Flexible Work Arrangements

Frequently Asked Questions (FAQ’s)

General

1. What is a Flexible Work Arrangement (FWA)?

A flexible work arrangement is an alteration to the time and/or place that work is performed on a regular basis.

2. Why use FWAs?

Surveys have found that an important factor correlating with employee commitment and loyalty was recognition by the institution of the importance of personal and family life and support for these responsibilities.

There are also significant organizational benefits to be derived from these arrangements. Flexible work options can improve staff morale, increase productivity, reduce absenteeism and turnover, enhance customer satisfaction and improve competitiveness for job candidates.

3. What are the most common reasons for a flexible work arrangement?

A department may want to extend open hours to provide better customer service, allow employees to better handle personal responsibilities and schedules, reduce the number of days employees are in the office, match employee work hours to peak customer volume, promote employee carpooling, and increase opportunities for cross-training.

4. What type of FWA are allowed?

The University has approved use of Flextime and Flexplace. Flextime is working an established set of core hours with flexibility in starting and ending times revolving around the department’s standard or core operating hours. Examples of this may include a compressed workweek or working scheduled hours in less than five full days. Flexplace is performing normal work duties at a location away from the office, typically at home or via a virtual office.

5. Are non-exempt (hourly) and exempt employees eligible for flexible work arrangements?

Both types of employees are eligible for flexible work arrangements. Supervisors need to keep the Fair Labor Standards Act in mind when considering or implementing flexible work arrangements for non-exempt (hourly) employees since they are eligible for overtime if they work more than 40 hours in a work week.

6. Are all employees eligible for a flexible work arrangement?

Full time and part time employees may apply for FWA’s. There are certain positions that cannot accommodate a FWA. Some positions require employees to be or on campus at all times and some positions may not have as much flexibility to accommodate shift changes. Factors to be considered by the employee and supervisor include operational needs of the department,
customer service requirements, productivity required, work/life balance of the employee and employee productivity.

7. Are there specific procedures and/or forms that need to be completed and followed?

Yes. An employee interested in a flexible work arrangement should complete a Flexible Work Agreement form. This form, along with additional details, may be found on the HR website (LINK TO FLEX PAGE). Whether you are an employee interested in applying for a flexible work arrangement, or a manager/supervisor considering your employee’s request, the website contains instructions, required documents and tools to complete the process. Additionally, if you have questions or would like someone to assist you, you may contact your HR Business Partner.

8. Who makes the decision about whether or not I can have a flexible work arrangement?

Upon receipt of a Flexible Work Arrangement proposal, the supervisor receiving the request will discuss the request with the employee. The supervisor will then consult with their Department/Division leader prior to consulting with their Human Resources Business Partner. The President’s Cabinet member must approve any Flexible Work Arrangement in his or her respective division, in consultation with the employee’s supervisor and/or department head.

9. Do you have to have worked in a certain job for a certain length of time before you can apply for a FWA?

Generally, a flexible work arrangement may be available to an employee who has completed their 6 month probationary period.

10. How long should a flexible working arrangement be in place after the agreement is reached?

All arrangements will normally be piloted for at least 30 days before a regular agreement is implemented. The supervisor and employee must include regular reviews of the arrangement to decide what is working and what needs to be improved or enhanced. Each agreement should have a start and end or renewal date, typically annually but can be based on the semester or quarter. An approved flexible work arrangement should remain in place for at least 4 months after the pilot period is exhausted.

11. If I am currently in a Flexible Work Arrangement, do I need to formalize it through this policy?

Yes. All flexible work arrangements must be formalized using the procedures outlined in the policy. This policy does not apply to ad hoc, short term arrangements less than 4 months in duration. For example, summer flex schedules.

12. Is there any time when a supervisor can terminate or vary the arrangement?

The supervisor can terminate or amend the agreement based on a number of reasons, including operational changes, staffing changes, leadership changes, performance, etc. If the FWA is terminated or amended the supervisor should make every effort to provide the employee at least...
30 days’ notice in writing. If the Flexible Work Arrangement is terminated for poor performance the arrangement may be terminated immediately.

13. Can a request for a flexible work arrangement for the same position but in different departments or schools be handled differently? Can one be approved and the other denied?

Yes. Since every job, employee and situation are different; it cannot be assumed that the same decision is appropriate for two similar positions. Supervisors know the operations of their department’s best and are responsible for final decisions on how to get the work accomplished. But keep in mind that supervisors have the authority to say “yes” or “no” to a flexible arrangement, or to postpone consideration of flexible arrangements to another time.

14. May I take care of my children or elderly parents while I’m working from home?

No. The Flexplace option is not intended to be used as a substitute for ongoing childcare or eldercare. Employees must identify appropriate care for their children or parents regardless of where they are working.

15. Can I make a Job Share request under this program?

At this time, we are only implementing Flex time and Flex Place. Job Share is not a part of the program.

16. Can a supervisor mandate work arrangements for an entire department?

It is in the supervisor's interest to consider individual scheduling preferences and to make the best effort to respond to these, to avoid reduced productivity or the challenges and costs of turnover. However, yes, a supervisor may change work schedules and arrangements to accommodate organizational needs. This would not be considered a flexible work arrangement.

The employee's ability to end the arrangement distinguishes a flexible work option from a non-traditional work schedule implemented by the division or department to accommodate an organizational goal. For example, if the school or division determines the need for extended hours or weekend coverage and requires an employee to change to different hours of work, this becomes a requirement of the job. If the employee does not like the arrangement, he/she may not have the ability to convert the position back to the original schedule.

17. What happens if an employee who is working a flexible work arrangement wants to return to his or her previous schedule?

The employee should discuss this with his or her supervisor at least 30 days prior to the date he or she wishes to resume the previous schedule. The supervisor may or may not be able to approve the request immediately, depending on the needs of the department.

18. What happens if an employee with a flexible work arrangement transfers to another department?

The employee and the employee's new supervisor should discuss the situation and determine if the employee's current flexible work arrangement is appropriate for the new position and
department. The employee would have to complete a new flexible work arrangement proposal and agreement form and have it approved by the new supervisor and President’s Cabinet member.

19. How often can a person change his/her flexible work arrangement?

That will depend on a number of factors, including type of arrangement, the school/ department’s operational needs, the frequency of requests, the success of current arrangements, etc.

20. Who initiates a request or takes primary responsibility for completing a proposal for a flexible work arrangement?

Flexible work options are generally introduced in a work environment by an employee who determines that he/she would like to have a flexible work option. However, supervisors may also suggest flexible work options for some or all employees. The employee and the supervisor are encouraged to discuss their needs and to work together to develop the best possible arrangements for their situation.

21. How long does the proposal and approval process take?

It varies by department and by individual.

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**Employee**

1. How long will it take my proposal to be approved by my supervisor?

There is no specific timeline in place. If you feel it is taking too long, contact URHR or your Business Partner.

2. Can my flexible work arrangement be changed? Who can make a change?

With reasonable notice, either the supervisor or employee can change or terminate a flexible work arrangement. The first priority for a supervisor is to have an appropriately staffed operation, so if something changes in the department, a flexible work arrangement may need to be altered. If there is an emergency, a supervisor has the option to change an employee’s schedule. Whenever possible, an employee should be given at least 30 days notice when a change is necessary.

3. As a flexplace worker, I’m concerned about losing connections with my co-workers. Any suggestions?

Touch base with your co-workers at least once a week. Be present at meetings whenever possible. Conference calls are ok, but physical presence is better. If you work from home several days a week, be prepared, if asked by your supervisor, to attend key meetings. Make sure that everyone knows how to get in touch with you if they have an urgent matter.
4. What happens if a meeting, training session or important event is scheduled when I am supposed to be off?

It is important to remember that the work of the university and the department must not suffer as a result of employees using flexible work options. There will be events or meetings that cannot be scheduled around your flexible schedule. The employee and supervisor would need to be discussed and determine how it will be handled. In some cases, the employee may have to come in. The schedule for non-exempt employees would have to be adjusted so that overtime would be avoided.

5. What if my schedule needs to be adjusted for a short period of time for a special event or specific project? Do I need to fill out the form?

No. If a schedule is being adjusted for a short time, less than 4 months, it isn't necessary to use the process.

6. I want to take a class, but don't want to have to take vacation. Can this policy be used to accommodate that request?

You can develop a flexible schedule, in conjunction with your supervisor, on a semester-by-semester basis to meet this need. This type of arrangement would not require filling out the Flexible Work Options form because it is a temporary situation, less than 4 months.

7. What do I do if my flexible work arrangement isn't working out?

Your first step is to talk with your supervisor. It is up to the two of you to work out the details. If there are issues, contact your HR Business Partner.

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Supervising/Managing

1. Does an employee have to work in a job for a certain length of time before he/she can apply for a FWA?

No. It is recommended that supervisors allow an employee to complete their probationary period (6 months) before considering a request.

It is the supervisor’s responsibility to review the needs of the office and ensure adequate coverage. Traditional schedules meet the needs of the office and the vast majority of employees. Employees who do request flexible work arrangements most often ask for slight changes in their daily arrival and departure times, changes that pose the least challenge for an employee's supervisor and co-workers.

For other arrangements, the supervisor may elect to stipulate certain time periods to accept requests, stipulate the types flex arrangements and schedules available to the office or make adjustments to existing flex arrangements. Supervisors should consult their Human Resource Business Partner for additional guidance.
2. If a supervisor receives multiple requests and all cannot be accommodated, how does he/she rate the needs of the requesters to decide which requests to approve?

Reasons for the requests should not be used as the only factor in making a decision. If the employees' requests are similar in terms of their ability to continue to meet job requirements, seniority and performance may be factors in determining which request to approve. The supervisor may ask the employees for input into a solution that would enable the employees to meet their individual needs as well as the needs of the department.

3. As a supervisor, how do I deal with the possibility that everyone is going to want to have Friday or Monday off?

Decisions for approving or denying flexible work arrangements should be based on organizational needs, as well as the needs of the employee. Objective criteria, such as seniority, special skills, or office needs, should be considered. You may need to get all of the requestors together to figure out how to handle it.

4. As a supervisor, may I require someone else to change their schedule to accommodate others who want a flexible work schedule?

While supervisors may change work schedules and arrangements to accommodate the needs of the department, this is not advised. It may appear that you are favoring certain employees. Consult with your HR Business Partner for additional guidance.

5. Can flexible work arrangements be used to deal with busy times of the year when there is a need for an office to be open earlier or later?

Your department may need to open earlier or later during the beginning of a semester or during the summer if you're working with students. If this is a short-term arrangement, then it is not necessary to fill out the FWA paperwork. Supervisors should be clear on these expectations when employees are hired or as soon as it is evident that there will need to be a change in the future.

6. Can employees work on a Saturday or Sunday as part of their flexible work schedule?

Only if the needs of the department are being met with an employee working on a weekend. The supervisor needs to remember that additional resources (additional heating/cooling) should not be utilized for this purpose.

7. We have several employees with flexible work arrangements in my office but I am worried that coverage is going to be a problem during busy times of the year. Is there anything I can do?

Many departments have peak times when everyone needs to be in the office during regular business hours. Supervisors can require that flexible work arrangements be suspended during these times.

8. How do you supervise employees working at home?
If employees work at home as an established flexible work arrangement, then supervisors should set up a structured system for evaluation and management. Performance measures should be agreed upon and then monitored. Communication is very important for those working at home. Reminder: Non-exempt employees must report all time worked while at home.

9. How will I know that employees working from home are productive? Can I require documentation to support an employee's performance? How do I provide feedback to someone who is not in the office?

All employees will be expected to meet the same performance standards as otherwise required. Supervisors are expected to use the same performance review criteria that have been in place. The flexplace agreement should detail how the employee's productivity and performance will be evaluated.

10. Can I require that someone with a flexplace arrangement be here for meetings or other events?

Yes, you can. That discussion should be part of the original agreement.

11. Can someone with a flexplace arrangement also have flexible hours?

Yes, that can happen. The flexplace agreement should clearly define the hours the employee is expected to be available to others in the office and customers.

12. How can I manage my flexplace employees who are also part of a work team?

The flexplace agreement should detail expectations of the employee's working with others in the office. If the work team has regular meetings onsite, the flexplace employee can be required to attend those meetings, either in person or via teleconference.

13. Can an employee work from a location outside of Virginia?

Yes, in very rare instances. Payroll will need advance notice of this type of a request to register as an employer in the state to withhold appropriate state taxes.

14. Once a flexible work arrangement has been approved, how can it be introduced smoothly into the work group to address perceptions of fairness or redistribution of work?

It is necessary to make sure everyone is consulted when new working arrangements are introduced. Part of good management practice is to ensure employees are treated consistently and that they are not overloaded with work as the result of a flexible work arrangement by another employee. Where there is a worry that colleagues may find the flexible work arrangements unfair, supervisors, at the planning stage, should meet with the work group/department to define work parameters and develop a system to manage the work group/department's work schedule. For example, it would be useful to agree to procedures for the following:

- Methods of briefing staff - e.g. on new tasks, progress, continuing tasks
- Methods of dealing with forwarding - e.g. calls from the office, urgent correspondence, other correspondence
• Assessing performance - how and when this will be done
• Scheduling meetings - how and when will they be scheduled and how meetings will be conducted. For example, will it be required for the flexing employee to meet in person or is a conference call acceptable.
• Discussing problems relating to the flexible working arrangement - how and when these will be dealt with.

15. How should a supervisor handle a situation where it may be appropriate to approve one person's request for flexibility and deny the request of another?

All decisions should be focused on organizational needs and objective criteria related to work performance and job demands. A consistent approach to analyzing the situation should be applied. Then, it is important to communicate to each requestor the decision and its rationale. Documenting the basis for these decisions is always a good idea in case questions arise later. Business Partners can help you develop objective criteria to use and a strategy for communicating your decision.

16. Some of my employees who do not have a flexplace arrangement seem to be jealous of those who do. Any suggestions?

All flexible work arrangements should provide a benefit to the office/department. As a supervisor, you need to be able to share those benefits with the other employees. You must also be able to show how the work being done is integral to the operations of the department. Flexplace work should not be seen as a way to get out of work responsibilities. The flexplace employee should be viewed as an important part of the work group and should be part of regular meetings and gatherings.

17. What is the best way to handle an employee that wishes to take advantage of a flexible work arrangement, but it doesn't work for your office?

You can sit down with this employee and explain why the FWA won’t work. You can also try to come up with an alternate solution. If a compromise can be made, then try it. HR is here to help you if you should need it.

18. What is the appropriate level supervisor who should be involved in approving an employee's flexible work arrangement request?

This may vary by department/school/entity. If you are a supervisor who has been asked to review a flexible work arrangement request and you are not sure if you are the appropriate person to start the process, consult with your supervisor.

Upon receipt of a Flexible Work Arrangement proposal, the supervisor receiving the request will discuss the request with the employee. The supervisor will then consult with their Department/Division leader prior to consulting with their Human Resources Business Partner. The President’s Cabinet member must approve any Flexible Work Arrangement in his or her respective division, in consultation with the employee’s supervisor and/or department head.

19. If an employee would like to flex during the summer months between graduation and the start of school do they need to apply through this benefit?
No, for ad hoc or short term arrangements (less than 4 months) supervisors are free to use their best discretion, consistent with applicable law and University policies, to address such short-term or unexpected needs.

20. How often should the flexplace and flextime agreement be reviewed? How long should I give the arrangement before I make any changes?

FWA must be reviewed annually.

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**Benefit/Payroll Issues**

1. How is vacation, sick leave or holiday calculated under a flexible work arrangement?

Tracking vacation, sick leave and holidays is the responsibility of the employee and his/her supervisor.

2. How does an employee on an alternate work schedule record sick or vacation time?

When a non-exempt employee takes sick or vacation time they must indicate the hours they were regularly schedule to work. For example if a non-exempt employee is regularly schedule to work four 10-hour days each week and is sick on one of the scheduled days they must indicate 10 hours of sick time.

Exempt employees must continue to document leave in ½ day increments.

3. If an employee is working an alternate schedule (four 10-hour days Monday – Thursday) and is sick on a Tuesday, can the employee decide to come in to work on Friday so they do not have to take sick time for the week?

Normally, since the employee’s new alternate work schedule is Monday – Thursday, the employee will take 10 hours of sick leave on Tuesday. In certain circumstances, the manger may allow the employee to work 10 hours on Friday in lieu of sick time on Tuesday. This allowance should be an exception and only allowed in special situations.

4. If a part-time exempt employee works a greater number of hours than specified in the approved flexible work arrangement request, is he or she eligible for extra pay?

In the rare occasion that there are part-time exempt positions, as with all exempt employees, exempt employees are paid for the job they do rather than the number of hours required to complete the job. They are not eligible for additional pay for additional hours worked. However, if a part-time professional regularly works more than the weekly scheduled hours, the work schedule and/or job expectations may need to be re-evaluated.

5. If a paid holiday falls on a day on which an employee is not normally scheduled to work, can the employee take off one of his or her regularly scheduled days that week?
No. An employee who is not normally scheduled to work on the day on which a holiday falls should not take another day off that week unless he or she schedules vacation. Employees are only eligible for holidays that fall on their regularly scheduled workdays.

6. How do flexible work arrangements affect overtime pay for non-exempt employees?

Compensation for all qualifying overtime hours over forty in a workweek is made at one-half times the employee's weighted average adjusted overtime rate.

7. How do flexible work arrangements affect the accrual rate for Vacation and Sick Leave?

No adjustment is required as long as regular hours worked remains the same.

8. What happens if there is an inclement weather schedule on my non-work day?

You would not have to take leave (personal or vacation time) for that time since you are not scheduled to work that day.

9. Who should a supervisor or employee consult to determine if a flexible work arrangement may affect a person's benefits?

Contact URHR at 8747 or urhr@richmond.edu.

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**Eligibility**

**Are supervisors eligible for flexible work arrangements?**

Yes. Supervisors should follow the same guidelines for flexible work arrangements. However, it may be more challenging if there are employees who need supervision during the hours you are unavailable.

**Are non-exempt employees eligible for flexible work arrangements?**

Yes. Non-exempt employees are eligible for flexible work arrangements. However, supervisors need to be mindful of wage and hour laws when evaluating non-exempt employee’s flexible work arrangement requests. Certain types of flexible work arrangements - such as a nine-day/80-hour compressed workweek - could result in overtime pay for a non-exempt employee.