

Section:	IX.2.19	
Title:	Flexible Work Arrangement Policy – Interim	
Effective Date:	June 26, 2020	
Approved By:	President	
Responsible Unit:	Office of Human Resources (609) 771-2282; hr@tcnj.edu	
Related Documents:	<ul style="list-style-type: none"> • TCNJ Computer Access Agreement • The Americans with Disability Act (ADA) Policy 	
History:		
<u>Version</u>	<u>Date</u>	<u>Notes</u>
1.0	June 26, 2020	New policy; initial release

I. INTRODUCTION

In order to provide flexibility to employees and College operational units, certain employees of the College may request or the College may direct certain employees to engage in flexible work arrangements that permit variations in starting and departure times (“flextime”) or in location of work (“telecommuting”). These variations may not alter the total number of hours worked in a workweek and must conform to the operational and safety needs of the work unit.

Successful communication between the supervisor of the work unit and the employee will play an integral role in flexible work arrangements. The success of an arrangement will be contingent on the execution of effective communication and accountability as key elements in which the supervisor and the employee both have responsibilities.

The purpose of flexible work arrangements is to create flexible working conditions to help employees accomplish work when circumstances require non-traditional work hours or locations. Not all College positions lend themselves to flexible work arrangements; therefore, decisions will be made on a case-by-case basis and will be dependent on the best interests of the College as determined by its goals and objectives.

Employees who must be physically present on campus to perform their job duties (for example, employees of Campus Police Services, Building Services, Grounds and Landscape Services, among others) may not be eligible for certain flexible work arrangements, including telecommuting. The College will make all reasonable efforts to offer fair and equitable flexible work arrangements to all employees regardless of job title or classification consistent with the operational needs of the College.

II. DEFINITIONS

2.1 Telecommuting: an agreed upon work arrangement between an employee and the supervisor whereby the employee regularly performs work at home after full approval by their direct supervisor and division vice president (or designee) or dean. Telecommuting allows employees to work away from the College premises and accomplish tasks by computer, telephone or other means.

2.2 Flextime: allows for flexible scheduling arrangements that permit variations in starting and departure times, but does not alter the total number of hours worked in a workweek. All flextime arrangements must conform to the overtime, record keeping and break provisions of the Fair Labor Standards Act and the applicable bargaining unit contract. A flextime arrangement may be instituted by a College supervisor only upon written approval by a division vice president (or designee) and upon written notice to affected employees at least seven (7) days prior to the first day of the arrangement.

2.3 Supplemental Equipment: any equipment required for an employee to perform duties under a telecommuting arrangement that has not already been issued to an employee in the normal course of business.

III. POLICY

3.1 Standards for All Flexible Work Arrangements

For the duration of the flexible work arrangement, the supervisor shall be responsible for determining and documenting: how performance will be assigned and measured; what the work hours will be; how the arrangement will maintain expectations related to a high level of service and communication; what the methods for adequate communication during specified hours will be; and making clear the employee shall come to the primary work site if necessary regardless of the telecommuting or work schedule. Flexible work arrangements may be initiated by a College supervisor or requested by an employee or employees. Disputes regarding the existence or terms of a flex work arrangement may be referred to a designated representative within the Office of Human Resources for final resolution.

3.2 For Telecommuting Arrangements

The employee shall be responsible for completing the job duties specified in their job description, including other duties assigned by a supervisor, with any appropriate modifications necessary. The employee shall remain accessible (by phone and/or e-mail) during designated work hours. The employee may be required to participate in any meetings via conference call, Google Meet or other electronic group meeting platform.

The following procedures also apply to telecommuting arrangements:

- a. Employee's vehicles shall not be used for College business unless specifically authorized by the supervisor.
- b. Employee shall agree to return to the College all Supplemental Equipment, materials, files (paper and electronic), or other items required to be maintained on campus upon termination of the flexible work arrangement.
- c. Telecommuters shall be responsible for keeping their supervisors informed of progress on assignments worked on at home, including any problems they may experience while telecommuting. Regular communication with the supervisor is considered vital to the success and integrity of a telecommuting work arrangement.
- d. Employee must adhere to all IT policies and complete work via the TCNJ VPN.
- e. Employee shall not duplicate any College-owned software.
- f. Employee shall not use College information for personal business.

3.2.1 Telecommuting Equipment

The College will provide necessary Supplemental Equipment and access to the College's computer network on an as-needed basis within the limits of available resources. Employees must agree in writing to replace the equipment or repay the College if the equipment is damaged, lost or stolen through the employee's negligence or abuse. A personally owned computer may be used but must comply with [College requirements](#). The College is not responsible for supporting personally owned computers, including for flexible work arrangements. The College is not responsible for damage or loss to the personally owned equipment, and if used, is subject to the College's right of inspection. There will be no expectation of privacy as to files kept on any computer used during a flexible work arrangement. All files shall be subject to the New Jersey Records Retention Act.

College equipment in any off-site workspace shall be subject to the same inventory control and disposal procedures as that in the primary work site. The employee shall be responsible for bringing equipment to the primary work site for inspection, maintenance and repair. The College will repair, upgrade or replace the equipment unless it is lost, damaged or stolen through the employee's negligence or abuse.

3.2.2 Telecommuting – Employee Responsibilities

- a. The employee shall assure College equipment and records in the off-site workspace are maintained in safe and secure conditions.
- b. The employee shall assure College equipment is used for College business. College e-mail account shall be used for College business. The employee shall protect against unauthorized or accidental access, use, modification, destruction, loss, theft or disclosure of College owned equipment, records or

materials. Any loss, damage, or unauthorized access to College equipment, records or materials shall immediately be reported to the supervisor.

- c. The employee shall, whenever possible, guarantee that an appropriate space is available in the home (or other approved remote site) to provide for an effective work environment and data integrity. The employee should not telecommute from a public place.
- d. Although authorized to telework, the employee is expected to document any inability to work as expected through the College's online timekeeping system (SoftTime).

3.2.3 Telecommuting – College Responsibilities

- a. The College shall provide clear expectations for how the employee shall fulfill the employee's detailed duties.
- b. Job performance will be measured using established College procedures and forms. In addition to usual measures of quality, quantity and timeliness, the supervisor must consider length of time spent on tasks and appropriate use of resources. Therefore, a weekly accounting of the employee's work may be useful in a flexible work arrangement specifying the amount of time spent on each task. The supervisor and staff member must plan with coworkers how workflow issues will be addressed (e.g., callers, mail, meetings) while the staff member is telecommuting or not present during normal business hours.
- c. The College shall set out expectations for accessibility and accountability. Times for employee accessibility by phone and computer will be specified, that is, during regular business hours or other.
- d. The College shall establish clear procedures for reporting time worked. All College policies and procedures, including time and attendance reporting and leave time, continue to apply during flexible work arrangements.
- e. The College will compensate fixed workweek employees as required for hours worked. Supervisory approval for overtime for fixed workweek employees is required in advance and no overtime may be worked without such approval.

3.3 For Flextime Arrangements

To ensure that the supervisor and staff have a mutual understanding of the specifics of the flextime schedule, the schedule will be put in writing. Any modifications in the schedule may be made only with the prior consent of the supervisor.

Some of the possible variations of flextime are:

- a. Fixed starting and departure times that are selected periodically.
- b. Starting and departure times that can vary daily.
- c. Variations in the length of the workday which may result in a compressed workweek (i.e., a four-day work week similar to the College's normal summer schedule).

Flexible schedules may involve the need for staff to be present or accessible during certain core number of hours each day. All contractual entitlements for lunch and breaks must be adhered to.

3.4 Relationship to Requests for Accommodations Due to Disability

This Policy does not apply to requests for accommodations due to an employee's disability in accord with the Americans with Disabilities Act and the New Jersey Law Against Discrimination. Requests for accommodations due to a disability shall be submitted to the Accessibility Resource Center in accord with the College's [Americans with Disability Act \(ADA\) Policy](#).

3.5 Law, Regulations, Agreements and Policies

This Policy shall be interpreted and applied consistent with all applicable federal and New Jersey state laws and regulations and the terms of any applicable collective negotiations agreement. Employees working under a flexible work arrangement pursuant to this Policy, whether telecommuting or flextime, remain subject to all such laws and regulations and all other applicable policies of The College of New Jersey.

Employees are expected to be familiar with the resources set forth in the Related Documents section of this Policy.

3.6 Modification or Termination of a Flexible Work Arrangement

Approved flexible work arrangements may be modified or terminated by an employee's supervisor or the College in its sole discretion at any time with notice to the employee.

3.7 Expiration of Policy

This Policy shall be in effect indefinitely.