



***Flexible Work Arrangement Policy (2024)***

**Policy Statement**

Dillard University recognizes that, while normal business hours are 8:00 a.m. to 5:00 p.m., a great deal of activity happens on campus before and after what some consider “normal.” In order to respond to the needs of our stakeholders, as well as manage workload and resources in a responsible manner, the University has developed this Flexible Work Arrangement Policy.

Flexible Work Arrangements (“FWAs”) is a strategy allowing a team member’s regular work schedule to shift to an alternate schedule. This policy establishes guidelines and requirements for employees when granted an FWA. (NOTE: FWAs do not include remote work. An employee’s remote work is governed by a separate policy).

**Reason for Policy/Purpose**

When implemented in a clear, consistent manner, an FWA allows employees to exercise independence and continue to complete essential tasks. The University’s expectations for the quality and volume of work do not change with the establishment of an FWA. This policy will provide consistent and equitable guidelines on flexible work schedules for participating employees and their supervisors.

Where practical, and consistent with University needs and expectations, employees will be able to take advantage of FWAs. All FWAs must be approved by an employee’s direct supervisor. Supervisors **must** keep the Office of Human Resources apprised of any employee with a FWA. A key component of this policy is that an FWA must not adversely affect the services provided to the Dillard Community, or the efficient and effective operation of business.

**Who Needs to Know This Policy**

Dillard University employees (including part-time and student workers).

**General**

The University’s regular business hours are 8:00 am to 5:00 pm Monday through Friday. Individual departments, however, may establish different hours in order to provide necessary services to internal and external stakeholders. An FWA schedule should:

- Enhance service delivery while meeting the departmental, divisional, and university goals, mission, and objectives;
- Improve employee recruitment, engagement and retention;
- Aid in achieving the university’s mission of sustainability and achieving carbon neutrality by 2050.

FWAs are not an employee right or benefit. Supervisors have the discretion to set employee schedules.

All existing terms and conditions of employment including, but not limited to, the position description, salary, benefits, vacation, leave and overtime reporting remain as if the employee worked a standard schedule.

Employees may not use an FWA in place of annual, sick, family medical or other type of leave. FWAs are not replacements for authorized leave under the FMLA. Employees on FMLA are not authorized to work and supervisors should consult with the Office of Human Resources prior to contacting any employee on an approved leave under the FMLA.

Further FWAs are not accommodations to address an employee's alleged disability. All requests for accommodations must be processed through the Office of Human Resources.

## Responsibility

The Office of Human Resources is responsible for enforcing, monitoring and updating the University's FWA policy.

Executive leadership is responsible for ensuring supervisors are familiar with this policy and implement it in a consistent and equitable manner.

## Policy/Procedures

### I. General Requirements for FWAs

#### A. Definitions

- *Compressed Work Week*: An arrangement that enables full-time employees to work longer days in exchange for a shorter day or a day off each week. Examples include employees who work 10 hours per day in a four-day workweek or 40 hours in a four and one-half day work week.
- *Exempt Employee*: Employees who fall under one or more of the statutory exemptions for overtime under the compensation provisions of Fair Labor Standards Act.
- *Fair Labor Standards Act*: The Fair Labor Standards Act ("FLSA") establishes employment standards for all employees, including minimum wage, overtime pay, and recordkeeping. FLSA classifies employees as exempt or non-exempt based on the type of work performed, skills required to perform the job, supervision provided, level of decision-making authority, compensation, and other criteria.
- *Flexible Work Schedule*: Work arrangements that vary from the standard 8 to 5, Monday through Friday.
- *Staggered Scheduling*: Staggered scheduling is an arrangement that may include a consistent daily schedule with individualized starting and ending times that are the same throughout the week, or a varying daily schedule that starts or ends at a different time each day. The varying daily schedule may include a consistent eight-hour day throughout the week, or a varying daily schedule of more or less than eight hours. For full-time employees, the total weekly hours for both consistent and varying schedules must be 40 for the workweek.
- *Non-Exempt*: A non-exempt employee is subject to the mandatory overtime provisions of FLSA. Non-exempt employees are paid hourly for every hour worked and must be paid time and one-half for all hours worked over 40 in a defined workweek.
- *Reduced Hours/PTE*: A form of temporary part-time work in which an employee reduces the number of hours of work in their regular work schedule, either working reduced hours five

days per week or fewer than five days per week under 30 hours per week. Job responsibilities are decreased and salary and applicable benefits are subject to ineligibility.

- *Summer Flexible Work Schedule*: A flexible work schedule that is limited approval by the University.
- *Work Week*: The workweek is defined as 12:00 am Sunday through 11:59 pm Saturday.

## **B. FWA Approval Requirements**

- FWAs should have either a positive or neutral effect on business operations or the work environment – never a negative effect. All offices must remain fully functional for the normal business hours of 8:00 am to 5:00 pm, Monday through Friday.
- Supervisors and VPs shall be responsible for ensuring that FWAs are responsive to the changing needs of the workplace and are reviewed and updated regularly. Once approved, FWAs should typically be permanent. Possible reasons to discontinue, temporarily suspend, or modify an FWA include, but are not limited to:
  - Business needs or coverage needs change.
  - Negative customer feedback occurs.
  - Performance or attendance deteriorates.
  - Departmental staff shortages occur.
  - Holidays.
  - Peak business periods.
  - Use of leave.
- FWAs are not be suitable for every job. Department heads must consider the workload, flow of work, and impact on quality of service in determining if a flexible work schedule is suitable for an individual position.
- **The personal circumstances of individuals should not drive the decision to approve or deny FWAs.** Put differently, an employee who is dealing with a medical issue should not be offered a FWA. FWAs are tied to positions, not employees. Flexible schedules related to an employee's personal circumstances must be approved by an employee's direct supervisor in consultation with Human Resources.
- Hourly non-exempt employees must take a one-hour lunch break during the workday. During such lunch break, the employee must be completely free of work and shall not be required to respond to phone calls or emails. Breaks and lunch breaks may not be combined or used at the beginning or end of a scheduled workday.
- An FWA, generally, must not incur overtime costs for a non-exempt employee.
- An FWA must not have the effect of changing the employee's rate of pay, the manner in which the employee is paid, or the employee's classification or title.
- FWAs must not cause or contribute to the need for additional staff or for existing staff to work additional hours, thereby increasing costs to the university.
- The department must take whatever actions are necessary to provide cross training in order to ensure coverage for the duration of normal office hours.

## **II. Procedures for Requesting and Approving FWA**

### **A. Initial Assessment and Approval of Request**

An employee seeking an FWA must submit a written request form to their supervisor at least one week in advance. Once in receipt of such a request, the supervisor shall notify their respective Vice-President and the Office of Human Resources.

#### **B. *Guidelines for Implementing FWA***

As stated above, FWA is a privilege for an employee, not a right. The approving supervisor has the discretion to remove authorization at any point should such supervisor believe that an employee cannot continue to work an FWA in an efficient, effective manner.

- FWAs may not change an employee's duties, obligations, responsibilities, compensation, benefits, conditions of employment or required compliance with institutional, state, or federal laws, policies, and procedures.
- Supervisors must maintain an updated schedule for all employees working under an FWA.

#### **C. *Modification of FWA***

- With twenty-four (24) hour notice, a supervisor may require an employee working under an FWA to revert to a standard 8:00 a.m. to 5:00 p.m. schedule. Refusal to comply may be considered insubordination and may result in disciplinary action.
- A supervisor or Division Vice-President has the discretion to cancel any FWA approval with or without a reason. Such a decision is neither grievable nor appealable.

#### **D. *Holidays / Leave***

- If an employee takes Paid Time Off ("PTO") the University shall apply the appropriate leave within the University's payroll system based upon the number of hours used and the employee's schedule. For example, an employee who is working a flexible schedule of four ten-hour days will take ten hours of leave for time taken on one of the four days scheduled to work.
- During weeks where paid holidays occur, a supervisor may need to adjust an approved flexible work schedule so that the eight hours of holiday pay does not increase or decrease the total hours worked or result in overtime.

### **III. Work Hours**

If an employee is a non-exempt employee for the purposes of the Fair Labor Standards Act ("FLSA"), they are not authorized to work overtime without the express, written, prior approval of their supervisor. In the event that an employee believes that they cannot accomplish an assigned task without working overtime, they must immediately bring that concern to the attention of their supervisor. Following such notification, the supervisor will assess the employee's work assignments and make any necessary adjustments.

### **IV. Limited FWAs**

Employees seeking a flexible work arrangement as an accommodation must contact the Office of Human Resources as soon as possible. Once Human Resources receives such a request, they will engage the employee in an interactive dialogue to consider how best to respond to the employee's stated needs.