

Policy 1342
Flexible Work Arrangements

Date of Current Revision: December 2018
Primary Responsible Officer: Director of Human Resources

1. PURPOSE

This policy establishes guidelines for offering flexible work arrangements, while maintaining employee performance, productivity and service delivery. It is intended to respond to the needs of full-time employees for whom a traditional 8:00 a.m. to 5:00 p.m. schedule is not ideal. Supervisors are responsible for considering and approving flexible work arrangements for their employees and for conferring with Human Resources for guidance. Such arrangements enhance work-life balance and flexibility to the greatest extent possible and improve employee morale, while supporting the university's employee recruitment and retention efforts.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The Virginia Administration of Government Act, Code of Virginia, Section 2.2-2817.1, requires that state agencies establish a telecommuting and an alternative work schedule policy under which eligible employees may telecommute or participate in alternative work schedules, to the maximum extent possible without diminished employee performance or service delivery. This policy is written to conform with Virginia Department of Human Resource Management (DHRM) Policies [1.25](#) - Hours of Work and [1.61](#) - Telework.

3. DEFINITIONS

Accommodation

Any change in the work environment, the educational experience, or the provision of services that enables a qualified individual with a disability to enjoy equal opportunity to perform the job, participate in the educational experience, or receive the provision of services.

Adjusted Work Hours

A full-time employee has a basic work requirement of eight hours in each day and 40 hours in each week. Due to unexpected, unplanned or unscheduled events, with supervisor approval, an employee may vary arrival and departure times and the number of hours worked on a given workday in order to meet business needs. Adjusting work hours allows the employee to make up hours without taking leave.

Administrative & Professional Faculty (A&P faculty)

Administrative faculty and professional faculty are normally referred to collectively, as both require advanced learning acquired by prolonged formal instruction and/or specialized training and work experience; however, the university recognizes administrative faculty and professional faculty as distinct position types.

Administrative Faculty positions are generally senior administrators who perform work related to the management of the educational and general activities of the university, for at least fifty percent of their work. Typically, administrative faculty serve in executive leadership roles such as vice president, provost, vice provost, dean, assistant or associate vice president, assistant or associate vice provost, or assistant or associate dean. Other administrative faculty roles can include (1) those responsible for the administrative direction of separately designated divisions or departments of institutional activity; (2) positions whose primary responsibility is to attract external funds; or (3) positions that are characterized by active, continuing involvement in formulating, interpreting and implementing institutional policy and exercise substantial independence, authority and discretion in areas such as program planning, design and allocation of resources. The organizational reporting relationship for administrative faculty is normally not lower than three levels below Executive Council positions. For Academic Affairs, this would include: Vice Provost/Dean (level 1), Academic Unit Head/Director (level 2) and Associate Director (level 3).

Professional Faculty require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. Typical professional faculty positions are librarians, counselors, coaches, physicians, lawyers, engineers and architects. Other professional positions may support education, research, university life and other such activities. Professional faculty positions must require the incumbent to regularly exercise professional discretion and judgment and to produce work that is intellectual and varied, and is not standardized.

Alternate Work Locations

Approved locations other than the employee's central workplace where official business is performed. Such locations may include, but are not limited to, the home of an employee and satellite offices.

Alternative Work Schedule

The standard JMU workweek begins at 12:01 a.m. Sunday and ends at midnight the following Saturday, except for those employees whose workweek is designated differently. For full-time employees, a work schedule agreed to by supervisor and employee other than January through December, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Classified Employee

At JMU, a non-faculty, full-time salaried employee whose terms and conditions of employment are subject to the Virginia Personnel Act (Virginia Code § [2.2-2900](#) and following). See DHRM Policy [2.20](#) - Types of Employment.

Compressed Workweek

A work schedule completed in fewer than five full workdays per week.

Contributor

Work that is characterized by fully meeting performance measures.

Exempt Employee

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to receive overtime pay for hours worked in excess of 40 in a workweek.

Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) establishes overtime pay affecting full-time and part-time workers. Overtime pay at a rate of not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

Job Sharing

A work agreement where two full-time employees voluntarily share the work responsibilities of one full-time position.

Less Than 12-Month Schedule

Employees working less than 12 months, which usually parallels the academic semesters.

Modified Summer Work Schedule

The period from the second week in May to the third week in August when university business operations close at noon on Fridays.

Non-exempt Employee

An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act and therefore must be paid at a rate of one and one-half times his/her regular rate of pay for hours worked in excess of 40 in a workweek.

Situational Telework

Work conducted at an Alternate Work Location that is unscheduled, project oriented, non-recurring, and/or does not occur on a regular basis. A formal [Telecommuting Work Agreement](#) is normally not required.

Telecommuting

A work agreement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week, or at least 4 days per month, or at least 32 hours per month, in accordance with a [Telecommuting Work Agreement](#).

4. APPLICABILITY

This policy applies to all full-time exempt and non-exempt classified staff and administrative & professional faculty members.

5. POLICY

The university is receptive to and encourages the exploration and implementation of adjusted work hours/flexible work arrangements that enhance the balance of work and family and personal responsibilities. Flexibility enables both individual and business needs to be met through making changes to the time (when), location (where), and manner (how) in which an employee works.

It is important to understand that the effective delivery of academic, student and administrative services must be considered first in determining when, and if, flexible work arrangements are appropriate. In some units, the duties and/or workloads may not be suitable for such arrangements or may allow for flexibility on a limited basis only.

6. PROCEDURES

6.1 Types of flexible work arrangements are defined above and may include:

- Adjusted work hours - Due to unexpected, unplanned or unscheduled events, with supervisor approval, an employee may vary arrival and departure times and the number of hours worked on a given workday in order to meet business needs. Adjusting work hours allows the employee to make up hours without taking leave.
- Alternate work locations - The occasional necessity may arise to perform job duties at an approved location other than the employee's central workplace, such as during a workplace outage or during a pandemic situation. For situational telework, an employee performs job duties at an alternate location, but not on a regular basis, without a specific telecommuting schedule or a Telecommuting Work Agreement.
- Alternative work schedules (Policy [1310](#))
- Compressed work week – A full 40-hour work week is condensed into fewer than five full work days per week. JMU's [Modified Summer Work Schedule](#) is an example.
- [Providing a reasonable accommodation](#)
- Telecommuting (Policy [1332](#))

6.2 An employee or the employee's supervisor may propose a flexible work arrangement. Documentation may be required to outline a desired schedule and/or work location change and include a justification statement. The supervisor determines the feasibility of a flexible work arrangement. Considerations include:

- Employee's regular job duties
- Departmental staffing needs
- Service hours
- Security issues
- Communication needs
- Budgetary matters
- Employee's work style

Employee characteristics indicative of success often include:

- Ability to work productively on one's own
- Thorough knowledge of position responsibilities
- Above average performance record
- Good organizational and time-management skills
- Effective communication skills
- Honesty and dependability
- Self-motivation and flexibility

It is at the discretion of the supervisor to modify or terminate the flexible work arrangement. Failure to fulfill work requirements may be cause for termination of the arrangement and/or further disciplinary action.

6.3 Flexible work arrangements are ordinarily mutually agreed upon; however, the university may establish flexible work as a condition of employment, based on the university's business needs. In such cases, this requirement should be included when the position is advertised and in correspondence offering employment. See DHRM Policy [2.10](#) - Hiring. The employee's classification, compensation and benefits will not change if utilizing a flexible work arrangement.

6.4 All flexible work arrangements must conform to the overtime and recordkeeping provisions of the Fair Labor Standards Act. Hours actually worked by a non-exempt employee must be recorded on the [Time and Attendance Record](#).

6.5 Employees who are on Family and Medical Leave Act (FMLA) leave and unable to report to full-time work may not perform work at home in order to extend his/her available leave time. Employees who have been approved for FMLA leave will not be available for work until he/she is released by the treating physician, or in the case of caring for an ill family member, until the approved leave time has been met and is no longer needed. Intermittent FMLA may provide opportunity for work at home.

6.6 [HR Consultants](#) are available to assist the supervisors with determination, implementation and other considerations such as equity, overtime pay and performance standards.

7. RESPONSIBILITIES

Vice presidents are responsible for the application of this policy in their areas of responsibility.

The director of human resources is responsible for overseeing the use of this policy.

The Office of Human Resources is responsible for providing employees and their supervisors guidance, consultation, education and technical assistance to support expanded use of flexible work arrangements.

The Office of Human Resources is also responsible for identifying types of employees eligible for telecommuting and other flexible work arrangements, and for managing employment data in the Commonwealth's Personnel Management Information System.

Supervisors are responsible for considering and approving flexible work arrangements for their employees and for conferring with Human Resources for guidance.

Supervisors are responsible for determining an employee's suitability for a flexible work arrangement and for monitoring the employee's work performance and addressing performance concerns as needed.

Employees are responsible for adhering to the policies, procedures and guidelines established for flexible work arrangements.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

This policy does not apply to part-time staff, instructional faculty members, student employees or graduate assistants.

10. INTERPRETATION

While the authority to interpret this policy is granted to the president, it is generally delegated to the director of human resources.

Previous version: None

Approved by the President: December 2018