
Chapter: Personnel

Modification No. 005

Subject: **Flexible Work Arrangements**

- I. Flexible work arrangements are intended to help the College meet the changing needs of our students and our workforce; recruit and retain excellent employees; provide more flexible work arrangements for eligible employees; and provide a way to conserve office space.
- II. It is the policy of the Board of Trustees to offer flexible work arrangements as an effective way to meet the needs of the College, its students, its employees, and the community. The Board of Trustees expects that the implementation of flexible work arrangements will enhance the availability and quality of College services, as well as employee productivity.
- III. Flexible work arrangements include telework, remote work, and alternative work schedules. Flexible work arrangements are not universally available in all occupational job classes and/or positions. Flexible work arrangements may be a condition of employment in certain job classes and positions. Flexible work arrangements must be authorized in advance.
- IV. Unless conditioned on employment or implemented to protect health and safety, flexible work arrangements are a privilege. Flexible work arrangements may be abbreviated or terminated in totality should office coverage become a problem due to any changes in work demands, office staffing, or due to other operational needs. Advanced notice will be given to participating employees stating the rationale for abbreviation or termination. An employee may discontinue participation in flexible work arrangements at any time with notice to a supervisor, except for those where flexible work arrangements are required of the position. Flexible work arrangements are not to permit employees to work at other jobs or to run their own businesses. Failure to fulfill normal work requirements due to other employment may be cause for disciplinary action up to and including discharge.
- V. The employee's compensation, benefits, work status, and work responsibilities will not change due to their participation in flexible work arrangements. The amount of time the employee is expected to work per pay period will not change due to participation in flexible work arrangements.
- VI. Employees who participate in flexible work arrangements are subject to all College policies and procedures including, but not limited to those regarding confidentiality; disclosure of information; conflict of interest; and acceptable use of information technology resources. All participants must complete a flexible work arrangement application/agreement.
- VII. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Board Approval: March 19, 2001; May 18, 2009; June 17, 2019; October 19, 2020; April 15, 2024.

Chapter: Personnel

Modification No. 007

Subject: **Flexible Work Arrangements**

I. Overview

- A. The following flexible work arrangements procedures apply during normal College operations.
- B. During an emergency closure, suspension, or mandated change in normal College, campus, or specific building(s) operations, specific guidance on flexible work arrangements will be provided, as appropriate, based on the College's operational status. Subject to budget limitations, the guidance will include provisions for the purchase or loaning of equipment, office supplies, technology, assistive technology, or other items that may be necessary for employees to perform their job duties and ensure the continuity of operations. Any equipment or technology provided to employees is College property for business use only and must be returned when normal operations resume or upon request.

II. Definitions

- A. **Alternate (Remote) Work Location:** A worksite approved by the employee's supervisor and unit administrator that is not a College worksite.

Alternate (remote) work locations must be in the United States. Locations within the U.S. are limited to the state of Maryland and states where the College has reciprocal payroll tax agreements. If deemed in the best interest of the College, exceptions may be granted with the approval of the appropriate Senior Vice President and Chief Human Resources Officer.

- B. Alternate Work Schedules

- 1. **Compressed Work Week:** Regularly scheduled hours worked are fixed over fewer than five (5) days a week or, in some cases for exempt employees (only), over a two-week period.
- 2. **Eligible Position:** An occupational job class and/or position identified by the Office of Human Resources and Strategic Talent Management (HRSTM) to be appropriate for flexible work arrangements.
- 3. **Flexible Work Schedule:** Agreed-upon arrival and departure times that differ from the standard schedule for the department. The schedules may be fixed for a period or can vary from day to day.
- 4. **Flexible Work Arrangement Agreement:** The documented agreement between the employee and the supervisor which defines and outlines the conditions and terms for the employee's participation in the flexible work arrangement.

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5. **Main Work Location:** An employee's primary worksite and place where they normally perform work duties.
 6. **Payroll Reciprocity:** An agreement between two states that allows an employee that works and lives in different states to request exemption from tax withholding in their work state and only pay taxes in the state where they live.
- C. **Remote Work:** Remote work allows an employee to perform the duties and responsibilities of the employee's position at a remote work location as their main (primary) work location on a routine basis. For the Remote Worker, the home or other approved alternate work location serves as the employee's main work location. Remote workers may be required to periodically travel to and work from an onsite College work location, as needed. The types of remote work include:
1. ***Voluntary Remote Work:*** Remote work that is authorized pursuant to the application and approval processes detailed below. Requests for voluntary remote work arrangements require the approval of the appropriate Senior Vice President and the Chief Human Resources Officer, or designee.
 2. ***Conditional Remote Work:*** Remote work that is authorized as a condition of employment, to protect health and safety or as the result of a certified accommodation.
 3. ***Mandated Remote Work:*** A period of remote work that is ordered as the result of an emergency situation involving health or safety pursuant to federal, state, local, or College mandates.
- D. **Telework:** Telework allows an employee to trade a commute to perform work, during any part of their authorized work schedule, away from their main worksite at an approved alternate work site. This is not a full-time arrangement. This does not include work done while on official travel or mobile work. The types of telework schedules are:
1. **Voluntary Regular Telework Schedule:** Telework that occurs on a periodic and regularly-scheduled basis. Regular telework may also include situational telework schedule adjustments with supervisor approval.
 2. **Voluntary Situational Only Telework Schedule:** Telework that is approved on a case-by-case basis. Instances in which Situational Only Telework may be relevant include, but are not limited to, operational need, commuting issues, ability to maximize productivity and/or focus on special work assignments.
 3. **Conditional Telework Schedule:** A schedule that is authorized as a condition of employment, to protect health and safety, or as the result of a certified accommodation.
 4. **Mandated Telework Schedule:** A period of telework that is ordered as a result of a change in the College's operational status or an emergency

situation involving health or safety pursuant to federal, state, local, or College mandates.

- E. Flexible Work Coordinator: The HRSTM staff member responsible for providing employees and supervisors with technical assistance and guidance; maintaining a list of all eligible positions; gathering and analyzing relevant data; producing and maintaining program records and reports; and reviewing and resolving any issues that may arise. The Flexible Work Coordinator does not have a role in the approval process.

III. Eligibility

- A. An individual's eligibility for flexible work arrangements is based on the operational and service needs of a unit, the job responsibilities and duties of a position, and the employees' performance. Certain positions, including but not limited to, those responsible for providing in-person customer service or requiring an onsite presence may not be suited for flexible work arrangements.
- B. Given the potential impact on customer service and operational needs, it is unlikely that an employee approved for a voluntary regular telework schedule would also be approved for an alternative work schedule, but ultimately is at the supervisor's discretion.
- C. Unless otherwise noted in the conditions of employment, participation in flexible work arrangements is at the supervisor's discretion and will vary among departments, offices, and units, depending on the needs of the particular area and the function and responsibilities of employees.
- D. Under normal circumstances, casual temporary employees and student employees are not eligible for a flexible work arrangement, such as voluntary remote work or telework schedules, unless otherwise noted in the conditions of employment.
- E. Employees whose performance is documented as below "satisfactory" or below "meets expectations," are currently on a performance improvement plan and/or have been on a performance improvement plan within 90 days prior to making the request are not eligible for flexible work arrangements.
- F. Employees who have received formal disciplinary action in the form of a written warning or suspension within the past year from the proposed start date of a flexible work arrangement may not be eligible to participate.
- G. In determining if it is appropriate to endorse a request for flexible work arrangements, the employee's supervisor must consider the unit's operational and service delivery needs, the employee's job duties and responsibilities, and the employee's performance. Guidance for each aspect is provided on the Flexible Work Arrangements webpage.

IV. Guidelines for Managing Flexible Work Arrangements

- A. It is the responsibility of the Senior Vice President and Chief of Staff/Chief Strategy Officer to determine the service and operational standards and flexible

work arrangement provisions for their respective divisions and to communicate these to unit administrators and supervisors in writing.

- B. Administrators should communicate the operation/service standards and flexible work arrangement provisions in writing to employees in their area or unit.
- C. Administrators have the discretion to manage the conditions under which flexible work arrangements are scheduled and operationalized within their respective areas if they are in accordance with the requirements of their division as communicated by their SVP.
- D. Flexible work arrangements may vary from person to person depending on the type of work and the needs of the department and the College and must be established and approved by the supervisor prior to beginning any flexible work arrangement. Non-exempt employees are not to work more than the scheduled hours without advance written approval from the supervisor. In the event the supervisor anticipates granting ad hoc flexible work arrangements outside of the specific schedule, the parameters of such flexibility must be outlined in advance. The amount of time the employee is expected to work per week and/or per pay period will not change due to participation in a flexible work arrangement.
- E. A voluntary regular telework schedule may include up to two (2) days per week of work at home or at an alternate work location. Longer telework schedules may be approved for a limited period on an exception basis with the approval of the supervisor. The daily work schedule should include appropriate breaks. Employees shall not perform personal business or activities during designated work hours.
- F. Unplanned or ad hoc requests for a flexible work arrangement during a single work week or pay period may be granted to an employee at the discretion of the employee's supervisor. Approval of a one-time unplanned or ad hoc request does not constitute an ongoing, formal flexible work arrangement that extends beyond a single work week or pay period.
- G. All flexible work arrangements must conform to overtime, time tracking, paid and unpaid breaks, and other provisions of the Fair Labor Standards Act and other relevant employment laws. Mandatory meal breaks and/or scheduled rest periods are not eliminated when an employee works a flexible work arrangement.
- H. All flexible work arrangements are granted on a temporary and revocable basis and may be discontinued by the employee at any time or by the employee's supervisor with no less than ten (10) working days' notice.
- I. Employees who telework/remote work must be available by telephone, email, video-conferencing, and/or other communication and collaboration technologies during scheduled work hours, with the exception of the normal 30-minute per work day meal period and the two 15-minute break periods permitted under normal College procedures. Employees are required to either forward their College office phone to their remote phone line or check College voicemail for messages at least once every two (2) hours.

- J. Participants who telework/remote work are required to have the appropriate technology and security measures in place to perform the work as outlined in the flexible work arrangement agreement. In addition, telework/remote work employees must have access to the College e-mail system and any College systems and applications necessary to perform their job responsibilities.
 - K. The supervisor retains the right to require an employee with a flexible work arrangement to be physically present at the College on a day that conflicts with the agreed-upon arrangement should the work situation warrant such an action. When possible, employees will be given reasonable notice, no less than a minimum of a 24-hour advance notice, of events that require their physical presence at the College. Notice requirements for fully remote employees may differ based on their remote work location and should be documented within the remote work agreement. An employee required to be present outside of their flexible work arrangement may switch their day(s) during the same work week or pay period with approval from their supervisor.
 - L. If a telework/remote work employee is ill and unable to perform scheduled work, the employee will notify the supervisor and report hours worked and use of Sick Time Off for hours not worked.
 - M. Non-exempt employees with approved flexible work arrangements are required to submit bi-weekly timesheets in accordance with the normal schedule. Exempt employees do not complete timesheets.
 - N. In certain cases, taking a Family or Medical Leave of absence is a more appropriate option than a flexible work arrangement. For more information, please see College Policy and Procedure 35003-Leave Program or contact HRSTM.
 - O. In the event of a change in the College's operational status from green to either yellow or orange, employees should adhere to the work expectations and directives related to the respective status. In most instances, eligible employees with approved flexible work agreements with the capacity to telework will be required to do so if the College is not closed. Employees without approved flexible work agreements are not required to telework on these days. Employees with a flexible work schedule that coincides with a delayed opening, early opening, or full-day closing will be responsible for making up any hours beyond any granted Operational Status Change Time Off. For more information, please see College Policy and Procedure 58005-Closing of the College.
- V. Application, Approval, and Submission Processes
- A. Application Process
 - 1. Employees who desire a flexible work arrangement shall:
 - a. Review Eligibility and Guidelines for Managing Flexible Work Arrangements.
 - b. Discuss their job duties and the needs of the unit with their immediate supervisor to determine what flexible work arrangements are most appropriate.

- c. Submit their application which shall include the terms of the agreement for review and approval.
- d. Employees must submit an application at least once each fiscal year, or when there are any changes to the requested flexible work arrangement.

B. Approval Process

1. All flexible work arrangement applications are reviewed and approved by the employee's direct supervisor, who will determine whether a flexible work arrangement is appropriate. If the direct supervisor does not approve the request, the direct supervisor will provide the reason for the decision in writing to the employee
2. An agreed-upon flexible work arrangement will be forwarded to the next-level supervisor in the employee's supervisory chain for final approval.
3. If the employee and direct supervisor are unable to agree to the terms of a flexible work arrangement, the employee may send a copy of the flexible work arrangement application, including a summary of the points on which the direct supervisor and employee agreed and/or disagreed, to the next-level supervisor in the employee's supervisory chain. The next-level supervisor will review the materials and approve or deny the request. If the request is not approved, the next-level supervisor will provide the reason for the decision in writing to the employee.
4. Any employee whose flexible work arrangement is denied or terminated pursuant to 3 above may request that the Chief Human Resources Officer, or designee review the application for consistency with College policies and procedures, and review the denial or termination. The scope of the review will be limited to determining whether the action was arbitrary, capricious, or did not follow the existing procedure. The decision of the Chief Human Resources Officer, or designee is final and binding.
5. The approved flexible work arrangement will be subject to review and renewal at least annually, to correspond with the College's fiscal year (July 1 to June 30). Whenever there is a change in supervision, employment status, office conditions, or job duties, the employee may be required to submit a new flexible work application.

C. Submission Process

1. Once the flexible work application has been reviewed and approved by the employee's supervisor, the application should be forwarded to the next-level supervisor for final approval.
2. The fully executed flexible work arrangement, signed by the employee and both applicable supervisors, must then be submitted to HRSTM. See

the Flexible Work Arrangements website for directions on how to submit an application online.

3. The HRSTM Flexible Work coordinator will review and validate the submitted flexible work arrangement for consistency with College policies and procedures.
4. Once validated, the submission constitutes the formal flexible work arrangement and will be maintained in the HRSTM central file.
5. If an employee has a change to their flexible work arrangement, a new application must be completed, approved, and submitted to HRSTM. See the Flexible Work Arrangements website for directions on how to submit an application online. Paper copies will not be accepted.
6. Administrators with one or more direct reports are required to prepare and submit a comprehensive flexible work schedule for their unit/area (i.e., approved schedules for employees who participate in any Alternative Work Schedule or telework). Unit/area Flexible Work Arrangement plans must be submitted three (3) times per year (i.e., fall, spring, summer) in accordance with the annual deadlines communicated by HRSTM. Employees are required to submit an application at least once each fiscal year, or when there are any changes to the requested flexible work arrangement.

VI. Alternative Work Schedules

A. Compressed Work Week

1. Exempt and non-exempt employees may request compressed work schedules as follows:
 - a. Four (4) ten-hour (10-hour) days (alternative work schedule A)
 - b. Four (4) nine-hour (9-hour) days and one (1) four-hour (4-hour) day (alternative work schedule B)
2. Exempt employees may also request eight (8) nine-hour (9-hour) days and one (1) eight-hour (8-hour) day for a two-week (2-week) pay period (alternative work schedule C). Non-exempt staff are not eligible for work schedule C.

B. Flexible Work Schedule

An employee may request a work schedule in which the start and end times vary and/or differ from the standard schedule for the department. Non-exempt employees must work their prescribed number of hours each week. Exempt employees must work their prescribed number of hours within the two-week (2-week) pay period. Flexible work schedules should be fixed for a designated period of time. Nothing in this section shall be construed to permit compensatory time (excess hours worked carried over as time off from one work week to another).

VII. Alternate (Remote) Work Location

- A. Employees who are approved for telework and/or remote work must designate a specific workspace at the off-site alternate work location. This workspace will be considered an extension of the employee's workspace at their main College work location. Therefore, the College will continue to be liable for job-related accidents of employees that occur in the alternate work location during the employee's working hours and reserves the right to inspect the workspace upon 24 hours' notice or have the employee submit a self-certified safety checklist for the purpose of determining that the site is safe and free from hazards. Workers' Compensation liability is limited to the designated work space as opposed to all areas of the home and must be specifically listed on the application.
- B. The College will not be liable for theft or for damage to the employee's real or personal property while the employee is working at the off-site work location. Also, the College assumes no liability for injuries occurring in the employee's off-site workspace outside of the established working hours.
- C. Employees are expected to maintain safe conditions in the off-site workspace and to practice the same safety habits in the designated space as in his/her workspace at the College.
- D. Employees remain responsible for all insurance, utility, telephone, internet service, and other work-related costs at the off-site location.
- E. Employees should consult their tax advisor with respect to tax consequences associated with telework and/or remote work.
- F. In the event of an injury at the off-site location, the employee shall immediately (as circumstances permit) contact his/her supervisor.
- G. Employees with approved flexible work arrangements shall adhere to all College policies and procedures, and guidelines on the use of information technology. The employee is responsible for maintaining confidentiality and security at the off-site workspace.

VIII. Supplies, Equipment, and Security

- A. The College will not purchase equipment solely for the purpose of permitting an employee to have a flexible work arrangement, unless required by a condition of employment, as the result of a certified accommodation, or during periods of mandated remote work, subject to budget limitations.
- B. Employees may use College-owned supplies and equipment at an off-site workspace, with the prior, written approval of their supervisor, provided the supplies and equipment will be used for College work-related purposes only. Employees should promptly contact the IT Helpdesk and notify their supervisor of any malfunction in College-owned equipment. If repairs are needed, the employee must promptly return the equipment.

- C. All equipment and supplies provided by the College remain the property of the College and if not required for onside work must be returned promptly to the College at the conclusion of any flexible work arrangement.
 - D. When connecting to College technology resources through the College provided VPN, employees must use a College device issued for this purpose (i.e. College laptop). Employees may use their own peripheral equipment (e.g. printer, scanner, etc.), provided no cost is incurred by the College and that any data produced by this device is handled in line with College policies 66001—Acceptable Use of Information and 66002—Confidential Data Management and Security. Repair and maintenance of employee-owned equipment is the responsibility of the employee, as is the cost of any internet service required to access the College email and other information systems.
 - E. Employees are required to comply with policies and procedures 66001-Acceptable use of Information Technology, and 66002-Confidential Data Management and Data Security.
- IX. Supervisor/Employee Orientation, Education, and Training

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees and supervisors to enhance understanding and increase awareness of the College's Flexible Work Arrangements Policy and Procedures. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to promote the needs of employees and students.

Some goals to be achieved through education are; (a) ensuring that all employees and supervisors are aware of the availability and limitations of flexible work arrangements; (b) deterring the misuse or abuse of flexible work arrangements; (c) managing a virtual and/or geographically dispersed workforce; and (d) identifying efficiencies to be gained by flexible work arrangements. Any mandatory education or training requirements will be announced and posted on the College's website.

Employees who apply to participate in the flexible work arrangement program, and their supervisors, may be required to receive training for guidance regarding the use of flexible work arrangements. Periodic training sessions will be conducted for interested staff by HRSTM.

Administrative Approval: March 19, 2001; February 4, 2003; March 28, 2012; June 18, 2019; October 19, 2020; December 7, 2020; March 18, 2024.