

Policy Title: Customized Work Arrangements for Staff

Policy Summary: Policy for Customized Work Arrangements for Staff

Policy Category: Administration and Operations

Policy Owner: Administration and Operations

Policy Summary

Drake University recognizes the value and necessity of customized work arrangement options for staff, as such flexibility can support efforts to attract quality applicants; retain valued employees; enhance productivity; improve morale; and optimize the provision of university services and use of university office space, parking, and resources. Thus, the University may approve Customized Work Arrangements (CWAs), such as remote work or flexible schedules, for staff employees whose job duties are appropriate for such assignments, if operationally feasible and consistent with departmental service standards.

Purpose

The purpose of this policy is to provide a framework for eligible full-time and part-time staff to be assigned or request CWAs. In part, the purpose of this policy is to create such a framework that embodies and supports the institution's Core Values embracing a work culture of accountability, trust, service, and respect. Additionally, this policy is intended to reinforce a management culture in which departments and units have the agency to determine the best way to meet their specific operating needs and provide excellent services for their constituents while also supporting their employees.

Scope

This policy applies to eligible full-time and part-time staff whose essential job functions may be satisfactorily performed through CWAs. This policy does not apply to faculty, adjuncts, student workers, volunteers, or third-party vendors.

This policy does not create a right or entitlement to CWAs, but rather a process through which managers may assign CWAs to eligible staff and eligible staff may submit requests to their managers for consideration of such arrangements.

CWAs described in this policy are separate and apart from the informal practice of employees occasionally working remotely or working a different schedule with their supervisor's approval on a short-term or as-needed basis. Temporary changes to an employee's regular work schedule to adjust for an unplanned, short-notice, or sporadic event (such as a severe weather event, temporary building closure, family emergency, or special job assignment) can be approved at the manager level and should be documented

but need not comply with the detailed documentation and multi-level approval process outlined in this policy.

For legal compliance reasons, this policy does not apply to requests for, or management of, workplace disability accommodations or accommodations based on religious beliefs or practices.

Employees desiring to request consideration of a workplace accommodations-even when the requested accommodation is in form of a CWA-based on a qualifying disability or a sincerely held religious belief should contact Human Resources.

CWAs do not replace or constitute protected leave options that may be available under the Family Medical Leave Act (FMLA) for employees needing leave for their own serious medical condition or to care for an immediate family member with their serious medical condition. Employees who may be experiencing FMLA qualifying events should contact Human Resources for assistance.

Definitions

Compressed Schedule: An approved work schedule typically condensed into fewer days than normally scheduled (i.e., Monday through Friday during regular operating hours). Examples of a compressed schedule could include, but are not limited to, allowing the employee to work: (a) four 10-hour workdays with the fifth day off, or (b) four 9-hour workdays and a half -day on the fifth day. Also referred to as a condensed workweek.

Customized Work Arrangement: Any work arrangement that contains one or more elements outside of the default work arrangement which presumes work is performed both on Drake property, typically the main campus and during regular operating hours (typically Monday through Friday, 8:00 AM through 4:30 or 5:00 PM, depending on the department). CWAs could include one or more of the following: a compressed schedule, remote work, flexible work schedules, and/or modified work schedules. Also referred to as a flexible work arrangement, modified work arrangement, and hybrid work arrangement.

Customized Work Arrangement Form: A CWA that has been approved through the interactive review and approval process described in this policy and memorialized in the then-current version of the Customized Work Arrangement Form.

Eligible Position: A position with essential functions that need not be performed exclusively on campus and/or during regular operating hours. Typically, to be an eligible position, the essential functions need not be performed in a face-to-face (i.e., in-person

and not via virtual interactions, such as Teams or Zoom) manner, can be performed with minimal need for direct supervision and support, and can be performed using a CWA without adversely impacting service quality or departmental operations. The position eligibility is determined by the manager to whom the position reports.

Eligible Staff: An individual employee serving in an eligible position who has been identified by their manager as, at a minimum: (a) having successfully completed the onboarding process for their current position; (b) met expectations in their most recent performance evaluation; and (c) having no active formal disciplinary actions within the past twelve (12) months. The staff eligibility is determined by the manager to whom the position reports.

Essential Functions: Those job functions that are fundamental and necessary for a specified position. Essential job functions are outlined in an employee's job description and should be reviewed annually as part of the annual evaluation process to assure they are accurate and complete. Essential functions are tied to the position, not the person.

Flexible Work Schedule: An approved work schedule where the employee has the ability to make agreed-to and as-needed adjustments to their work schedule on one or more days of the workweek, while still working the total number of assigned work hours within a workweek (i.e., a flexible work schedule does not impact full-time equivalent (FTE) status). A flexible work schedule must allow and provide for the proper supervision of the employee and adequate staffing coverage for the department. Examples of a flexible work schedule could include, but are not limited to, allowing the employee to, as needed: (a) start and end their workday early or later than the department's normal operating hours; (b) leave work early to pick up children and make-up time in the evening; or (c) start work early and have an expanded lunch hour to exercise or attend a class. Also referred to as flexible time or flex time. One would expect to see some variations with a flexible work schedule from day -to-day or week-to-week. This is different from a modified work schedule where the adjusted schedule is a set schedule.

Modified Work Schedule: An approved work schedule where the employee works outside of the department's schedule during the normal operating hours, but works an agreed-to and set schedule, while still working the total number of assigned work hours within a workweek (i.e., a modified work schedule does not impact full-time equivalent (FTE) status). A modified schedule must allow and provide for the proper supervision of the employee and adequate staffing coverage for the department. Examples of a modified work schedule could include, but are not limited to, allowing the employee to: (a) start and end their workday early or later than the department's normal operating hours; (b) leave work early to pick up children and make-up time in the evening; or (c) start work early and have an expanded lunch hour to exercise or attend a class. A modified work schedule is

different from a flexible work schedule in that a modified work schedule is a set schedule and does not vary from week-to-week or based on the employee's need for flexibility on an as-needed basis.

Regular University Hours: The University is generally open from 8:00 a.m. to 4:30 p.m. Monday through Friday, and it is expected that all offices will be open during Regular University Hours. Individual offices may extend hours to best serve student and constituent needs. Some student-facing offices may adopt summer hours or modified operating hours when classes are not in session. Some offices, such as Public Safety and Facilities, operate continuously and may have defined shifts.

Remote Work: Work performed by employees away from the employee's assigned workspace located on Drake property (such as working from the employee's home, a library, or a business center) for a specified portion of the workweek, which could be on a full-time, part-time, or for a designated period. Also referred to as a flexible work location, telework, or work from home (WFH). **Note:** Approval of Remote Work performed at an out-of-state location must comply with the request, review, and approval process found in the [Out of State Work Policy](#).

Policy

Drake University may assign and approve CWAs when such arrangements are compatible with the needs of its students, stakeholders, and the work performed within its diverse operating units. All such arrangements must be made in compliance with this policy, accompanying guidance and forms, and applicable laws and regulations.

Eligibility

CWAs are not appropriate for all staff members or for each position. Before entering into a CWA, the staff member must both hold a position that has been deemed eligible for a CWA and also be individually eligible. The manager is responsible for evaluating the suitability of a CWA for the employees directly reporting to them.

Position Eligibility

For a position to be eligible for consideration of a CWA, it must have essential functions that need not be performed strictly on campus and/or during regular operating hours. Typically, to be an eligible position, the essential functions need not be performed in a face-to-face (i.e., in-person and not via virtual interactions, such as Teams or Zoom) manner, can be performed with minimal need for support, and can be performed using a CWA without adversely impacting service quality or departmental operations. The position eligibility is determined by the manager to whom the position reports.

Managers must also assess variables including equipment needs; the privacy and security of the work performed by the position; the degree and nature of regular interactions between the position and students, vendors, and campus stakeholders. Guidance for managers to assess these variables is set forth in greater detail in the Guidance for Customized Work Arrangements.

Employee Eligibility

For an individual employee to be eligible for consideration of a CWA, they must, at a minimum:

(a) have successfully completed the onboarding process for their current position; (b) satisfactorily meet performance standards; and (c) have no active formal disciplinary actions within the past twelve (12) months. The staff eligibility is determined by the manager to whom the position reports.

Additional Considerations

In addition to assessing the eligibility of the position and the person, managers must consider variables including:

- a) assuring appropriate performance management and supervision is provided to staff working through a CWA;
- b) proper re-allocation of office space;
- c) proper equipment and tools to perform work outside of normal operating hours and/or remotely;
- d) the assessment of equipment needs and ITS support for remote employees and those working outside of normal operating hours;
- e) the impact on student and customer services;
- f) maintaining operating hours and staffing levels appropriate to perform the department's work;
- g) maintaining privacy and security of information, communication, and data that may be accessed remotely;
- h) fairness and equity of CWAs (especially when more than one person has the same job duties and responsibilities);
- i) assuring efficient communication and collaboration within the department and with campus stakeholders (*e.g.*, no team members may work remotely or outside of normal operating hours on Mondays);
- j) the development and/or preservation of a positive, welcoming, and inclusive departmental work culture; and
- k) effective onboarding of new employees.

CWAs are not an appropriate substitute for addressing conflicts among employees, poor performance, or attendance concerns. Guidance for managers to assess relevant variables is set forth in greater detail in the Guidance for Customized Work Arrangement s.

CWAs are also not appropriate substitutes for child/elder care needs, situations that may trigger protections under the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). Managers and impacted staff should consult with Human Resources whenever such issues arise to assure legal rights are honored and Drake's processes are followed.

Customized Work Arrangement Assignments & Requests

Initiation of a CWA may be at the direction of the manager or the request of the employee. Any manager or employee who may be considering a CWA is strongly encouraged to review the Guidance for Customized Work Arrangements, as additional details and examples are provided in that document. The Customized Work Arrangement Form can also be used to facilitate an interactive assessment. Employees or managers seeking assistance in working through the assessment of a possible CWA may contact Human Resources.

Employees do not have a right to an appeal or grievance when requests for CWAs are denied, not approved as requested, or approved and subsequently rescinded or modified. However, employees may request Human Resources review situations where CWAs have been denied, modified, or rescinded.

Customized Work Arrangement Forms

For a CWA to be formalized, the Customized Work Arrangement Form must be completed and approved by the employee, manager, and department head (or designee).

CWA can be modified or cancelled at any time for reasons including but not limited to changes to business operations or needs, staffing levels, performance, and conduct (irrespective of whether it rises to the level of a formal disciplinary action). The approval of a Customized Work Arrangement Form does not create a binding contract, nor does it alter or change the employer's ability to determine where work should be performed. Drake retains the sole discretion to authorize, modify, or cancel CWAs.

Performance Management

Managers are responsible for continuing to appropriately monitor and manage the performance of employees participating in CWA. Appropriate levels and frequencies of communication between the employee and manager will be agreed to as part of the discussion process and will be detailed on the Customized Work Arrangement Form. For example, if regular face-to-face (in-person) interaction is minimized as a result of the arrangement, additional check-ins should be scheduled, and specific performance metrics should be adopted. An employee's failure to maintain acceptable performance, even in the absence of a formal unsatisfactory performance evaluation, is grounds for the modification or cancellation of a CWA.

Remote Work Outside of Iowa

Working out of state subjects Drake University to numerous other laws and imposes additional insurance and payroll requirements, and costs. Accordingly, all employees working, or seeking to work, outside of Iowa are subject to Drake's [Out-of-State Work Policy](#). As such, employees may not work remotely outside Iowa (but within the United States) for twenty-one (21) calendar days or longer unless approved through the process outlined in Drake's [Out-of-State Work Policy](#). Any remote work not performed within Iowa must receive prior approval from both the employee's manager and department head (or designee) through the CWA process and also Payroll and Human Resources through the out-of-state request process. Approval from manager and department head is not a guarantee that the request will be approved by Payroll and Human Resources.

Impact on Work Visas

Employees working under a work visa must obtain prior approval from both the employee's manager and Human Resources prior to any work being performed remotely to ensure compliance with the employee's work visa, which may only approve work being performed in designated work locations. Changing a visa-holder's work location without proper approval could violate the terms of the employee's work visa and threaten the employee's continued authorization to work in the United States. Note: successful modification to the terms of a work visa must be finalized prior to a CWA taking effect.

Additional Guidelines & Expectations

Additional information, process details, and examples are provided in corresponding Guidance for Customized Work Arrangements. The Customized Work Arrangement Form also designates steps in assessing such arrangements.

Compliance

Violation of this policy or the terms of an approved CWA will be considered a form of misconduct and could result in the modification or cancellation of the CWA and/or employee discipline, up to and including termination. Managers who violate this policy will also be subject to corrective action, including discipline up to and including termination.

Questions

Employees with questions about whether a CWA may be appropriate for them should start by discussing this possibility with their manager. Human Resources can assist managers who have questions about a particular CWA or employees who have additional questions that cannot be answered by their manager.

Additional Resources & Related Policies

[Customized Work Arrangement Webpage](#)

[Out-of-State Work Policy](#)

[University Closings, Delays and Class Cancellations Policy](#)

[Dress for Your Day Policy](#)

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