

**Policy 1310
Alternative Work Schedules**

**Date of Current Revision: April 2023
Responsible Officer: Director of Human Resources**

1. PURPOSE

The purpose of this policy is to provide guidelines for implementing alternative work schedules without diminished employee performance or service delivery to enhance balance of work, family, and personal responsibilities.

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

Virginia Department of Human Resource Management (DHRM) Policy [1.25](#) – Hours of Work.

3. DEFINITIONS

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.

Classified Employee

At JMU, a non-faculty, full-time employee who is covered by the [Virginia Personnel Act](#).

Compressed Workweek

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

Exempt Employee

An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not required 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 wage and salary requirements, hours worked, and overtime pay, among other things 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 employees voluntarily share the work responsibilities of one full-time, classified position, each working twenty hours per week. Contact your [HR Consultant](#) for guidance.

Less Than 12-Month Schedule

Employees working less than 12 months and during months which usually parallel the academic semesters. Contact your [HR Consultant](#) for guidance.

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 the employee's regular rate of pay for hours worked in excess of 40 in a workweek.

Reasonable Accommodation

An action that may be taken by the university to accommodate an individual with a documented disability, without imposing an undue hardship on the university. Contact your [Benefits Specialist](#) for guidance.

Situational Telework

Work conducted at an alternate work location that is unscheduled, may be project oriented, non-recurring, and/or does not occur on a regular basis. The 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. A formal [Telework Agreement](#) is normally not required.

Telework

A work arrangement in which supervisors direct or permit employees to regularly perform their usual job duties away from their central workplace at least one day per week in accordance with a telework agreement. See Policy [1332](#) – Telework.

4. APPLICABILITY

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

5. POLICY

The university is receptive to and encourages the exploration and implementation of alternative work schedules that enhance the balance of work, family, and personal responsibilities. Flexibility enables both individual and business needs to be met by making changes to the time (when), location (where), and manner (how) in which an employee works. It is also a means of achieving administrative efficiencies (e.g., reducing office and parking space), reducing traffic congestion, supporting Continuity of Operations Plans, and sustaining the hiring and retention of a highly-qualified workforce by enhancing work-life balance.

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

6. PROCEDURES

6.1 Alternative work schedule options are defined above and may include:

- Adjusted work hours
- Compressed workweek
- Job sharing
- Less than 12-month schedules
- Reasonable accommodation
- Situational telework
- Telework (Policy [1332](#))

6.2 An employee or the employee's supervisor may propose an alternative work schedule. To determine the feasibility of an alternative work schedule, the supervisor should consider the following:

- Budgetary matters
- Communication needs
- Departmental staffing needs
- Employee's regular job duties

- Employee's work style
- Security issues
- Service hours

Employee characteristics indicative of success often include:

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

The supervisor has the discretion to approve, deny, modify, or terminate an alternative work schedule. Failure to fulfill work requirements may be cause for termination of the alternative schedule and/or further disciplinary action.

6.3 Alternative work schedules are ordinarily mutually agreed upon; however, the university may establish an alternative schedule 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 discussed when offering employment. See DHRM Policy [2.10](#) – Hiring.

The employee's classification, compensation, and benefits will not change if utilizing an alternative work schedule.

6.4 All alternative work schedules must conform to the overtime and recordkeeping provisions of the Fair Labor Standards Act. Hours actually worked by non-exempt classified employees 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 available leave time. Employees who have been approved for FMLA leave will not be available for work until 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.

6.6 [HR Consultants](#) are available to assist supervisors and employees with determination, implementation, and other considerations of alternative work schedules.

7. RESPONSIBILITIES

The responsibilities listed in this section are in addition to responsibilities outlined elsewhere in this policy.

7.1 Supervisors are responsible for the following:

- a. the application of this policy.
- b. considering and approving or denying alternative work schedules for their employees and for conferring with Human Resources for guidance.

- c. determining an employee's suitability for an alternative work schedule and for monitoring the employee's work performance and addressing performance concerns as needed.

7.2 Human Resources is responsible for providing supervisors and their employees guidance and consultation to support expanded use of alternative work schedules.

7.3 Employees are responsible for adhering to the policies, procedures, and guidelines established for alternative work schedules.

7.4 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 employees, full-time or part-time instructional faculty members, graduate assistants, or student employees.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

Previous version: November 2020

Approved by the president: April 2002