



**UNLV Flexible Work Policy**

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Responsible Office: Human Resources

Originally Issued: June 2021

Revision Date: N/A

Approvals:

06/18/2021

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Date

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06/21/2021

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06/22/2021

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**Statement of Purpose**

A flexible work schedule (“FWS”) is a non-traditional working arrangement that considers an individual’s personal needs, while effectively addressing and satisfying the university’s business needs. Working in-person is the general expectation of faculty and staff. Recognizing that not every position affords the scope to utilize flexible work arrangements, there are multiple ways in which a FWS can be tailored to address the needs of employees and the goals of the individual colleges, schools, and divisions of the university. A FWS may not be appropriate to implement within all areas of the university. Approval of a FWS is at the discretion of the appointing authority or their designee.

This policy affirms work flexibility as a possible practice for full-time and part-time UNLV employees when appropriate. This policy reinforces a culture where units have the ability to determine the best way to meet dynamic business needs, provide excellent service for constituents, and support of their employees. Allowing for flexibility in the workplace also offers management a tool for addressing space constraints more effectively, aids in recruitment, and supports retention of excellent staff.

### **Entities Affected by this Policy**

University of Nevada, Las Vegas.

### **Who Should Read this Policy**

All UNLV full-time and part-time, regular, and classified employees, academic and administrative faculty, and student workers whose core job functions may be performed through a flexible work schedule.

Faculty and staff who supervise or manage employees.

### **Policy**

#### **Flexible Work Schedule**

A FWS must not cause or contribute to the need for additional staff, the need for reassignment to cover understaffed functions or for classified staff to work additional overtime hours. UNLV recognizes that providing workplace flexibility supports the well-being of our employees and facilitates the opportunity for the goals of the university to be achieved. The university is an organization with work environments that vary widely and require specific staffing to function effectively. FWSs are not appropriate for all positions, times of year, or campus settings. Additionally, health, safety, privacy/security, technology concerns and limitations, and other relevant considerations may preclude a flexible work arrangement. FWSs that reduce duties or total working hours must follow Human Resource (HR) processes and include a reduction in Full-Time Equivalent (FTE). These types of arrangements may impact benefit eligibility and/or tax obligations.

It is not required that a FWS be uniformly available to all positions or individuals in an operating unit. Not every function is conducive to such alternate scheduling because of department requirements and/or university business needs. This should not deter a supervisor, with the authority to do so, from approving or establishing FWSs for positions where such scheduling is possible and/or would enhance services for the specific needs of the unit—either on an ongoing basis or at a particular time—and the ability of the individual employee to work effectively in a flexible work arrangement. When a hybrid model of remote and on-campus work is permissible, UNLV is obligated to provide necessary equipment for the employee's primary workspace. It is not an expectation for the authorizing unit to provide equipment for multiple locations.

This policy also applies to employees requesting FWSs on a temporary basis, including variable workdays for classified staff. A Flexible Work Schedule Agreement ("FWS Agreement") form does not need to be completed if the request is temporary and is not extended past 7 days. An approved FWS does not reduce expectations regarding an employee's performance and does not serve as a precedent for a future arrangement

within a department or unit. Employee-requested FWS are a privilege, revocable, and are not an expectation or right of an employee.

Employees approved for FWS should be reviewed after the first 90 days and reviewed thereafter annually during the employee's performance evaluation to ensure that the employees' responsibilities are being met in accordance with expectations and that the business needs of the unit have not changed.

Employees with FWS remain subject to all applicable UNLV policies and procedures, and federal and state laws. FWSs available are not mutually exclusive and may be combined to fit the needs of the unit and the employee.

### **Types of FWSs available under this policy include:**

- **Variable Work Week (Flex) Schedule.** Work schedules that are different than the department's standard operating hours, i.e., Monday through Friday, 8:00 a.m. – 5:00 p.m. (Pacific Time PT)
- **Innovative (Compressed) Work Week.** Allowing an employee to work longer hours in fewer days, e.g., four (4) days/ ten (10) hours per day or four (4) days/ nine (9) hours per day and one (1) day/ four (4) hours, etc.
- **Temporary Flexible Schedule.** The use of one or more flexible work options that occurs on a temporary basis.
- **Telecommuting (Remote Work).** A workplace arrangement where an employee works from home or from another location away from their regularly assigned work location. Telecommuting may constitute either a portion of the employee's work time or all of it. For some employees, a flexible work arrangement may include working remotely 1-2 days during the work week.

### **Eligibility**

To be eligible to request a FWS, an employee must have a recent performance evaluation of at least satisfactory, essential duties that can accommodate such a request, and a demonstrated work ethic that can support the flexible work schedule that may include but not be limited to attendance, time, and the ability to meet deadlines. Employees who have not received an evaluation within the past year of a FWS request, with no recorded disciplinary concerns is assumed to have a satisfactory rating and is therefore meets this requirement. Requests are considered on a case-by-case basis and require prior written authorization from the appointing authority or their designee.

The appointing authority or their designee may authorize a position to remote work upon date of hire. For this exception, satisfactory performance as an eligible requirement may be waived at the onset. A FWS Agreement should be attached to the offer letter for completion upon hire. Even when remote or other flexible work arrangements are included with the offer of hire, they are revocable. A satisfactory rating must be achieved

and maintained during the first performance review. If a satisfactory rating is not achieved and maintained, the appointing authority or their designee, should consult with their Employee Relations specialist for guidance.

Management may use the FWS to meet the needs of both the department and the employee. Departments must ensure business needs are met when considering FWS requests. Adequate supervisory contact and/or employee accountability must be maintained. A FWS must not adversely affect the services provided to other operating units, co-workers or the public. The quantity, quality, and timeliness of employee work must be enhanced or maintained.

While it is expected that a flexible schedule arrangement will continue until its predetermined end date, it is possible that it may be terminated at the discretion of the employee's supervisor and/or division head. If the authorization for a flexible work schedule is withdrawn, the employee will be required to report/return to the office. If an employee chooses not to return on the expected date, this will be considered to be a voluntary resignation and will be treated as such under UNLV's standard policies.

An employee does not have the right to engage in any flexible work schedules and a written authorization does not change the nature of employment. Flexible work arrangements may be rescinded at any time, with a minimum 30-day notice period. Classified staff currently must adhere to the 30-day notice period, with no exceptions. However, this timeframe may be subject to change pending future collective bargaining agreements. If managers would like to request a shorter notice of return for administrative faculty, please contact employee relations to ensure its feasibility. Approvals will be addressed on case-by-case basis. Employees who utilize a flexible work schedule are subject to the same UNLV regulations, policies, or procedures as other UNLV employees in the same classification. Criteria to work remote as noted in this policy sets the minimum requirements for eligibility. Appointing authorities maintain the right to implement additional eligibility requirements for remote work.

Because of the unique role of academic faculty, approval of fully remote work will be rare. Technology and student demand warrant expansion of online learning that may support some faculty working remotely. This should be balanced with the goals of creating a vibrant, engaging, scholarly learning community. The university acknowledges that there may be certain situations, programs, or other factors that warrant requests from academic faculty for remote instruction or flexible work arrangements. These requests must be approved by both the dean of the unit and the provost.

### **Remote Work Outside USA**

In general, Remote Work is not permitted in foreign jurisdictions. Requests for international Remote Work due to special circumstances must be submitted and reviewed by human resources, general counsel, the vice president or dean, Office of International Students and Scholars (OISS), Office of Information Technology (OIT) and payroll. To

consider an international Remote Work request, any such arrangement must be critical to meeting the university's academic and research missions.

### **Timekeeping**

Exempt administrative faculty and classified executive staff are not covered by the overtime requirements of the Fair Labor Standards Act (FLSA). However, exempt staff will need to discuss specific scheduling arrangements with their appointing authority, obtain their approval in writing, and have a FWS Agreement on file.

A Classified employee must conform to any overtime, record-keeping, and meal break provisions of the FLSA, Nevada Revised Statutes (NRS), and any relevant Nevada Administrative Code (NAC). Therefore, supervisors must ensure accurate recording of hours worked. For non-exempt staff members, supervisors must pre-approve all hours to be worked in excess of 40 in any workweek. A FWS for a non-exempt employee should not result in overtime. A 30-minute to one-hour meal period must be provided during each period of work that exceeds six hours. The meal period must occur in the middle of the work shift. A rest period of 15 minutes must be provided for each four-hour period of work and, as much as practicable, and must occur in the middle of the period of work.

No work schedule can be implemented that results in a full-time classified employee or administrative faculty working less than 40 hours during the workweek, with the exception of classified staff who maintain a variable workweek schedule.

### **Benefits**

An employee on a FWS earns the same rate of pay and is eligible for the same benefit programs as if they were working on a traditional or variable (flex) workweek schedule.

### **Time, Leave and Attendance**

The employee is responsible for completing UNLV timesheets in accordance with university policies and procedures pertaining to the employee including those on approved FWSs. In the event an employee expects to work more than the standard number of hours and wishes to request overtime (in the case of classified and other non-exempt employees), this must be discussed with and approved in advance, in writing, by the supervisor, just as any overtime scheduling would normally have to be approved. Similarly, should an employee wish to request annual leave or sick leave, the individual must do so in advance in accordance with applicable UNLV and/or departmental procedures (except in the event of an emergency).

Annual and sick leave accrual schedules will not change for an employee on an approved FWS.

During weeks where the employee is scheduled for business travel, and/or training, for one or more days within a pay period, it is recommended that the flexible work schedule

be suspended and reverts to a traditional eight-hour schedule, if utilizing a compressed or flex work week. Advance notice of the change in work schedule is not required under this situation.

At times an employee may be required to come to campus on a day scheduled as a flexible workday. Supervisors will attempt to minimize these schedule alterations, but it is required that the employee comply with such requests. Similarly, there may be weeks where the scheduled flexible work schedule may be temporarily suspended (up to the five full days of the week) when the nature of the workload requires it. It will be the employee's responsibility to come into the office as requested during these times. Managers must provide a 30-day advance notice for such requests. Such request will not be eligible for call-back pay. Travel to and from campus work assignments on days scheduled for alternate worksite assignment is considered ordinary commuting and is not compensable as business travel. Assignments that are designated away from the alternate worksite and considered off-campus are eligible for travel expense reimbursement in accordance with UNLV's administrative policies and procedures.

### **Holiday Pay**

There will be no change in the holiday schedule. Only eight hours of holiday pay will be provided to the employee. During weeks when paid holidays occur, the FWS should be suspended to revert participant back to a traditional eight-hour schedule so that holiday pay does not reduce or increase the total hours scheduled in the workweek. Advance notice of the change in work schedule is not required under this situation.

If the FWS is not reverted back to the traditional eight-hour schedule, employees must use applicable accrued paid leave (e.g., compensatory time or annual leave) or be placed on leave without pay for any difference between the scheduled work shift and the eight hours of holiday pay.

### **Duties and Assignments**

The employee's UNLV Position Description Questionnaire (PDQ) or UNLV Work Performance Standards shall be used as a guide to the duties, responsibilities and assignments authorized to be performed at an alternate worksite, under a FWS. Certain exceptions or modifications may be made to the Work Performance Standards or PDQ by a supervisor, upon notice to the employee, for the sake of efficiency. The supervisor reserves the right to assign work as necessary at any worksite related to the employee's position.

### **Conditions of Employment**

Performance expectations do not change as a result of an approved FWS. An employee with a FWS is subject to the same criteria and process for performance evaluation as would apply without the FWS. HR and individual units, however, may implement practices

and provide training specific to FWS as long as such practices are consistent with university policies and procedures.

The university reserves the right to suspend, cancel, or amend this policy at any time. It also reserves the right to cancel or suspend use of a FWS by any employee who experiences performance or attendance problems deemed to be related to the new schedule. Such circumstances will be evaluated on a case-by-case basis.

The appointing authority or their designee reserves the right to assign additional work, as necessary, that is in alignment with an employee's job classification.

### **Space Allocation**

A FWS more specifically, remote working can directly address some of the university concerns of space allocation. For those faculty and staff who are approved to telecommute more than 50%, space allocations may be reviewed and adjusted to meet other department, division, or campus needs (i.e., shared space, reallocation, etc.). If the position becomes designated 100% as a remote position space originally occupied may be released and used to address other needs on campus. If the position becomes designated as a remote position, there should be no expectation that the university maintain space, temporary or permanent, for those positions regardless of the person who occupies the position. The appointing authority or their designee should consult with HR and space management to discuss positions that are designated as a "remote eligible" position. The [space policy](#) can offer additional information regarding FWAs and space management.

### **Modifying Flexible Work Arrangements**

As circumstances, business needs, and job requirements evolve over time, adjustments and modifications to a FWS may become necessary. As with any other work arrangement, FWS should not be considered permanent and should be evaluated on an annual basis to ensure that the arrangements continue to meet the needs of the employee and the university's business needs. Both the University and employee must be responsive to change and should monitor the arrangement to ensure that it continues to meet the needs of the department. In some situations, it may be necessary to discontinue the original plan or seek an alternative. The process used in revising or ending a FWS should be just as deliberative as when initiating one.

The appointing authority or their designee, in consultation with their unit and the HR employee relations specialist, may modify an employee's FWS, up to and including returning to the unit's usual and customary working hours and/or location, without the employee's consent. The reason for the modification should be communicated in writing and in advance to the employee with appropriate revisions made to modify or end the

FWS Agreement. The university's modification of the arrangement, up to and including defaulting back to the unit's normal working hours and/or location, is not considered discipline.

Since a FWS is a business decision, it can be modified or terminated if necessary, with 30 days' notice by either party. Circumstances that could trigger a modification or termination of a flexible work arrangement include:

- Business needs are no longer being met, and/or;
- Job or job requirements change, and/or;
- Performance rating falls below an acceptable level, and/or;
- Current coverage or staffing needs change, and/or;
- Unexpected staff shortage develops, and/or;
- Valid negative client or co-worker feedback is received.

If the telecommuting arrangement needs to be modified or terminated, at least 30 days' notice should be provided to the employee whenever possible in advance. The space allocation policy should be reviewed prior to a FWS termination to ensure appropriate space allocation.

### **Employee Responsibilities**

- Speak with their supervisor to discuss the possibility of working a flexible schedule.
- Submit a written request to their supervisor for approval to work a flexible work schedule.
- For fully remote work, your official work location will be your home address. You are expected to establish and furnish a dedicated workspace that is free from distractions and promotes productivity.
- Remain present and accessible in the manner directed by their supervisor through computer, mobile phone, email, messaging application(s), videoconferencing, instant messaging and/or text messaging at all times during their assigned work hours.
- Request any accommodations needed through the Office of EEO and Title IX.
- Maintain a mobile phone plan to enable university applications and communications designated to assist with accessibility during business hours.
- Check in with their supervisor to discuss work status and open issues
- Be available for teleconferences, scheduled on an as-needed basis.
- Request supervisor approval to use vacation, sick, or other leave in the same manner as when working at employee's regular work location.
- Work and maintain productivity, performance, communication, and responsiveness as reasonable to ensure that operations are continuing.
- Request any office supplies needed to complete your job assignments. No out-of-pocket expenses will be approved without prior approval of the employee's supervisor. Individuals will not be reimbursed by UNLV for any overhead expenses

related to their alternate worksite (e.g., utilities, repairs, etc.) or travel to the university.

- Regular meetings to be scheduled at least monthly, if not more often, as agreed upon by the supervisor and employee to review work and evaluate the work performance and expectations.
- It is encouraged a “To Do” list of tasks be maintained. This information should be reviewed with your supervisor to discuss and document status of current projects.
- Ensure that all university business done via email is conducted using a university-issued email account. Additionally, to protect university resources all off-campus access to university systems (e.g., Workday) during the telecommuting period must be done using a University-approved virtual private network (VPN) service.
- Assume the cost of installation and maintenance of Internet service with a minimum connection speed of 50 Mbps, and any similar communication linkage fees at the alternate worksite.
- Keep all UNLV materials and equipment in a safe and secure area at the alternate worksite.
- Agree to use university-owned equipment, records, and materials for purposes of university business only, and to protect them against unauthorized or accidental access, use, modification, destruction, loss, theft or disclosure. Supervisors must determine equipment standards.
- If personal equipment is used, UNLV is not responsible for maintenance or upgrade. Please refer to OIT’s [Teaching and Working Remotely](#) webpage for additional information regarding preparation and technology testing.
- Employee agrees not to download any confidential and/or sensitive data or information onto any personal computer or onto any computer provided by UNLV without authorization to do so, and even then, must only store the absolute minimum required. Employee further agrees that unencrypted confidential and/or sensitive information will not be stored on the local disk drive of any computer and only stored on a server and accessed through UNLV VPN, or encrypted with proper provisions made for recovery. Notwithstanding the foregoing, Employee will promptly notify their supervisor if a computer containing University information is stolen and/or lost.
- Employee may not transfer sensitive data to non-UNLV owned systems or removable media, and they may not allow unauthorized users to use the computer issued for Telecommuting.
- Agree to promptly report to your supervisor any loss, damage, or unauthorized access of UNLV equipment or systems.
- Employee is responsible for maintaining the confidentiality and security of any information created or accessed via telecommuting arrangements and for adhering to University rules, regulations, policies, and procedures regarding security and confidentiality for the computer, its data and information including data such as FERPA, FISMA, HIPAA, PCI, PII, AND PHI, and any other information handled in the course of work. See Office of Information Technology Policies located at <http://oit.unlv.edu/about-oit/policies> for more information. Employee shall not maintain hard copies of sensitive data at their Alternate Work Site in filing cabinets or other storage devices, unless they are actively working with that information and

have received their manager's written approval. Once the employee completes a task involving sensitive data, that sensitive data must be retained or properly destroyed in accordance with University policies and procedures.

### **Supervisor Responsibilities**

- Make reasonable efforts to accommodate employee requests for a FWS. In cases where there are multiple requests, eligibility should align with state policy such that agency need, seniority, and wishes of the employee are considered (NAC 284.539, 1). Any flexible work schedule should be regularly reviewed and may be discontinued if, or when, the arrangement interferes with the demands and responsibilities of the department/unit.
- Provide office supplies as needed. Adaptive equipment as designated through the accommodation process, need only be accommodated for the primary work location.
- Be responsive and available through email, phone, and video conferencing software.
- Engage and meet at a minimum monthly for regular check-ins with staff.
- Keep remote team members engaged and involved.
- Provide the necessary computer, webcam, microphone, speakers, software, and other equipment needed for the employee to do their job. An Equipment Loan Agreement must be completed for each item that is provided to the employee. All items remain the property of UNLV and must be returned upon request at the employee's expense. UNLV is obligated to provide necessary equipment for the employee's primary workspace. It is not an expectation for the authorizing unit to provide equipment for multiple locations.
- Clearly communicate performance, task, and scheduling expectations.
- Troubleshoot issues with your team.
- Provide staff at least 30 days' notice of expectation to return to original work location for on-campus needs.
- Evaluate staff and provide regular performance feedback to the employee as needed.

### **Denials**

UNLV is committed to fostering a supportive, work/life-friendly work environment, and encourages employees to use FWSs as needed. The appointing authority or their designee should make reasonable efforts to accommodate these requests. If there are concerns regarding the alignment of FWSs with the operational activities of the unit, a consultation with your employee relations consultant in HR should be done to discuss available options.

Denial of an employee's request to work remotely or telecommute shall not be subject to any grievance, reconsideration, or appeal.

## **Worker's Compensation**

All work-related injuries incurred by the employee during work hours in the course and scope of employment, as well as any and all work-related illnesses must be reported promptly to UNLV Risk Management & Safety (<https://www.unlv.edu/rms/insurance/workers-comp>)

## **Indemnification**

Any employee who accepts a FWS agrees to indemnify and hold UNLV harmless for any and all injuries to others at any alternate worksite.

## **Work Location and Tax and Benefits Implications**

The designated remote work location must be completed at the pre-designated and approved location. Work conducted outside of this location must be revealed to the manager for approval prior to working at the new location.

It will be the employee's responsibility to determine any potential tax and benefits implications of maintaining an alternate worksite at their home or other location. UNLV will not provide tax guidance, nor will it assume any additional tax liabilities. Individuals are encouraged to consult a qualified tax professional to discuss income tax implications and UNLV's Benefits office for potential benefits changes.

## **Related Documents**

[NRS 281.100](#) Hours of service of employees of State and political subdivisions; exceptions; penalty.

[NRS 281.110](#) State offices to maintain 40-hour workweeks; variable schedules for workweek; posting of days and hours of operation.

[NRS 284.180](#) Pay plan to set official rates applicable to all positions in classified service; overtime; workweek for certain firefighters; innovative workweeks; existing contracts of employment; report; payment for working on holiday.

[NAC 284.067](#) "Innovative workweek" defined. (NRS 284.067)

[NAC 284.072](#) "Nonstandard workweek" defined. (NRS 284.072)

[NAC 284.100](#) "Standard workweek" defined. (NRS 284.100)

NAC [284.255](#) Holidays: Holiday pay. (NRS 284.065, 284.155, 284.175, 284.180, 284.345)

[NAC 284.524](#) Reporting for work; workweeks and workdays; periods for meals and rest. (NRS 284.065, 284.155, 284.345)

[NAC 284.242](#) Overtime: Authorization. (NRS 284.065, 284.155, 284.175)

<https://www.it.unlv.edu/teaching-working-remotely/employees>

“Academic Faculty and Remote Instruction/Work After the Pandemic” (Academic Faculty Remote Work Committee)

Flexible Work Agreement

## Contacts

Office of Human Resources, Employee Relations

HR@unlv.edu, 702-895-3504

## Definitions

**Regular Work Schedule.** The normal university work schedule is a nine-hour day, with an hour off for lunch, resulting in eight hours worked, Monday-Friday. The most common regular schedule involves working from 8:00 AM to 12:00 Noon and from 1:00 PM to 5:00 PM.

**Standard Work Week.** The normal work week at UNLV for non-exempt employees begins at 12:01 AM Sunday and ends at 12:00 Midnight the following Saturday.

**Variable Work Week (Flex) Schedule.** Work schedules that are different than the department’s standard operating hours, i.e., Monday through Friday, 8:00 a.m. – 5:00 p.m. (Pacific Time PT)

**Compressed Work Schedule.** A workplace arrangement in which the traditional 40-hour workweek is completed in less than the standard five (5) workdays.

**Telecommuting/Remote Work.** A workplace arrangement where an employee works from home or from another location away from campus. Telecommuting may constitute either a portion of the employee’s work time or all of it.

**Temporary Flexibility Schedule.** The use of one or more flexible work options that occurs on a temporary basis.

**Appointing Authority or Their Designee.** Under NSHE Title 2, Chapter 5, Section 5.3, the president of each System Institution shall be the appointing authority for all faculty of the System institution.

**Supervisor.** The position who has direct supervision of the faculty or staff member’s daily activities requesting a flexible work arrangement. This may include titles such as vice president, dean, chair, manager, supervisor, etc.

**Unit.** A unit may refer to a specific department, within a division, college, or school.

**Work Performance Standards.** Documents the job elements and performance standards based on when the job is performed satisfactorily under existing working

condition and provides a standard to be met or exceeded. Serves as the basis for evaluating an employee's performance.

**Supervisor and Manager.** For the terms of this policy supervisor and manager may be used interchangeably and does not minimize nor ignore the standard approval process within each unit or department.