Work Location: a location other than the official University place of business from which an employee telecommutes.
- b. Department Head: the person with the ultimate approval authority in the unit, or his or her designee.
- c. Exempt: not subject to the overtime provisions of the Fair Labor Standards Act (FLSA). (Employee titles coded as NL, NC, and N4)
- d. Hours Worked: for fixed workweek staff; hours are computed by adding all hours actually worked during the workweek plus any paid time off, such as vacation and sick time, except as modified by collective negotiations agreements.
- e. Non-exempt: this is a fixed workweek; employees are subject to the overtime provisions of the Fair Labor Standards Act (FLSA). (Employee titles coded as 35, NE, and 40).
- f. Telecommuting: a work arrangement in which an employee performs his or her regular job duties in an alternate location other than the official University place of business.
- g. Work Location: any on- or off-campus property that is owned, occupied, leased, or used by Rutgers University at which the employee is regularly assigned to attend work. This includes all research sites and all leased indoor and outdoor spaces or spaces occupied with a user permit, license, or contract for the conduct of University business.

## 6. The Policy

### I. Alternative Work Arrangements for Regularly Appointed Staff Employees

The definitions for all terms utilized in this section are the same as those utilized in the Definitions section above unless otherwise noted.

#### A. Forms of Alternative Work Arrangements

The University recognizes two forms of alternative work arrangements: a Flexible Workday Arrangement and a Compressed Workweek Arrangement. Both forms of Alternative Work Arrangements may be implemented either department-wide or on an individual basis. The implementation of Alternative Work Arrangements shall be at the discretion of the employee's work unit. Prior to implementing any form of Alternative Work Arrangement for union-eligible staff, departments must contact the Office of Labor Relations.

##### 1. Flexible Workday Arrangement

The features of a flexible Workday Arrangement are as follows:

- a. A variable daily schedule that revolves around a fixed set of core hours, which may vary by employee;
- b. A pre-defined start time during which the employee will commence his or her workday; for non-exempt<sup>1</sup> staff, a workday that remains for

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<sup>1</sup> The term non-exempt refers to those employees who are not exempt from the overtime provisions of the Federal Fair Labor Standards Act.

a specific number of hours (i.e. 7, 7.5 or 8), not including a meal break, during which the employee must be at work; and

- c. A meal break of at least thirty (30) consecutive minutes.

## 2. Compressed Workweek Arrangement

### a. Features of a Compressed Workweek Arrangement

The following features of a Compressed Workweek Arrangement are as follows:

- i. A regularly repeating weekly, or bi-weekly, schedule that is shorter than five uniform and consecutive days in one workweek, or ten uniform and consecutive days in two workweeks, respectively;
- ii. A regular workweek (e.g. 35, 37.5 or 40 hours) that is executed over the shortened period of time so that there are fewer but longer days in the new workweek(s);
- iii. For non-exempt staff, a workday that is for a specific number of hours, not including a meal break, during which the employee must be at work;
- iv. A meal break of at least thirty (30) consecutive minutes; and
- v. One regularly scheduled day off that the employee receives as a result of the compression of the workweek(s). The regularly scheduled day off may be any day during such workweek(s), as predetermined by the department, which shall repeat with regularity.

### b. The Two Forms of Compressed Workweek Arrangements

- i. **4&1 Compressed Workweek Arrangement:** In a 4&1 Compressed Workweek Arrangement, the employee will work four (4) days and receive one (1) regularly scheduled day off in each workweek.

An employee who is in a 35-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 8.75 days per workweek.

An employee who is in a 37.5-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 9.38-hour days per workweek.

An employee who is in a 40-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 10-hour days per workweek.

- ii. **9&1 Compressed Workweek Arrangement:** In a 9&1 Compressed Workweek Arrangement, the employee will work nine (9) days and receive one (1) regularly scheduled day off in every two consecutive workweeks. A 9&1 Compressed Workweek Arrangement must correlate with an employee's pay period as defined in the Definitions section above. A 9&1 Compressed Workweek Arrangement is not available to overtime-eligible employees.

**NL employees:** NL employees have a minimum average workweek of 37.5 hours. Accordingly, an NL employee who is placed on a 9&1 Compressed Workweek Arrangement will work nine days of at least 8.33 hours per two consecutive workweeks.

**N4 employees:** N4 employees are required to work a minimum of 40 hours per workweek because their primary function is to directly supervise non-exempt, 40-hour, fixed workweek employees. Accordingly, an N4 employee who is placed on a 9&1 Compressed Workweek arrangement will work nine 8.9-hour days per two consecutive workweeks.

#### B. Alternative Work Arrangements for Part Time Employees

Compressed Workweek and Flexible Workday Arrangements can be implemented for part-time employees by following the same guidelines set forth in section A above, prorated according to the employee's part-time percentage.

#### C. Holidays and other Paid Leave Days

1. The value of a holiday or paid leave day is equal to 1/5 of the employee's regular workweek (e.g. 35, 37.5 or 40 hours, or less as in the case of part-time employees).
2. If a holiday falls or paid leave day is taken on an employee's regularly scheduled day of work, the employee shall receive the day off. If due to the Compressed Workweek Arrangement the length of the employee's workday is greater than the value of the holiday or paid leave day, the difference must be charged to another form of time or to leave without pay.
3. If a holiday falls on an employee's regularly scheduled day off, the employee shall receive an alternate day off within the same workweek. If due to the Compressed Workweek Arrangement the length of the employee's workday is greater than the value of the holiday, the difference must be charged to another form of time or to leave without pay.
4. If an employee is directed to work on a holiday, the employee shall receive pay for the holiday. Additionally, if non-exempt, the employee shall receive time-and-one-half premium pay for all hours worked on such holiday.
5. Current University policies for recording holiday time remain applicable.

#### D. Recordkeeping

1. Alternative work Arrangements do not require any additional recordkeeping beyond what must already be kept pursuant to State and Federal law.
2. Alternative Work Arrangements for each employee, if implemented, should be communicated in writing to the employee and kept on file. The writing must identify the form of the Alternative Work Arrangement being implemented, the days of the week and the hours per day that the employee is required to work, the expected starting and ending times of the employee's workday, and any other pertinent information.

## II. Telecommuting

### A. Who May Telecommute

Exempt: Managerial, Professional, Supervisory, and Confidential staff employees who have completed their probationary periods are eligible to be considered for telecommuting.

Not all eligible employees will be suitable for telecommuting. Suitability for telecommuting is based upon the individual employee as well as the employee's position.

### B. Telecommuting Arrangements

Telecommuting shall only be scheduled as follows:

1. Regular: a recurring arrangement generally consisting of the same day or days each week when an employee works at the alternate location. Regular telecommuting arrangements can be for a finite or indefinite period of time.
2. Occasional (Non-Emergency): a sporadic occurrence from time to time, generally on an as-needed basis.
3. Emergency: telecommuting that is precipitated by a crisis or other emergency that significantly disrupts a facility or facilities or the physical operation of a department. When needed to achieve business continuity and to maintain critical functions, operations, and services, telecommuting arrangements may be established until normal operations can be restored at the regular work location.

In all cases, telecommuting arrangements are revocable and can be discontinued at any time when it is in the judgment of the department that it is in the best interest of the University to do so. Departments should give 30 days' notice of discontinuance unless extenuating circumstances make such notice impracticable.

Telecommuting does not change an employee's terms and conditions of employment, including required compliance with or the application of University policies. Additionally, an employee's compensation and/or benefits do not change as a result of a telecommuting arrangement.

Telecommuting is not intended to permit employees to have time to work at other jobs or attend to other personal business, nor is it intended as a substitute for dependent care. If persons in need of primary care are regularly present in the alternate work location while the employee is telecommuting, the employee must demonstrate that another individual is present to provide the care.

Telecommuting is not intended to circumvent any leave that an employee has requested and is entitled to pursuant to State and/or Federal law, University policy, or prevailing collective negotiations agreements.

### C. Work Site

The alternate location from which an employee telecommutes should be a predetermined site, such as a home office, and should have a fixed work area that will provide the employee with adequate access to the tools necessary for telecommuting, such as a telephone, computer, internet connection, etc.

A supervisor or other appropriate University official may arrange to visit the alternate work location when appropriate, to evaluate it for appropriateness prior to approving the telecommuting agreement or when worksite-related concerns arise during the telecommuting arrangement. Additionally, the University retains the right to make prearranged on-site inspections of the remote work site during scheduled work hours.

Telecommuters should not hold business visits or in-person meetings with professional colleagues, customers, or the public at alternate work sites; exceptions to this provision must be approved in advance by the department.

Telecommuting does not convert the alternate work location into a University place of business.

#### D. Costs and Expenses

All costs, whether relating to the initial set-up or the maintenance of a telecommuting arrangement, will be borne by the employee. The University does not assume responsibility for operating costs, home maintenance, or other costs incurred by employees in the use of their homes or other alternative work locations.

The University will not reimburse employees for out-of-pocket expenses for materials and supplies that are normally available at their regular work location.

#### E. Equipment

Except as set forth below, employees must provide their own computer, telephone, telephone service, internet connection, and any other equipment necessary to facilitate the telecommuting arrangement, unless otherwise expressly agreed to and approved. The University does not assume responsibility for the cost of employee provided equipment or its repair or service.

Departments are not prohibited from using University funds for reasonable expenses that are necessary to facilitate the telecommuting arrangement, if there is a legitimate business need and adequate funding exists. Such expenses must be consistent with existing University policies regarding purchasing and business expenditures.

When available, departments are permitted to issue University-owned equipment to an employee for use in telecommuting; however, the equipment is to be used only by the telecommuting employee to perform authorized University business. When University-owned equipment is issued to an employee for telecommuting, the employee is responsible for protecting it from theft, damage, and unauthorized use. University-issued equipment used in the normal course of employment will continue to be supported by the department.

#### F. Accountability and Availability

In general, telecommuting should not change the regular days and hours that an employee is expected to be working; however, if a telecommuting employee will be performing work outside of the employee's normal workdays and hours, those workdays and/or hours must be set forth in the University Telecommuting Agreement. If it is found that an employee is not performing work during the telecommuting hours, the University Telecommuting Agreement can be revoked, and the employee may be subject to disciplinary action as appropriate.

A telecommuting employee shall be as available for communication and contact during the scheduled telecommuting time as he or she would be if working at the regularly assigned work location. Where practical, supervisors should outline minimum expectations for how often the telecommuting employee should check email and voicemail.

A telecommuting employee shall report to the regularly assigned work location on non-telecommuting days. In addition, supervisors may require that on a regular telecommuting day an employee must report to the regularly assigned work location or elsewhere as needed for work-related meetings or other events. In that event, the supervisor should give the employee as much notice as is practicable.

#### G. Assessment

Certain adaptations may be necessary in how supervisors communicate expectations and assignments, and provide ongoing assessment and feedback, due to the fact that the telecommuting employee is not always physically present in the regular work location. The supervisor and the telecommuting employee should agree upon a workable means for delivering such information, such as regular meetings or status emails. Likewise, supervisors should also review and/or revise the criteria that will be utilized for annual performance appraisals where applicable. Such criteria should be clearly defined and measurable in terms of quantity, quality, or time to complete.

#### H. Process

A department can offer a telecommuting arrangement to a suitable employee or an employee may initiate a request to telecommute. In either case, the department should enter into a University Telecommuting Agreement, only if it is determined that the employee and the employee's position are suitable for telecommuting.

A University Telecommuting Agreement may be discontinued at any time by either the employee or the department upon notice. Departments should give 30 days' notice of discontinuance unless extenuating circumstances make such notice impracticable. The employee should give as much notice as is reasonably necessary to facilitate resumed reporting to the work location.

#### I. Risk Management

Workers compensation covers job-related injuries that occur in the course and scope of employment. For further information, contact the Office of Risk Management and Insurance.

#### J. Security and Technology

Telecommuting employees must adhere to the established standards and protocol relating to information protection, security, and technology. Failure to adhere to the standards and protocol may result in revocation of the University Telecommuting Agreement and appropriate disciplinary action.

### III. Interpretation of Policy

Please contact the Office of Labor Relations for interpretations or assistance with this policy.