



Standard Administrative Policy and Procedure

Subject: Flexible Work Arrangement Policy

Number: UW SAP 5.2

I. PURPOSE

The University of Wyoming recognizes that the implementation of a Flexible Work Arrangement can offer an important approach to meeting the operational needs of the University, attracting and maintaining talented staff and supporting employees' needs. This policy describes the types of Flexible Work Arrangements that may be available to certain University employees, the process for evaluating a request for a Flexible Work Arrangement and the approval process for such a request.

II. DEFINITIONS

- A. Compressed Work Week:** A compressed workweek refers to a schedule wherein the total number of hours worked each week are conducted in less than five full workdays. The most common compressed schedule is four 10-hour workdays per week.
- B. Flexible Work Arrangement:** A flexible work arrangement includes the categories of a Compressed Work Week, a Flexible Schedule and/or Remote Work (telework).
- C. Flexible Schedule:** A Flexible Schedule refers to an arrangement that permits variations in starting and departure times, but does not alter the total number of hours worked in a work week.
- D. Remote Work (Telework):** A work arrangement in which some or all work is regularly performed at a location other than the employee's primary (usual and customary) workplace, such as the employee's home or a satellite office.

III. POLICY

The availability of Flexible Work Arrangements can vary by division, college, school, unit and position based on the business and operational needs of the University. The University expects and requires no reduction in service, quality of work or productivity due to the implementation of Flexible Work Arrangements. The University reserves the right in its sole discretion to approve or deny any Flexible Work Arrangement and to modify or revoke such arrangements once approved. Employee-requested Flexible Work Arrangements are

a privilege, are revocable, and should not be an expectation of employment. All existing terms and conditions of employment, including but not limited to a position description, salaried benefits, vacation, sick leave and overtime remain the same as if the employee worked only at the employee's regularly assigned place of employment. All applicable University policies for using leave must still be followed by employees approved for a Flexible Work Arrangement.

This policy applies to all University employees including faculty and staff. However, the University notes that the nature of faculty and academic professional positions already have a level of flexibility and uniqueness inherent in those positions. The flexibility of those types of arrangements may continue without the need for those employees to apply for or receive approval through this Flexible Work Arrangement Policy. However, if employees seek a formalized Flexible Work Arrangement outside of those inherent flexibilities inherent in those positions the process outlined below should be utilized.

IV. GENERAL CONSIDERATIONS

The University will approve a Flexible Work Arrangement on a case-by-case basis.

- A.** When reviewing a proposed Flexible Work Arrangement proposal, the University may take into consideration a number of factors, including but not limited to the following:
 - 1.** Operational needs of the specific unit and the University along with the impact on students, staff, and faculty;
 - 2.** Ability for a unit to maintain appropriate staffing levels during its business hours;
 - 3.** Impact on other staff members both within the unit and those who may work regularly with the unit;
 - 4.** How the proposed Flexible Work Arrangement may affect training, cross-training initiatives, team-based approaches, and other similar strategies;
 - 5.** Whether the employee is on probation and length of time the employee has been employed at the University; and
 - 6.** Past performance of the employee including whether the employee has received disciplinary action or has a demonstrated attendance problem.

- B.** In addition to the factors outlined above, the following factors will be considered with respect to a proposed Remote Work arrangement:
 - 1.** The job requires the employee's physical presence;

2. The level at which the employee can work alone or without close supervision;
3. Whether adequate communication can be managed by telephone, email, instant messaging, video conferencing, etc.;
4. The job has measurable work activities with objectives that have identifiable time frames and check points;
5. The type of special equipment and/or materials that must be used in the University office;
6. Whether allowing Remote Work would harm the unit's efficiency;
7. Whether the employee's position requires access to confidential hard copy data or physical files, or files stored external to the University network; and
8. Whether the employee proposing the Remote Work arrangement has a demonstrated record of excellent time-management skills, has met work expectations, and has succeeded, and continues to succeed, at independent work.

V. APPROVAL PROCESS

A. Temporary Flexible Work Arrangements (45 days or less)

Requests by employees for episodic or non-recurring Flexible Work Arrangements of less than 45 days due to personal or work circumstances may be approved by the employee's immediate supervisor if the supervisor determines that the Flexible Work Arrangement will not negatively affect University operations. These temporary arrangements do not require a signed agreement but the immediate supervisor must maintain written documentation of the approved arrangement.

B. Short-Term Flexible Work Arrangements (45 days up to six months)

Requests by employees for Flexible Work Arrangements ranging from 45 days up to six months due to personal or work circumstances may be approved by the employee's immediate supervisor if the supervisor determines that the Flexible Work Arrangement will not negatively affect University operations. These temporary arrangements require a signed agreement by the employee and the immediate supervisor (form available on the Human Resources website).

C. Flexible Work Arrangements (over 6 months)

Requests by employees for Flexible Work Arrangements six months or longer must be first approved by the employee's immediate supervisor if the supervisor determines that the Flexible Work Arrangement will not negatively affect

University operations. If approved by the immediate supervisor, the Flexible Work Arrangement requires a signed agreement by the employee, the immediate supervisor, the Appointing Authority and/or applicable Vice President and Human Resources (form available on the HR website).

D. Final Decision on Proposed Flexible Work Arrangements

In those circumstances where the immediate supervisor denies an employees' request for a Flexible Work Arrangement and the employee disagrees with the determination, the employee may request a review of the issue by the applicable Vice President/Dean/Director. However, in all cases where an employee makes a request for a Flexible Work Arrangement the decision by the applicable Dean/Director/Vice President is final and there is no right to further review or consideration.

E. Training

Employees approved for Remote Work under this Flexible Work Arrangement policy and the immediate supervisor will be *required* to complete a training provided through Human Resources. This requirement does not apply for temporary Remote Work of 45 days or less.

VI. WORK HOURS AND REPORTING

For all approved Flexible Work Arrangements, employees and supervisors are required to comply with all timekeeping and overtime regulations defined by state or federal law (e.g., the Fair Labor Standards Act) and University policy. Overtime eligible employees must receive approval from their supervisor to work overtime. Supervisors must ensure accurate recording of hours worked.

During established work hours, the employee is required to be available and ready for any work-related communication or task. The employee's personal obligations, including child or family care, shall not affect the employee's work product or work availability. Employees approved for Flexible Work Arrangements may be required to establish recurring meetings with supervisors or other employees or to schedule brief period check-ins (e.g. daily, weekly, etc.). Supervisors are encouraged to identify any reporting expectations in advance.

VII. REMOTE WORK

In addition to the requirements for all Flexible Work Arrangements, all employees who are approved for Remote Work of any duration are subject to the following additional policies and requirements.

A. Confidentiality and Information Technology

Security of confidential information is of primary concern and importance to the University. Employees who work remotely are expected to adhere to all applicable laws, rules, regulations, and University policies and procedures regarding information security. Minimum security standards set by IT must be demonstrated and maintained. These also include but are not limited to the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA). All information assets (e.g., equipment, software, and confidential information, etc.) used by the employee are subject to these security policies.

B. Equipment and Supplies

- 1. University-Owned Equipment and Supplies:** If an employee has been granted permission for certain equipment (i.e., computers, job-specific equipment, etc.) for use at the employee's Remote Work site, this equipment remains the property of the University and the department retains the responsibility for the inventory and maintenance of University-owned property following appropriate University procedures. The employee is responsible for ensuring that all University-issued equipment is maintained in a safe and secure manner. Electronic equipment must be connected to a grounded electrical outlet and into a surge protector. All equipment, supplies, material and/or other property will be immediately returned upon request, termination of participation in the Remote Work program and/or termination of employment.
- 2. Use of Employee-Owned Equipment:** An employee approved for Remote Work is expected to use his or her own furniture, telephone lines and other equipment. The University does not assume liability for loss, damage or wear and tear of employee-owned equipment. All expenses (e.g., maintenance, repair, insurance, etc.) for employee-owned equipment at the remote site location shall be the responsibility of the employee; however some expenses may be paid or supplied by the University when approved in advance in writing by the immediate supervisor. Individual tax implications, automobile and homeowners insurance, and incidental residential utility costs are the responsibility of the employee, along with compliance with local codes, zoning and other requirements affecting home offices.

C. Expenses and Compensable Time

When an employee is approved for a Remote Work Arrangement, mileage between the home and the employee's assigned office or Remote Work location, if outside of the home location, will be considered commuter mileage and not subject to reimbursement. Time spent traveling between the Remote Work site and the employee's regular assigned office will not be compensable as "time worked," nor will such travel time be included for purposes of calculating overtime. No expenses

incurred while performing work remotely are eligible for reimbursement unless the expenses are approved through the applicable University policies and procedures.

D. Workers Compensation

When an employee is working remotely during designated work hours while they are performing official work functions in the designated Remote Work site or the alternative worksite, employees will be covered by workers' compensation. Workers' compensation only covers accidental injury or illness arising out of and in the course of employment. Employees working remotely must keep their Remote Work site safe and free from hazards and are subject to the following requirements:

1. If an injury occurs during the Remote Work hours, the employee will immediately report the injury to the manager or supervisor. The manager or supervisor must follow University protocol regarding the reporting of injuries for employees injured in the primary (usual and customary) workplace. The University may visit the Remote Work site in addition to conducting an investigation of the accident/injury. The University will administer any workers' compensation claim made by a Remote Work employee.
2. The Remote Work employee will be required to submit supporting medical or causation documentation of the accident/injury as required by the rules governing workers' compensation to document that the injury was related to performance of Remote Work duties and not to any personal activity.
3. The University assumes no liability for any injuries to the Remote Work employee's family members, visitors or others in the employee's Remote Work site. Remote Work employees may not have business guests at the Remote Work site, unless approved by the applicable Vice President. Use of the Remote Work site for in-person work-related meetings is prohibited. Remote Work participants are encouraged to utilize electronic teleconferencing if a work-related meeting becomes necessary.
4. Employees who request remote work for a location outside of Wyoming may be subject to additional rules and regulations. The employee and supervisor must consult with Human Resources before approving an out-of-Wyoming Remote Work arrangement.

VIII. APPLICABILITY OF POLICY

This policy is also not a substitute for leave taken pursuant to the Family and Medical Leave Act (FMLA) or reasonable accommodations requested pursuant to the Americans with Disabilities Act (ADA); those requests shall be made through the appropriate University process that applies.

Responsible Division/Unit: Human Resources, Division of Administration

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

Approved: 6/10/2021