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4.400 Hours of Work and Leave (Human Resources)

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February 2012

4.403 Flexible and Alternative Work Schedules

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Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> Campus <input type="checkbox"/> Department/Unit <input type="checkbox"/> Interim		Flexible and Alternative Work Schedules Policy 4.403	
Human Resource Policies		Effective date: February 9, 2012	
Policy History:	Approved by:	Resolution #	Date:
Approved	Chancellor	N/A	February 9, 2012
Revised			
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of Human Resources	Director of University Human Resources	937-769-1375	All Employees <u>Except</u> Faculty and Employees in a Recognized Bargaining Unit

I. Introduction and Purpose

Antioch University (“AU” or the “university”) recognizes the growing demands on employees who have both professional and personal responsibilities, as well as the increasing challenge of finding new and better ways to manage people, time, space, and workload effectively. This policy does not apply to faculty or bargaining unit employees.

FWA including flexible scheduling, compressed workweeks, and flextime, may promote productivity, enhance job satisfaction, enable recruitment and retention of valuable employees, and reduce greenhouse emissions consistent with the university’s environmental goals.

The use of various FWA must be designed to meet the operating and customer service needs each unit within the university. The availability of FWA is not intended to change the departmental regular hours of operation, nor does it alter the responsibility or diminish the authority of unit heads to establish and adjust work schedules as permitted in the Hours of Work and Attendance Policy # 4.401. An employee’s proposed FWA must be coordinated with the Director of the Office of Human Resources (“HR”) to ensure that appropriate employee and organizational requirements are maintained.

II. Definitions

A. **Flexible Scheduling:** is a flexible work arrangement that includes a consistent weekly schedule with individualized daily starting and ending times. For example, the weekly schedule may include a daily schedule that starts or ends at different times each day. The varying daily schedule may include a consistent 8 hour day, for example, throughout the week or a varying daily schedule of more or less than 8 hours. The total weekly hours must equal the number of hours established in the employment letter of agreement for each employee.

B. **Compressed Workweek:** is a form of flexible scheduling which enables eligible full-time employees to work longer days in exchange for a shorter workweek. An example of a compressed workweek FWA would be four ten hour days with no work on the fifth day. (For non-exempt employees in California, compressed workweeks have overtime pay implications. See Section IV, D, below).

C. **Flextime:** is a flexible work arrangement by which non-exempt employees' makeup time missed during their normal work schedule by coming in early or working late some day during the same workweek. An example of flextime would be an employee who works 1 hour beyond their normal schedule on Monday to accommodate the need to leave one hour early on Tuesday. Such flextime is addressed on an *ad hoc* basis by the employee's supervisor and is not part of a routine Flexible Schedule as defined above. (For non-exempt employees in California, this flex scheduling has overtime pay implications. See Overtime Pay, Policy 4.405 and "make-up time").

III. Eligibility

A. Eligibility for participation in flexible schedules, flextime or a compressed workweek FWA will depend on an assessment by the supervisor that the employee's proposed FWA will enable the employee to fully meet job responsibilities and performance expectations.

B. FWA are to be considered on a case-by-case basis and will be reviewed on the basis of feasibility and assurance that the department's efficient and effective services will not be impaired or interrupted.

C. While it is not required that FWA be uniformly available to all positions in a department, the unit head is responsible for ensuring the fair and equitable administration of this procedure to eligible employees. When multiple incumbents request the use of FWA, a method for the equitable allowance of flex time or compressed workweek should be developed by the department and HR.

D. Employees seeking an FWA should submit the request to the supervisor using the FWA Request Form. The supervisor and the unit head should review the request for FWA and forward it to HR for review. HR is available to provide supervisors and unit heads assistance in considering and determining the appropriate response to employee FWA requests.

E. FWA may be appropriate as a reasonable accommodation under the American's with Disabilities Act. If so, the employee should complete the necessary request for accommodation under the university's Reasonable Accommodation Policy # 4.107.

F. Departments are encouraged to make reasonable efforts to accommodate employee requests for FWA, but should recognize that flex time and compressed workweek schedules are considered exceptional arrangements and accommodations. Approval is granted only when the unit head believes that FWA will enhance the effective and efficient operation of the university or department and the employee's work performance will not be adversely affected. This decision is at the sole discretion of the university and is not subject to the grievance procedure.

IV. General Guidelines

A. FWA shall not adversely affect the services that are provided to students, other operating units, co-workers or the public. The quantity, quality, and timeliness of employee work must be enhanced or maintained.

B. Each unit head is responsible for determining the best use of FWA and must consider the impact on work effectiveness, efficiency and productivity.

C. The supervisor is responsible for ensuring the department is appropriately staffed and trained in order to satisfy all service needs during normal business hours.

D. **Alternative Workweek Schedule in California.** Compressed workweeks and flextime will not be approved for non-exempt employees in California unless the employee completes an additional certification for an Alternative Workweek Schedule as required by California State Law. In this certification process, employees waive their rights to overtime pay resulting from working a compressed workweek. For example, employees who request and are approved to work 4 ten hour days would waive payment of the overtime premium for the hours worked in excess of 8 each day.

E. Flextime cannot be used to increase hours of work of a nonexempt employee in one work week to make up for hours missed in another work week since this would almost always result in an overtime pay liability to the university.

F. Adequate supervisory contact and/or employee accountability must be maintained.

G. FWA must not cause or contribute to the need for additional employees or for existing employees to work additional overtime hours.

H. It is not required that FWA be uniformly available to all positions in a department. Not every function is conducive to such scheduling because of service requirements. This should not deter supervisors from approving or establishing FWA for positions where such scheduling is possible and/or would enhance services.

I. Employees are not required to participate in FWA if they choose not to do so.

J. FWA will not be approved that result in a full-time employee working fewer hours than required by letter of employment agreement, or does not provide the employee lunch breaks in a manner required by any applicable state laws.

K. FWA should be agreed to in advance by the supervisor and the employee, should be in writing, and should remain in effect until a change is made to the written agreement.

L. A department that has established a FWA may discontinue, temporarily suspend, and/or alter the arrangement at any time at its discretion. An employee may also request a change.

M. During a week in which a paid holiday(s) occurs, regular full-time employees on an approved FWA (compressed work week or flexible schedule), will receive holiday pay based on the number of hours that employee is normally scheduled to work that day. For example, if a holiday falls on Monday and the employee’s compressed workweek schedule calls for him to work 10 hours on Monday, then the employee shall receive 10 hours of holiday pay. If the employee is scheduled to work only 5 hours, then the employee shall receive only 5 hours of holiday pay. If the employee is not scheduled to work at all on that day, then the employee is entitled to a different day off in accordance with the Holidays Policy # 4.413, (usually the day before or the day after the holiday).

N. Vacation or sick leave will also be charged against the employee based on the numbers of hours they are normally scheduled to work under their FWA. For example, an employee who is absent on a Monday in which she is normally scheduled to work 10 hours, will be charged for 10 hours of sick leave. An employee who is absent for vacation on a Friday in which he is normally scheduled to work 4 hours, will be charged for 4 hours of vacation leave.

Policy Cross References

Working from Home	Policy # 4.409
Hours of Work and Attendance	Policy # 4.401
Reasonable Accommodation	Policy # 4.107
Holidays Policy	Policy # 4.413

Forms Cross References

Flexible Work Arrangements Request Form	Form # 4.403:01
California Waiver of Overtime due to Alternative Scheduling	Form # 4.403:02