

# Hampshire College

## Telework and Flexible Work Schedule Policy

Updated: 6/16/2021

### I. Purpose:

Hampshire College has an ongoing commitment to promote the safety and wellbeing of its community with a healthy work-life balance while ensuring consistent campus coverage and student experiences. The purpose of the Telework and Flexible Work Schedule Policy is to establish a standard for limited scope telecommuting and/or flexible work schedules. The College recognizes the importance of interactive student and employee experiences therefore not all positions are amenable to telework or flexible schedules. The expectation of the College is that we all contribute to a vibrant, in-person community. This Policy sets forth the principles and procedures for reviewing and addressing potential conflicts that might occur.

### II. Scope:

This Policy applies to Hampshire College Staff employees. This Policy does not apply to students and student workers (of any type or classification). Faculty, including adjuncts, should refer to their respective Handbook for additional information regarding work expectations and options for alternative work arrangements.

### III. Defined Terms:

#### Hours

- **Operational Hours** - For the purpose of this Policy, the College's standard operational hours are generally defined as 8:30 am – 4:30 pm during the academic year and 8:00 am – 4:00 pm during the identified "summer hours" which may vary by department. Operational Hours apply to telecommuting agreements, as employees are expected to adhere to standard operational hours, even while telecommuting.
- **Core Hours** - For the purpose of this Policy, core hours are defined as specific periods of the day that supervisors or Division Heads may set as a department's essential hours, primarily for purposes of a specific employee's availability. This means that employees, while working a more flexible schedule, may need to ensure core hours are adhered to, despite their varied work arrangement. Core hours may be different than Operational Hours, as long as they do not conflict with the College's operational needs, the overall availability of a department or campus resource, and access to people, data, and student services. Core hours allow supervisors to have some degree of flexibility when assigning flex hours to more than one staff member, to ensure full operational coverage for the department.

**De-densify** - For the purpose of this Policy, de-densify is defined as measures taken to reduce the number of people on the Hampshire College campus in accordance with governmental regulations. The goal of any scheduling policy will include operational flexibility should the need arise to de- densify quickly.

**Flexible Scheduling** - For the purpose of this Policy, flexible scheduling is defined as a change in an employee’s assigned work week and/or hours, which may be different than the standard business hours of the College or department. That change could include altering hours to a non-standard work day or timeframe (i.e. 2:00 pm to 9:00 pm) or working a shorter work week (i.e. three 12- hour days).

**Telework** - For the purpose of this Policy, telework is defined as formally working one or more days per week (maximum of 2) from a non-College based location within jurisdictions where the College is legally allowed to conduct business that is not an employee’s originally assigned office or work space. Variations of this word may include telecommuting and/or telecommuter (i.e. the person who is telecommuting).

**ADA** - For the purpose of this Policy, the Americans with Disabilities Act may apply to those employees with a covered disability or health condition in lieu of, or in addition to, the policies contained herein. Employees requesting reasonable accommodations due to the ADA should contact Human Resources to discuss their options for flexible schedules or remote work. Not all positions are amenable to telework as a reasonable accommodation and each request will be individually reviewed under the interactive process of the ADA.

#### **IV. General Policy Statement:**

It is the practice at Hampshire College that employees continue to provide quality educational and instructional services in accordance with its values and in a modality that meets both the operational and budgetary needs of our campus, as well as the ongoing expectations of our students. It should generally be understood that most work-related activities will be in an in-person modality, as long as there is not a mandated need to telework or to keep on-campus staffing levels minimized. The College recognizes that for some positions, telework and flexible schedules may appropriately conform to both the department’s and employee’s best interests as well as reduce our impact on the environment.

**Flexible scheduling** – Flexible scheduling may be used as an alternative, or in addition to telework, although employees are still expected to adhere to the generally held 3-day per week minimum on-campus work requirement. Examples of flexible scheduling could include the following:

- **Compressed Work Week** – The normal 35 or 40-hour workweek, which normally is performed five days per week, is compressed into three or four days (i.e. three 12-hour days). This means that an employee would divide their normal working hours into longer days, but fewer days per week. Their total hours worked per week may not exceed their assigned schedule.

- Shift Work - With supervisor approval and based on operational needs, employees may engage in shift work, which would allow them to work their scheduled hours at off-peak, or non-standard times (i.e. 2:00pm to 9:00pm). Core hours, where applicable however, must still be maintained as per department requirements.
- In addition to telecommuting, flexible scheduling can be used to balance on-campus and remote work, based on the department's operational needs and core hours.

Flexible schedules may not be approved until the employee has satisfactorily completed their full 90 day probationary period and an evaluation has been received by Human Resources.

For flexible scheduling requests, the supervisor, Division Head, and the Director of Human resources will review and approve such arrangements. A completed Flex Work Arrangement Form must be completed and kept on file in the Office of Human Resources. This form provides clarity to both the employee and supervisors as to what was agreed upon for the alternative hours. When conflict arises with regards to multiple requests, staffing concerns, or operational hardships, supervisors are encouraged to remain equitable in their approval process and limit requests to ensure the availability of the benefit to as many employees as possible without unduly burdening the department.

**Telework** – Working remotely is also an option for eligible employees whose presence *is not* required on a daily basis due to their job function. Additionally, their supervisor has determined that sufficient work is available to perform remotely and that telework will not serve as a detriment to the business or educational operations of the College. While some positions may not *require* a presence on campus to perform the work, they may be more efficient and effective performing the work on campus due to the available and easy access to equipment, systems, and records onsite.

It is important to note that while not all jobs *require* an on-campus presence, employees on campus have additional physical resources available to them, the ability to join ad-hoc conversations, opportunities to collaborate informally, and the advantage of contributing in ways that an online presence does not typically provide. A person's physical presence on campus may lend itself to more frequent informal feedback and visibility.

Telework, for purposes of this policy, does not include informal arrangements made between a supervisor and employee, for situations that are akin to working a few hours from home to handle a service call (i.e. plumber, electrician, etc.) or off-site appointment. Generally, supervisors have the authority to allow *de minimis* work (too trivial or minor for consideration) from home arrangements in these circumstances, but these arrangements are not ongoing and are for a limited time each occasion. *De minimis* telework, for non-exempt employees, may be compensable and create overtime situations if the time is in excess of the employee's standard work schedule. Supervisors are cautioned from asking non-exempt employees to perform non-*de minimis* duties outside of their normal work schedule.

The need for formal telework agreements does not generally apply during inclement weather, when many employees may be asked to work remotely for a finite period.

Based on our current legal standing, we are allowed to host telework arrangements in MA only. Arrangements made outside of Massachusetts are not permissible under any circumstance, despite any requisite/interim approval from supervisors and/or the Division Head. For purposes of telework, Massachusetts is the only state allowed, even for *de minimis* work, outside of short-duration travel to work sponsored conferences and/or other College activities.

Working from an unlisted location may jeopardize the College's not for profit status, as we are not licensed to conduct business elsewhere, nor do we have the appropriate tax revenue accounts or remittance procedures, unemployment insurance, worker's compensation coverage, or ability to manage compliance related activities with regards to employment law in those jurisdictions. Employees working outside of Massachusetts may be subject to disciplinary action, as will the supervisor if he/she was aware of the non-conforming work location.

For the purposes of this policy, remote work is defined as work that is predetermined to be permanently off campus based on the position and core responsibilities (ie. an admissions counselor in another region of the United States)

#### ***When Telework May Not be Approved***

For purposes of this policy, telework is not permitted for the following reasons or under certain parameters:

- The employee is still within their probationary period. Employees, unless required by emergency orders or the Commonwealth, will not be allowed to telecommute until they have satisfactorily completed their full 90day probationary period and at least one evaluation has been received by Human Resources.
- The employee has moved, or is planning to move, and will no longer be within a commutable distance to their assigned campus location.
- Due to the cost, burden, or timing of the employee's personal commute.
- In lieu of child, elder, or other dependent care options.
- When an employee can no longer adhere to their required work hours as established by the College and/or department.
- When immediate and sustained access to quality internet and cell service cannot be maintained.
- In lieu of a formal agreement.
- For more than is necessary to handle the employee's needs for that particular situation.

Arrangements that do not conform to this Policy, or were not formally approved through the appropriate channels, may be voided and such actions may involve the Office of Human Resources to ensure ongoing compliance with current policy. Employees with concerns regarding a non-approved reason for telework, should speak with their supervisor and/or the Director of Human Resources to learn about other options that may be available to them.

### ***Telework Locations***

The College will not reimburse employees for any costs associated with establishing a home office or expenses related to telework (i.e. internet access, equipment, software, etc.), nor will duplicate resources be purchased by the College (or department) in order to establish a home office. Supervisors should carefully review their employee's equipment (hardware, software, etc.) needs *prior* to approving a request, as an employee may not be successful working remotely without immediate access to on-campus-only resources. For security purposes, an employee should not use personal computing equipment for any Hampshire College related work.

### ***Approval Process***

Options for flexible scheduling and telework should first be discussed between the supervisor and the requesting employee, to determine if the requests meet the operational needs of the College. Requests should begin with the employee's first level supervisor and all such arrangements must be approved by any applicable Dean/Department head, the appropriate Division Head, then by Human Resources. Agreements should be documented using the Flex Work Arrangement Form. For employees whose work is amenable for, and who have been approved to telework (via the approval process and request form), a minimum of three (3) days per week on campus is required. ADA exceptions may apply.

### ***Worker's Compensation and OSHA***

Employees who are approved for remote work are expected to fully comply with all health and safety laws, orders, ordinances, regulations, and safety guidance adopted by the College as it relates to public health crises and Occupational Safety and Health Administration (OSHA) regulations. An employee's work space must be free from hazards and employees are encouraged to ensure their workspaces are ergonomically correct. If an employee experiences a work-related accident or illness, it should be reported immediately to the Office of Human Resources, where they will receive instructions on how to file a claim under Worker's Compensation for their state.

### ***Other Policies Concerning Telework***

When teleworking, employees are expected to adhere to all policies of the College, including, but not limited to, timekeeping, dress code, break/meal periods, holidays, and our general code of conduct. Precautions must be taken to safeguard all College data and intellectual property, of which, may be protected under our Confidentiality Policy, the Family Educational Rights and Privacy Act Policy (FERPA), or general work product. Violations of privacy or the release of confidential information may lead to disciplinary action. Employees are encouraged to identify areas of their remote work place where documents, files and requirement can be properly secured. Such work spaces, should also ensure that confidential conversations are not being observed or overheard by third parties and that a home network has proper security protocols in place.

Employees who hold secondary employment outside of the College must disclose such potential conflicts of interest and/or time, and may not engage in secondary employment while working remotely, during normal business hours, and while being compensated by the College. Please

note that all outside employment requires that employees request and receive pre-approval through the Conflict of Interest Policy.

When teleworking, it is important to note that the use of paid leave still applies. Employees who are ill should record leave time pursuant to our Sick Leave Policy. Supervisors should observe any approved leave time requested by the employee and minimize contact during that period, to ensure the employee can accurately record the time taken as a sick, vacation/personal, or floating holiday.

Authorized college closings (ie. for inclement weather) will apply to the telework employee as they will be unable to remain in contact with the supervisor and co-workers. Essential employees are the exception and will receive compensatory leave for hours worked in accordance to the College payment policies.

### ***Periodic Review of Agreements on File***

Supervisors shall set clear expectations regarding an employee's availability during the day, standard or core hour work requirements, acceptable means of communication (video, phone, messenger, text, email, etc.), as well as performance standards. Supervisors should be in regular contact with employees to be certain the operational needs of the College are continually met, offices are appropriately and equitably staffed, group and individual performance goals are met, and that equity is maintained within a department and/or division between those who can telework and those who cannot.

Annually, preferably within the employee's performance review, the employee and supervisor should discuss the work arrangement to determine if telework continues to meet the goals of all parties and formally approve the continuing arrangement for the next evaluation period. At that time, any relevant job changes, goals, and/or directives should also be addressed to ensure that telecommuting is still compatible with job requirements prospectively.

### ***Supervisory Expectations***

While employees generally enjoy more flexibility with a telework or flexible scheduling arrangement, these situations also require a different type of managerial oversight. Supervisors, new to managing a remote employee should set expectations in writing with approved telecommuters and reference such expectations within their regularly scheduled meetings. Expectations should also include the understanding that all necessary in-person meetings will be attended on-campus and that work-related visitors and/or guests will not be hosted within a person's remote work space. Metrics, which will be used to assess performance goals and success, including that of the telework or flexible scheduling arrangements, should be created, documented and understood by both the employee and the supervisor.

Supervisors shall ensure that both flexible and telework arrangements are well-known to their key constituent groups and that they have formally disclosed such arrangements with their staff. This will ensure continuity of operations and fewer concerns about an employee's availability. Core hours should be widely posted to reflect any access questions a community member may have about their office's schedule and/or staffing.

### ***Rescinding Alternative Work Arrangements***

All alternative work arrangements contained in this Policy are subject to change and the ongoing operational needs of the College and may be rescinded at any time by their supervisor, after consultation with their respective division head and/or Human Resources. Conversely, an employee may also decide that their approved telework or alternative hours may no longer suit their ongoing needs and request to make changes or cease that arrangement. Employees are encouraged to give supervisors sufficient notice to avoid departmental scheduling concerns or staffing disruptions. Decisions to revoke an employee's alternative work arrangement and/or telework agreement will typically be based on performance, policy infractions, and/or behavioral concerns, but also may include employees who are working in an unsafe manner or do not have a distraction-free work environment. Additionally, a new supervisor may determine that the arrangement no longer fits their proposed staffing model for that particular department. The recommendation of the supervisor and Division Head may include disciplinary action, based on the reasons for rescinding an existing agreement. Employees may appeal any such decisions to the Director of Human Resources.

### **V. Policy Duration**

This policy is effective 7/1/2021 and is intended to replace any previous College guidance and/or policy related to telework and flexible scheduling. The Telework and Flexible Work Schedule Policy is subject to change and may be rescinded at any time.