



STAFF FLEXIBLE SCHEDULING AND TELECOMMUTING PROGRAM

In general, the College of Law can fulfill our mission and administer our educational programs best when staff members are present on campus and can have direct contact at meetings, during informal discussions, and via impromptu conversations. Collegial interaction is essential, and the staff can best support the needs of the faculty and students by maintaining identified core hours of operation and availability. As a result, the vast majority of staff work time should be performed on campus, where access to others during core hours can be easily accomplished. The purpose of these guidelines is to identify those scenarios when flexible scheduling or telecommuting may provide a reasonable alternative for certain staff members to complete work through a flexible schedule or telecommuting arrangement, and to provide guidance on how to implement either arrangement.

A. Flexible Scheduling

The College of Law recognizes that many employees have personal needs and interests outside of work that overlap with and may sometimes conflict with traditional work schedules. In addition, the introduction of part-time program created the need for some offices to be staffed after 5:00 p.m. during at least certain times of year; this change resulted in an institutional need for more flexible scheduling that would meet student needs while minimizing overtime costs. Therefore, to both employees balance the overlapping demands of work and personal life, and to provide the College of Law with tools to better manage staffing, these guidelines detail available flexible scheduling options.

- **Flextime-Variable:** A flextime-variable schedule is a full-time schedule with varied starting and ending times each day, but with designated “core hours” during the middle during which the employee is expected to be present each day. This schedule is available in most offices where more than one support person is employed and the office is able to maintain coverage between the hours of 8:30 a.m. and 5:00 (or later during the academic semester for offices — such as IT, Student Life, Business Office, Registrar, and Career Development — that provide support services to part-time students). Start times should not be flexed outside the window of 7:00–9:00 a.m., while end times should not be flexed outside the window of 4:00–6:00 p.m. Exceptions require the approval of the Dean.

- **Flextime-Fixed:** A flextime-fixed schedule is a full-time schedule with fixed starting and ending times each day that vary from the College of Law's normal operating hours. This schedule is also available in most offices where more than one support person is employed and the office is able to maintain coverage between the hours of 8:30 a.m. and 5:00 (or later during the academic semester for offices — such as IT, Student Life, Business Office, Registrar, and Career Development — that provide support services to part-time students). Start times should not be flexed outside the window of 7:00–9:00 a.m., while end times should not be flexed outside the window of 4:00–6:00 p.m. Exceptions require the approval of the Dean.
- **Compressed Work Week:** A compressed work week is a full-time schedule compressed into fewer than five full work days. This schedule is currently available for use by nonexempt employees in areas of 24-hour coverage, such as for Public Safety Officers, and for support classifications whose work is outside a typical staffed office environment, such as Facilities Maintenance, Grounds and Custodial staff. Employee leave accruals do not adjust based on this schedule, but leave is charged based on the actual schedule worked to account for the employee's full complement of scheduled hours each week.
- **Split Shift:** A split shift is a full-time schedule available to nonexempt staff whose duties may necessitate evening or event support but whose presence during the College of Law's normal operating hours is also warranted. When used, the employee must be given at least four hours off between shifts. Failure to completely relieve the employee during this four-hour time period will result in the entire time period being compensated. This schedule is suitable for an occasional or ad hoc basis for nonexempt employees whose position may call for event support in the evening, or on a regular basis when the position may call for evening support of students or the academic program.
- **Alternate Schedule:** An alternate schedule is a full-time schedule available to nonexempt staff that may comprise a schedule other than the traditional Monday through Friday workweek. This scheduling can be used on an occasional or ad hoc basis as the need arises. For example, it may be used when an employee is needed on Monday evening and the schedule is flexed to allow or require the employee to leave early that Friday. It may also be recurring, such as night shift or week-end work — such as in Facilities and Public Safety — and may be used for positions calling for regular weekend class and/or event support — for example, IT, the Bookstore, the Law Library, or Conferences and Events.

B. Process for Flexible Scheduling

Below are the processes by which flexible scheduling can be implemented. It is anticipated that these arrangements will be implemented informally between the employee and the supervisors without the need for HR involvement, unless a dispute arises. However, please remember that the availability of the flexible scheduling options

depends on the specific position and department to which the employee is assigned. As explained above, some schedule options like Compressed Work Week, Split Shift, and Alternate Schedule, are available on a limited basis only by certain departments. Other techniques, such as Flextime Varied and Flextime Fixed, are more broadly available at the discretion of the Department Head. Because Department Heads are generally expected to be on campus during normal business hours, flexible scheduling options are available to Department Heads only on an occasional or sporadic basis with the advance approval of the Department Head's supervisor.

All flexible scheduling arrangements that are expected to last for more than one month should be communicated in writing to HR with a copy to Roxane Latoza in the Dean's Office.

Request by Employee: Employees who wish to request some form of flexible scheduling should submit their request in writing to their Department Head. The request should include the specific arrangement requested, including duration and the basis for the request. The employee should include in the request how the needs of the department and the employee's specific position will be met, including how unplanned urgent matters will be handled.

After receiving the written request, the Department Head will review it to determine if the request is operationally practicable, taking into account the nature of the position, hours of departmental operation, staffing, service delivery, the employee's performance record (if applicable), and other relevant factors. The Department Head is encouraged to discuss the request with his or her own supervisor. The Department Head will notify the employee, in writing, whether the request or some modified version of the request is granted and will also communicate any special limitations on the approval.

Use by Supervisors: Supervisors may, at anytime, use the methods of flexible scheduling to meet institutional needs and/or to minimize overtime. Indeed, Department Heads are encouraged to use these options for those reasons. The flexing of a schedule may occur at any time and may not always be known in advance (such as when unexpected overtime occurs). When the need to use flexible schedule is known in advance, the Department Head should communicate that need to the employee as soon as is practicable so he or she can plan accordingly. If the flexible schedule is one that will occur on a fixed or recurring basis, the employee simply must be informed of his or her expected schedule.

C. Telecommuting

A work-at-home model is another form of flexible scheduling; it embraces a flex-place concept that focuses on the work to be performed and not the location at which it is performed. In considering such an arrangement, it is important to bear in mind that telecommuting does not involve an employee just checking his or her email or voicemail from home. Rather, it is a focused and structured arrangement that allows for the prompt and satisfactory completion of specific work responsibilities. To that end, any

telecommuting arrangement necessarily must carry with it the means by which to record and monitor productivity.

Several typical situations appropriate for telecommuting include:

- **Project Based**, which consists of episodic telecommuting lasting only a few days that will allow an individual to focus on completing a specific project without the standard interruptions common in the workplace.
- **Intermittent Need Based Telecommuting**, which may be used to accommodate an emergency need — such as a dependent’s short-term illness — for an employee to work at home. This arrangement also requires that the employee have a position suitable for telecommuting and a work load that can be accomplished from the remote location. It is intended to be an occasional occurrence. If no appropriate work is available, the employee should be prepared to request sick days, vacation days, or unpaid leave as applicable.
- **Telecommuting While on Leave** may occur when an employee on an approved leave of absence is the best individual to manage a limited task or function. A department’s goals may be best served if a specialized task performed by the employee can be defined and expectations identified, and the employee either requests or voluntarily agrees to continue the work. Such limited work at home during the leave can benefit both the institution and employee, particularly in the case of a child-rearing leave or caregiver leave. In the case of a medical leave based on the employee’s own medical condition, a health care provider’s written statement is required; the statement must indicate that the employee can perform the work assigned while recuperating.
- **Recurring Telecommuting Arrangement** allows an employee to work from home on a set schedule. Given the College of Law’s emphasis on the importance of collegial interaction on campus, this option should be rarely used. Under this arrangement, retaining the best individual for a position may include an agreement to allow some specified period of work time, e.g., one day per week, to be accomplished at home. The work assignments of the employee must strongly lend themselves to this arrangement. Individuals will not be allowed to telecommute until the successful completion of a probationary period, or, for a promotion or transfer, until it is clear that the performance standards clearly and consistently are being met in the new position.
- **Ongoing Telecommuting Arrangement** will be limited exclusively to certain positions in the National Clearinghouse for Science, Technology, and the Law based on both space constraints and the unique nature of those positions’ responsibilities. Unlike other arrangements described, these arrangements are a condition of hire and not subject to unilateral discontinuation by the employee.

- **Telecommuting Arrangements During Emergency Conditions**, which may be used during rare occasions involving an emergency, natural disaster, or proliferation of infectious disease in the community that results in a closure of the employee's base campus or the need for alternative work arrangements for health and safety reasons. A number of positions that would not ordinarily be considered for telecommuting based on the philosophy and guidelines within this policy may be more broadly considered for a telecommuting arrangement on a temporary basis while steps are taking place to resume normal campus operations. These arrangements are initiated by senior College of Law or University officials with the agreement of the employee.

D. Telecommuting Guidelines

1. With the exception of the National Clearinghouse, a telecommuting agreement is voluntary and subject to mutual agreement. It is not a right, but is a privilege that can be modified or discontinued at any time.
2. All telecommuting arrangements must be in the best interests of the College of Law. They should benefit the department as well as the employee. In evaluating benefits to the department, some factors to consider include:
 - Does the nature of the work lend itself to telecommuting? Alternatively, will telecommuting by one employee disadvantage others? Consider the following:
 - Typically, only jobs that entail working alone or working with materials or equipment that can be easily moved or kept at the alternate work site are suitable for telecommuting.
 - Jobs that require physical presence to perform effectively are not suitable for telecommuting.
 - Jobs that require a high degree of collaboration, iterative conversations to refine the product, and/or group discussion to achieve goals are not suitable for telecommuting.
 - Positions subject to legal overtime requirements (non-exempt positions) that the employer is responsible for monitoring generally are not suitable for telecommuting except in isolated and rare circumstances.
 - Jobs requiring ongoing supervision, interaction with faculty, staff, or students, or availability on campus to handle issues as they arise do not lend themselves well to a telecommuting arrangement.
 - Supervisors must be particularly sensitive that telecommuting by one employee can sometimes result in a "lack of presence" as ad hoc assignments are made and work load distributed. Particular care must be taken in

avoiding telecommuting arrangements that result in disadvantage to those employees not participating.

3. The Department Head must determine whether the employee is a good candidate for telecommuting. Below are some factors to consider:
 - Employees who telecommute should have a demonstrable history of independent work, be highly self-directed and motivated, and not need constant collaboration with other employees.
 - Employees who have performance issues, or who require close supervision, are not good candidates for telecommuting.
 - Some employees are not comfortable with physical isolation from other employees, or cannot create a home work space that is safe (for them and for College of Law equipment and files) and free from distractions.
 - Sometimes employees who telecommute feel that they are “out of the loop” and are overlooked when it comes to various kinds of workplace opportunities. (For this reason, and others, telecommuting should not normally be done more than one day a week.)
4. The focus in telecommuting arrangements must be on results. The supervisor should communicate in advance what assignments or tasks are appropriate to be performed at the telecommuting site, and what assessment techniques will be used to measure success in meeting performance standards.
5. Good telecommuting practices include:
 - Requiring that the telecommuter is accessible to on-site employees. Communications tools may include cell phone, Instant Messenger, teleconferencing, beeper, or a second phone if the telecommuter is using a phone line instead of DSL or cable modem to connect to the network. The College of Law, however, will not pay for these items merely to facilitate a telecommuting arrangement.
 - Ensuring all forms of information (paper, electronic, conversations) are kept secure and confidential.
 - Installing antivirus software, updating the software and virus definitions weekly, and scanning for new viruses at least weekly.
 - Using the College of Law’s VPN server if connecting to the network via DSL, cable modem or non-College of Law dial-in (e.g., AOL).
 - Using a personal firewall if using DSL or cable modem.
 - Disabling or restrict file sharing.
6. Telecommuting must also otherwise comply with all applicable College of Law policies.

E. Process for Telecommuting Scheduling

Below is the process by which a telecommuting schedule may be implemented. Unlike the more informal implementation of flexible scheduling, all telecommuting arrangements must be approved by the Dean and reduced to writing. Any existing arrangements at the time of adoption of these guidelines must be conformed to these guidelines and then submitted for approval.

Request by Employee: An employee who wishes to request or continue a telecommuting arrangement should submit his or her request in writing to the Department Head. The request should indicate the specific arrangement requested, including duration, day of the week requested if recurring telecommuting is sought, and the basis for the request. The employee should include in the request how the needs of the department and the employee's specific position will be met, including how unplanned urgent matters will be handled.

The request will be initially reviewed by the Department Head to determine if it is operationally practicable, taking into account the nature of the position, hours of departmental operation, staffing, service delivery, the employee's performance record (if applicable), the means by which the supervisor will determine productivity and performance, and other relevant factors. If recommended for approval by the Department Head, the recommendation and supporting documentation will be forward to Human Resources. Human Resources will in turn make a recommendation to the Dean regarding whether to approve the arrangement. Only a single approval is required for a telecommuting arrangement. For example, if a Department Head wishes the option of project-based telecommuting on an as-needed basis, it must be approved only once and then may be used thereafter at the Department Head's discretion.

If a telecommuting arrangement is approved by the Dean, Human Resources will reduce the arrangement, including any restrictions or limitations on the arrangement as approved, to writing. The employee will sign to acknowledge receipt, and the original will be maintained in the employee's personnel file. At a minimum, the arrangement documentation should include the following minimum components:

- The employee's accountability to his or her supervisor for any requested accounting of time worked or productivity during periods of telecommuting, including as appropriate the employee's required hours of availability and the schedule for telecommuting (where requested by the supervisor and approved by the Dean, this may include a requirement for webcam installation at the College's expense and its use at reasonable times to communicate with the employee during regular business hours as designated by the supervisor);
- The employee's responsibility for required equipment and supplies;

- If it is appropriate for College of Law-owned equipment and materials to be used, the employee should agree not to use, or allow others to use, College of Law materials or equipment for purposes other than College of Law business;
- The College of Law is entitled to reasonable access to its equipment and materials;
- The employee's responsibility to ensure equipment and materials are covered by his or her own homeowner's insurance, and to be responsible for any costs not covered by the employee's insurance or below the employee's deductible if equipment is lost or damaged. Proof of coverage may be required. In addition, if the employee's insurance is inadequate and the employee fails to make prompt payment, the College of Law reserves the right to make any deductions from pay or accrued leave payout as permitted by applicable Department of Labor guidelines;
- On-going expenses, such as phone lines and internet services, are considered among the normal costs of maintaining a career and should be funded by the employee. (College of Law funding of these expenses should be considered only if the supervisor can establish that the expenses are a critical part of the job requirements unrelated to the telecommuting agreement.)
- The employee agrees to maintain a safe work environment, and the employee agrees to hold the College of Law harmless for injury to self or others at the telecommuting location. The employee must also complete and return the Safety Checklist for Telecommuters and should be precluded from holding business meetings in his or her home.
- The College of Law retains the right to modify the agreement on a temporary basis as a result of business necessity (for example, the employee may be required to come to campus on a particular day), or as a result of an employee request supported by the supervisor.
- With the exception of employees whose telecommuting arrangement is a condition of hire or continued employment, the arrangement is voluntary, and may be terminated at any time by either the employee or the College of Law. In addition, the arrangement should be re-evaluated annually in conjunction with the employee's review cycle to determine if it should be continued.

F. Miscellaneous Provisions Applicable to All Flexible Scheduling and Telecommuting Arrangements

1. The College of Law's normal business hours of 8:30 a.m. to 5:00 (and later at certain times of year for certain departments) must be maintained throughout the year. Therefore, no flexible scheduling or telecommuting

arrangements that result in an office closure or insufficient staffing during normal business hours will be approved.

2. Flexible scheduling arrangements are approved at the discretion of the College of Law. As such, they can be discontinued at any time. Department Heads may also limit their use to particular time periods, such as summer.
3. Decisions concerning the operational practicability and appropriateness of flexible scheduling requests are to be made by the appropriate Department Head. Decisions concerning the operational practicability and appropriateness of telecommuting requests are to be made by the appropriate Department Head in consultation with Human Resources, and also require the approval of the Dean. While Department Heads and employees may consult with Human Resources over disputes concerning such an arrangement, decisions under these guidelines are not subject to the College of Law grievance procedure.
4. Federal law requires that nonexempt employees maintain records of actual hours worked. Therefore, nonexempt employees who work under flexible working arrangements must report their work time as it is actually worked. Leave accrual rates, which are based on actual hours worked and certain paid leave time, will not change. However, employees will be charged leave based on the actual schedule worked so as to account for the employee's full complement of scheduled hours each week.
5. The work week for federal wage and hour purposes is Saturday at 12:01 a.m. to Friday at midnight, and each work week stands alone for purposes of determine overtime obligations. Department Heads are not to approve flexible schedule arrangements that will increase the College of Law's overtime responsibility.
6. These guidelines are not intended in any way to supersede or limit the College of Law's right to assign and schedule staff in accordance with operational needs and requirements. The College of Law may at times need to unilaterally modify any flexible scheduling arrangement in order to meet operational requirements.

Adopted July 1, 2008.

Attachment: Safety Checklist for Telecommuters



Safety Checklist for Telecommuters

The following checklist is recommended for use by each telecommuter in organizing an alternate work site. The telecommuter should review and complete this checklist prior to the start of telecommuting. The safe set-up and on-going maintenance of the telecommuting site is the employee's responsibility.

Ergonomics

Desk, chair, computer, and other equipment are of appropriate design and arranged to eliminate strain on all parts of the body.

Work Site

Telecommuter has a clearly defined workspace that is kept clean and orderly.

The work area is adequately illuminated with lighting directed toward the side or behind the line of vision, not in front or above it.

Supplies and equipment (both departmental and employee-owned) are in good condition.

The area is well ventilated and heated.

Storage is organized to minimize risks of fire and spontaneous combustion.

All extension cords have grounding conductors.

Exposed or frayed wiring and cords are repaired or replaced immediately upon detection.

Electrical enclosures (switches, outlets, receptacles, junction boxes) have tight-fitting covers or plates.

Surge protectors are used for computers, fax machines, and printers.

Computer components are kept out of direct sunlight and away from heaters.

Emergency Preparedness

Emergency phone numbers (hospital, fire department, and police) are posted at alternate work site.

A first aid kit is easily accessible and replenished as necessary.

Portable fire extinguishers are easily accessible and serviced as needed.

Exits are free of obstructions and you have an evacuation plan.

By my signature below, I affirm I have checked each of these items and verified the safety of my working conditions. I understand I am responsible for monitoring such conditions on an ongoing basis to maintain these standards. Finally, I represent I have homeowners or other insurance sufficient to cover and damage or loss of Stetson property.

Employee Signature

Date

Name (print)