

Flexible Work Policy

FCI understands that some operational and/or individual needs can be addressed with flexible work arrangements. Flexible work arrangements may be possible for both non-exempt and exempt employees whose job functions allow for such flexibility. Flexible work arrangements may incorporate a non-standard work schedule or may include work from home.

Non-Standard Work Schedules

With supervisor permission, an employee may request a change in their assigned work week and/or hours to a schedule that differs from FCI's standard operational hours. That change could include altering hours to a non-standard work day (e.g., working 10:00 a.m.-6:00 p.m.).

Alternatively, an employee may request to compress the regular workweek, which is normally performed five days per week, into three or four work days (e.g., four 8.75-hour days). With this arrangement, employees divide their normal working hours into longer days, but fewer days per week. The total hours worked per week may not exceed the assigned weekly schedule. Non-exempt employees may not be scheduled to work more than 35 hours each week.

Non-standard work schedules are expected to be set, that is, the schedule should remain the same from week to week. The schedule must be documented, as it will become part of the employee's personnel file.

A non-standard work schedule may be requested for a limited period, such as during the summer or at the start of the semester.

Remote Work Arrangements

It should generally be understood that most work-related activities will be in an in-person modality (unless there is a mandated need to work remotely or to minimize onsite staffing levels). However, working remotely may be an option for eligible employees whose job function does not require a daily presence. The supervisor must certify that sufficient work is available to perform off-site and that remote work will not serve as a detriment to the unit or to FCI's overall operations.

For the purposes of this policy, remote work is any work performed at a non-FCI location to which the employee does not have to travel. Working from home is an example of remote work, whereas attending meetings on another campus and working from that campus in between meetings would not be considered remote work.

De minimis – Remote work, for purposes of this policy, does not include informal arrangements made between a supervisor and employee for unanticipated situations that require working from home for a limited period (e.g., handling a service call at home, or fitting in an off-site

appointment). Generally, supervisors have the authority to allow *de minimis* (minimal, trivial) work-from-home arrangements in these circumstances, when the arrangement is not ongoing and is for a limited time each occasion.

De minimis remote work, for non-exempt employees, is compensable and may create overtime situations, which supervisors are expected to monitor.

Inclement weather - The need for formal authorization of remote work does not generally apply during inclement weather or other situations when employees may be asked to work remotely for a finite period.

Locale – FCI will authorize remote work arrangements only for work to be conducted within the Commonwealth of Massachusetts. Short-duration travel to out-of-state FCI-sponsored events/activities, or other pre-approved *de minimis* work, may be permitted.

Employees who routinely perform their work outside of Massachusetts may be subject to disciplinary action, as will any supervisor who is aware of the non-conforming work location.

Approval Process

Flexible work arrangements are initiated by the employee.

1. The employee should begin with a conversation with their first-level supervisor. The request should be formally filed through the *Flexible Work Application* form.
2. The supervisor should engage in thoughtful discussion with the employee to fully understand the employee's needs and to consider implications for the employee's requested arrangement. To ensure fair, consistent, and equitable review of flexible work requests, supervisors are expected to follow the *Flexible Work Assessment Guide*.
3. Any agreement should be documented using the *Flexible Work Agreement* form. All flexible work arrangements must be approved by the applicable unit head, then by the Director of Operations.
4. Flexible work arrangements, which will generally be set for a duration of no more than one year, should be reviewed about one month after they begin and again before renewal is considered.

When Remote Work Will Not be Approved

For purposes of this policy, remote work is not permitted when:

- The employee is still within their evaluation period. Employees, unless to comply with federal, Commonwealth, campus, or organizational mandates, will not be allowed to work remotely until their evaluation period has been completed and at least one evaluation has been received by FCI HR.
- The employee has moved, or is planning to move, and will no longer be within a commutable distance to their assigned work location.
- The employee considers the commute to their assigned work location to be too costly, take too much time, or present too much of a personal burden.

- In lieu of child, elder, or other dependent care options. When an employee is actively caring for a child or other dependent family member that time is not considered work time; appropriate leave should be used during those times.
- An employee can no longer adhere to their required work hours as established by FCI and/or their work unit. For example, when an employee can perform their FCI work only after 4:00 p.m.
- Immediate and sustained access to quality internet and phone service cannot be maintained.
- In lieu of a formal agreement.

Equipment and Supplies

FCI employees are provided with appropriate and necessary equipment and supplies onsite. FCI will not reimburse employees for any costs associated with establishing a home office or expenses related to remote work (e.g., internet service, equipment, software, etc.), nor will FCI be obligated to duplicate resources in order to establish a home office. An employee's access to resources may compromise their ability to successfully work remotely. For security purposes, an employee should not use personal computing equipment for their work and should not use FCI computing equipment for personal work.

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 FCI as it relates to public health crises and Occupational Safety and Health Administration (OSHA) regulations. An employee's workspace must be free from hazards and employees are encouraged to ensure their workspaces are ergonomically sound. If an employee experiences a work-related accident or illness, it should be reported immediately to FCI HR.

Conduct

When working remotely, employees are expected to adhere to all FCI policies, including, but not limited to timekeeping, break/meal periods, paid time off, and general codes of conduct.

Employees should refer to *Tips and Guidance for Non-Exempt Hourly Employees and Supervisors* and *Remote Work Policy: Implementation Guidance for Employees and Supervisors* for additional guidelines.

Privacy and Confidentiality

Regardless of work location, precautions must be taken to safeguard all organizational and campus data, intellectual property, and personally identifiable information which may be protected under Family Educational Rights and Privacy Act Policy (FERPA), or other policies. Violations of privacy or the release of confidential information may lead to disciplinary action.

Employees are encouraged to identify areas of their remote workplace where documents, files, and equipment can be properly secured. Such workspaces should also ensure that confidential conversations are not being observed or overheard by third parties (including household members) and that a home network has proper security protocols in place. Employees must dispose of documents in accordance with the FCI Records Retention Policy and must ensure that documents containing personally identifiable information and/or confidential information must be disposed of in a confidential manner (e.g., by shredding completely).

Use of Paid Time Off

When working remotely, it is important to note that the use of paid time off still applies. Employees who are ill, or need to take time off for other reasons, should request leave time pursuant to FCI's paid time off policies.

Additional Conditions and Expectations for Remote Work

- The employee must report onsite when directed to do so by their supervisor to attend in-person meetings, in-person training, or for other reasons that the supervisor determines are required based on the operational needs of the unit or FCI.
- This approval is not intended to alter the employee's normal work responsibilities. While working remotely, the employee must continue to comply with all applicable FCI policies and conduct rules, and is expected to perform normal work responsibilities and duties as would take place under a standard working arrangement.
- The employee is expected to work the regularly scheduled work week and work hours (unless otherwise approved by the employee's supervisor) and to accurately report work hours. Overtime must be pre-approved.
- The employee agrees to be fully available and responsive to constituents, including co-workers, campus colleagues, students, and supervisors while working remotely. The employee should be actively attending to work duties and responsibilities and should be reachable by email, web conferencing, text/messaging applications, and phone during scheduled work hours.
- The employee agrees not to host work-related visitors and/or guests in their remote workspace.
- In the event that an employee who is scheduled to work remotely is unable to do so due to a technical issue (e.g., temporary loss of home internet access), or the lack of availability of a suitable remote work location, or some other reason that prevents the employee from effectively working remotely on that day, the employee must consult with their supervisor.
- The employee agrees to comply with all FCI-required Information Technology security guidelines and protect all records and data against unauthorized disclosure, access, destruction, etc.

Periodic Review of Agreements

Supervisors shall set clear expectations regarding an employee's availability during the day, core hour requirements, acceptable means of communication (video, phone, messenger, text, email, etc.), as well as performance standards. Supervisors shall also set clear expectations around privacy, security, and confidentiality when working remotely. These expectations should be documented in the *Flexible Work Agreement* signed by the employee and the supervisor.

The supervisor and employee should review the arrangement after an initial period and again before the conclusion to determine if it continues to meet the goals of all parties. At that time, any relevant job changes, goals, and/or directives should also be addressed to ensure that flexible work is still compatible with job requirements prospectively. Renewals must be approved by the unit head and by the Director of Operations.

Rescinding Flexible Work Arrangements

All flexible work arrangements covered by this policy are subject to change and may be rescinded at any time by the supervisor, after consultation with their respective unit head and/or the Director of Operations. Conversely, an employee may also decide that their approved flexible work arrangement no longer suits their ongoing needs and request to change 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 *Flexible Work Agreement* will typically be based on performance, policy infractions, behavioral concerns, or changing operational needs, but also may include employees who are working in an unsafe manner or do not have a distraction-free work environment. The supervisor and/or unit head may recommend disciplinary action based on the reasons for rescinding an existing agreement.

Employees may appeal any remote work decisions to the Director of Operations. The Executive Director has the authority to suspend or modify the enforcement of this policy in order to mitigate unintended negative effects of the policy.

*This Flexible Work Policy is effective as of **September 15, 2021**. The policy is subject to change and may be rescinded at any time.*

The *Flexible Work Policy* (effective September 15, 2021) replaces the *Flexible Work Arrangements* policy and amends the *Work Communication (including Electronic Communication) Outside of Regular Work Time* policy (both became effective on July 1, 2017).