

RUTGERS

THE STATE UNIVERSITY
OF NEW JERSEY

UNIVERSITY POLICY

Section: 60.3.22

Section Title: Human Resources (HR): Non-Academic Employees

Policy Name: Flexible Work Arrangements for Regularly Appointed Staff

Formerly Book: N/A

Approval Authority: Senior Vice President for Human Resources

Responsible Executive: Senior Vice President for Human Resources

Responsible Office: University Human Resources

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

1. Policy Statement

Regularly appointed staff employees may be eligible to participate in ~~alternative~~ flexible work arrangements that differ from their standard workweek in specific circumstances including ~~telecommuting~~ those outlined in the definitions section below.

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

2. Reason for Policy

~~To provide guidelines on eligibility criteria for alternative work arrangements including telecommuting.~~
~~Alternative~~

~~Rutgers is committed to workplace excellence. One of the ways in which we can achieve this is by providing a variety of flexible work options. Flexible work arrangements can facilitate accomplishing several options can help us achieve many objectives: enhancing the student and patient experience and employee work-life balance and well-being; supporting the recruitment and retention of top talent and environmental sustainability efforts; 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; and supporting business continuity plans; and sustaining. This policy details the hiring eligibility criteria and retention of a highly qualified workforce.~~
guidelines for flexible work arrangements for regularly-appointed staff employees.

1.3. 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.~~

This policy is applicable to nonaligned Rutgers employees.

2.4. 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 "No Limit" \("NL\)" Titles](#)
- c. [Flexible Work Arrangements Website](#)
 - [Flexible Work Arrangements Guidelines](#)
 - [Department Needs Assessment and Team Agreement](#)
 - [Flexible Work Arrangement Decision Tree](#)

3.5. Definitions

- a. **Ad Hoc:** A work arrangement where employees are permitted or directed by a supervisor to work at an off-campus site, if job duties and technology resources permit such an arrangement, during circumstances such as inclement weather, special projects, or business travel. These arrangements are temporary and require prior approval by the direct supervisor or designee and have no expectation of continuance.

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- a.b. **Alternate Work Location:** ~~a~~A location other than the official University place of business from which an employee ~~telecommutes~~ works.
- c. **Assigned 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.
- d. **Compressed Workweek:** A flexible work arrangement available only to those employees with fully in-person schedules. A compressed work-week schedule allows an employee to maintain a full-time schedule, but work hours are performed over less than five days per week or ten days per pay period. For example, a compressed 40-hour work-week can be four 10-hour days Tuesday through Friday and Mondays off. A Compressed Work-Week cannot be combined with any other flexible work arrangement type.
- b.e. **Department Head:** ~~the~~The person with the ultimate approval authority in the unit, or his or her designee.
- e.f. **Exempt:** ~~not~~Not subject to the overtime provisions of the Fair Labor Standards Act (FLSA). (Employee titles coded as NL, NC, and N4).
- g. **Flexible Work Arrangement:** Non-standard work arrangements that include but are not limited to ad hoc, compressed work-week, flex workday, fully remote, and hybrid.
- h. **Flex Workday:** A work schedule whereby an employee works a standard workweek but with start and end times that differ from the regularly scheduled workday. This may include a split schedule where an employee works a full workday in two or more periods (e.g., 9 AM-12 PM and 3 PM-7:30 PM)
- i. **Fully Remote:** A work arrangement whereby an employee performs job responsibilities at an alternate work location for all scheduled work-days in a workweek. Such alternate work locations must be in NJ, NY, PA, or DE and be within a commutable distance to campus. In this work arrangement an employee may be scheduled to work remotely regularly but also required, at times, to attend meetings or work from an on-campus work site as directed by a supervisor or as operationally necessary. Fully remote work arrangements may only be considered under extraordinary circumstances for a period not to exceed one year with the potential for yearly renewals based upon circumstances.
- d.j. **Hours Worked:** ~~for~~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.
- k. **Hybrid:** A work arrangement where an employee is both regularly scheduled to work at an assigned work location for a minimum number of days during a work-week and at an alternate work location for the remaining scheduled work-days in a work-week. Employees must live in NJ, NY, PA, or DE and within a commutable distance to campus to participate in a hybrid work arrangement.
- e.l. **Non-exempt:** ~~this is a fixed workweek; employees are~~The employee's position is 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.m. 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.~~ **Standard Hours Workweek:** The standard hours for work in a workweek are set forth in University Policy 60.3.14, University Policy 60.9.27, and/or the appropriate collective negotiations agreements.

4.6. The Policy

I. ~~Alternative~~ **Flexible Work Arrangements Schedules** 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~~ Flexible Work Arrangements Schedules

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

1. Flexible **Flex Workday Arrangement**

† The features of a ~~flexible~~ **Flex Workday Arrangement** are as follows:

a. ~~a.~~ — A variable daily schedule with a pre-defined start and end time that may differ from the regularly scheduled workday but revolves around a fixed set number of core hours, which may vary by employee; or

b. ~~b.~~ — A pre-defined start time during which the split schedule whereby an employee will commence his or her workday; for non-exempt[†] staff, works a full workday that remains for with a specific number of hours (i.e. 7, 7.5 in two or 8), not including a meal break, during which the employee must be at work more periods; and

~~g.~~ _____

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

2. **Compressed Workweek Arrangement**

a. Features of a **Compressed Workweek Arrangement**

[†] The term non-exempt refers to those employees who are not exempt from the overtime provisions of the Federal Fair Labor Standards Act.

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);

For non-exempt staff, a

- iii. 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

iv.

- i.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. b. The Two Forms Examples 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.

i. 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

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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 Flexible Work Arrangements for Part Time Employees

Compressed Workweek and ~~Flexible~~ Flex 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.

A.

B.C. Holidays and other Paid Leave Days

1.

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.

~~2.5.~~ Current University policies for recording holiday time remain applicable.

~~C.D.~~ **Recordkeeping**

~~Alternative work Arrangements~~

1. Flexible Work Schedules do not require any additional recordkeeping beyond what must already be kept pursuant to State and Federal law.
- ~~5.2.~~ Flexible Work Arrangements Schedules for each employee, if implemented, should be communicated in writing to including the employee and kept on file. The writing must identify the form type of the Alternative Work Arrangement being implemented schedule, 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, must be entered into the Flexwork@RU System and approved by a Department Head before implementation.

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.~~

II. Remote Work

We strive to provide work arrangements that offer flexibility to our employees while supporting the University's mission and commitment to our students and patients. To balance these and maintain the vibrancy of our on-campus communities, the expectation is that positions deemed eligible for remote work will be required to work on campus or an assigned official University work location for a minimum of 3 days a week.

A. Who May Work Remotely?

~~Not all eligible employees will be positions are suitable for telecommuting remote work arrangements. Suitability for telecommuting remote work is based upon the operational and service delivery needs of the department, the individual employee as well as, and the employee's position.~~

B. Telecommuting Types of Remote Work Arrangements

~~Telecommuting Remote work 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.~~

~~1. Emergency: telecommuting Ad Hoc: A work arrangement where employees are permitted or directed by a supervisor to work at an off-campus site, if job duties and technology resources permit such an arrangement, during circumstances such as inclement weather, special projects, or business travel. These arrangements are temporary and require prior approval by the direct supervisor or designee and have no expectation of continuance.~~

~~2. Hybrid:~~

~~a. 1-2 Remote Work Days: A Department Head, or designee, may approve a work arrangement where an employee is both regularly scheduled to work at an assigned work location for a minimum of 3 days during a work-week and regularly scheduled to work at an alternate work location for a maximum of 2 days during a work-week. Employees must live in NJ, NY, PA, or DE and within a commutable distance to the employee's assigned official University work location to participate in a hybrid work arrangement.~~

~~b. 3-4 Remote Work Days: Subject to Department Head, or designee, and approval from the appropriate Cabinet Officer, a work arrangement will be permitted where an employee is both regularly scheduled to work at the employee's assigned work location for less than 3 days during a work-week and regularly scheduled to work at an alternate work location for more than 2 days during a work-week. Employees must live in NJ, NY, PA or DE and within a commutable distance to the employee's assigned official University work location to participate in a hybrid work arrangement.~~

~~3. Emergency: Remote work 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 remote work arrangements may be established until normal operations can be restored at the regular work location.~~

~~4. Fully Remote (Cabinet Officer and SVP HR Approval Required): Under certain very limited and extraordinary circumstances, the appropriate Cabinet Officer and Senior Vice President of Human Resources may approve a fully remote work agreement for a period not to exceed one year and may be renewable on a yearly basis. These employees perform A work arrangement where an employee performs job responsibilities at an alternate work location in NJ, NY, PA, or DE within a commutable distance to the employee's assigned work location. In this work arrangement an employee may be scheduled to work remotely regularly but also required, at times, to attend meetings or work from an on-campus work site as directed by a supervisor or as operationally necessary. Fully remote work arrangements are the exception and will only be granted under extraordinary circumstances where both the University and the employee share an interest in the arrangement.~~

In all cases, telecommuting remote work 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~~¹⁴ calendar days' notice of discontinuance unless extenuating circumstances make

such notice impracticable.

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

~~Telecommuting~~ Remote work 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~~ working remotely, the employee must demonstrate that another individual is present to provide the care.

~~Telecommuting~~ Remote work 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.

In all instances, consideration and approval of remote work arrangements must reflect a focus on mission, service to our students and patients, impact on the communities within which we operate, and a shared responsibility to provide an engaging, vibrant, and connected University experience for our students.

C. Alternate Work Site Location

The alternate location from which an employee ~~telecommutes~~ works remotely 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~~ remote work, such as a telephone, computer, internet connection, etc.

The alternate work location must be within an environment that is free of disruptions and provides the appropriate level of privacy when discussing confidential or sensitive matters.

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~~ remote work agreement or when worksite-related concerns arise during the ~~telecommuting~~ remote work arrangement. Additionally, the University retains the right to make prearranged on-site inspections of the remote work site during scheduled work hours.

~~Telecommuters~~ Employees with approved remote work schedules 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~~ A remote work arrangement does not convert the alternate work location into a ~~University~~ University place of business.

D. Costs and Expenses

~~All~~ The University will supply IT equipment, non-IT equipment, and office supplies, at its discretion, only for the employee's primary work location, be it on-campus or

remote. The University will not reimburse employees for out-of-pocket expenses for materials and supplies that are normally available at the employee's assigned work location. Any additional equipment is the responsibility of the employee. There will be no reimbursement for printing, cell phone, internet or home-office furniture set up. Except as provided above, all costs, whether relating to the initial set-up or the maintenance of a telecommuting arrangement at an alternate work location, 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. 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~~remote work 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~~remote work 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 and equitable across employee groups.

When available, departments are permitted to issue University-owned equipment to an employee for use in ~~telecommuting~~remote work arrangements; 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~~remote work, 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. F. ~~Accountability and Availability~~

In general, ~~telecommuting~~remote work 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.~~ All employees working remotely are required to submit an application in the Flexwork@RU System detailing workdays and hours, ~~those workdays and location, and/or hours receive approval in the system prior to commencing their remote work schedules.~~ Such arrangements must be ~~set forth in the University Telecommuting Agreement.~~revisited and approved on a yearly basis. If it is found that an employee is not performing work during the ~~telecommuting~~remote work hours, or is not at their designated remote work location during remote work hours, the University ~~Telecommuting~~Flexible Work Agreement can be revoked, and the employee may be subject to disciplinary action as appropriate.

~~A telecommuting~~An employee with an approved remote work arrangement 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 workday, regardless of work location.~~

An employee with an approved remote work arrangement shall report to the regularly assigned work location on non-~~telecommuting days-remote workdays~~. In addition, supervisors may require that on a regular ~~telecommuting dayremote workday~~ 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. 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 ~~telecommutingremote~~ employee is not always physically present in the regular work location. —The supervisor and the ~~telecommutingremote~~ 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. H.—**Process**

A department can offer a ~~telecommuting arrangement to a suitable employee or an~~ flexible work arrangements based upon the nature of the work performed. An employee may also initiate a request to ~~telecommute~~ for a flexible work arrangement with their supervisor. In either case, the department should enter into a University ~~Telecommuting~~ University Flexible Work Agreement, only if it is determined that the employee and the employee's position are suitable for ~~telecommuting a flexible work arrangement~~.

A University ~~Telecommuting~~ Flexible Work Agreement may be discontinued at any time by either the employee or the department upon notice. Departments should give ~~30~~14 calendar 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. I.—**Risk Management**

~~Workers~~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. J.—**Security and Technology**

~~Telecommuting~~Remote 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~~ Remote Work Agreement and appropriate disciplinary action.

III. Interpretation of Policy

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

Please contact the University Human Resources Policy and Employment Practices Office of Labor Relations for interpretations or assistance with this policy.

IV. Guidelines

Please refer to the FlexWork@RU Guidelines website for more information and resources related to flexible work arrangements.

V. Exceptions

~~III.~~ Exceptions to any provisions within this policy may be granted by the Senior Vice President for Human Resources or designee.