FLEXIBLE WORK ARRANGEMENTS – DRAFT 4/30/2021

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FLEXIBLE WORK ARRANGEMENTS POLICY

1. SCOPE

This Policy governs flexible work arrangements for staff employees who work for the UC San Diego campus.

For employees covered by a collective bargaining agreement, UC San Diego endorses flexible work arrangements in accordance with the applicable collective bargaining agreement and this Policy. The applicable collective bargaining agreement shall supersede this Policy whenever there is a conflict.

2. POLICY SUMMARY

Flexible work arrangements are generally permissible, provided that they are properly approved, are documented in an appropriate agreement, and the arrangements support organizational goals, objectives, or needs. Flexible work arrangements depend on job functions and are at the discretion of the department head and supervisor. Flexible work arrangements may be altered or terminated by the department at any time and for any reason in accordance with an employee’s flexible work arrangement agreement. For employees covered by a collective bargaining agreement, the applicable collective bargaining agreement supersedes this Policy whenever there is a conflict.

3. DEFINITIONS

A. **Alternative Work Schedules**: a work schedule that deviates from the Standard Work Schedule or the normal department work schedule.

B. **Compressed Workweek**: an Alternative Work Schedule that allows employees to work a 40-hour workweek in less than five work days.

C. **Core Hours**: specific hours during the day when a group of employees in a department are expected to be at work.

D. **Flextime**: an Alternative Work Schedule that allows employees to choose their arrival and departure times during a flexible time that includes Core Hours.
E. **Hybrid Work**: a flexible work arrangement where employees regularly perform part of their work Off-Site and perform part of their work On-Site on an at least weekly basis. Expectations and considerations must be documented in a Hybrid Work Agreement.

F. **Off-Site**: a work location that is not On-Site, i.e., that is not on UC San Diego property.

G. **On-Site**: a work location on UC San Diego property, whether licensed, leased, or owned. On-Site does not include an employee’s residence even if that residence is located on UC San Diego property.

H. **Primary Worksite**: the typical location where UC San Diego expects the employee’s work to take place.

I. **Reduced Work Schedule**: a work schedule where employees have requested a voluntary reduction in time so that the number of hours or number of days worked is reduced. Reduced Work Schedules will result in a pay reduction and may have other impacts as well.

J. **Remote Work**: a flexible work arrangement where the employee’s Primary Worksite is Off-Site. The Primary Worksite is Off-Site if the documented expectation involves less-than-weekly On-Site work (for example: once or twice monthly). Expectations and considerations must be documented in a Remote Work Agreement.

K. **Standard Work Schedule**: The standard work schedule are the days and hours that a unit typically expects an employee to be working. The standard work schedule varies by unit, but for full-time policy covered employees the standard work schedule is frequently eight (8) hours per day on five (5) consecutive days, generally from 8:00 a.m. to 4:30 p.m. or 8:30 a.m. to 5:00 p.m. (Pacific Time), with a 30-minute unpaid meal period and two 15-minute paid rest breaks. For staff covered by a collective bargaining agreement, the standard work schedule may be defined under the applicable collective bargaining agreement, in which case the schedule in the applicable collective bargaining agreement shall apply.

L. **Standard Workweek**: For policy covered non-exempt employees, the standard workweek is midnight Sunday morning (12:00:01 a.m.) to midnight the following Saturday. For policy covered exempt employees, the standard workweek is from 12:01 a.m. Monday to midnight the following Sunday. For staff covered by a collective bargaining agreement (CBA), please refer to the applicable CBA.

4. **POLICY STATEMENT**

UC San Diego generally supports flexible work arrangements for staff employees if the flexible work arrangement meets the unit’s business needs and objectives.

Flexible work arrangements include:

- Alternative Work Schedules (Flextime and Compressed Workweeks);
- Hybrid Work;
- Remote Work; and
- Reduced Work Schedules.
Flexible work arrangements are permitted only with the prior approval of the supervisor and the department head and require a formal agreement in the form of Appendix A, B, or C. A formal agreement is not required when an employee and supervisor agree to an infrequent work schedule adjustment, such as working from home or altering work start and end times for just one day.

Flexible work arrangements do not change the terms and conditions of employment. Employees and supervisors must ensure that agreements comply with applicable UC and UC San Diego policies and procedures and collective bargaining agreements, as well as applicable federal and state laws.

Flexible work arrangements are not entitlements or benefits. They are subject to ongoing review and may be changed or terminated at any time and for any reason at the University’s discretion in accordance with the applicable flexible work agreement, for example, because of performance concerns or business needs. An employee may request to end or change a flexible work arrangement in accordance with the terms of the applicable agreement, but whether to end or change a flexible work arrangement is at the University’s discretion.

Working from outside of California, but within the United States, is generally discouraged and is permissible only with prior approval. For Health Sciences employees, approval must be obtained from the Chief Health Human Resources Officer. For all other employees, approval must be obtained from the Chief Human Resources Officer. Working outside the United States is typically prohibited and requires an exception to policy approved by the Chief Human Resources Officer. Employees who request to work outside of California are responsible for employees’ tax, insurance, and benefit implications. The University will not advise on nor take responsibility for employees’ tax, insurance, or benefit implications.

5. TYPES OF FLEXIBLE WORK ARRANGEMENTS AND RELATED REQUIREMENTS

A. Alternative Work Schedules
   Alternative Work Schedules include Flextime options and Compressed Workweek options. The options below are examples and can be combined or adjusted.

1. Flextime Options
   a. Daily flex: the employee’s work schedule has set start and end times that differ from the Standard Work Schedule. For example, the employee works 7:30 a.m. to 4:00 p.m.
   b. Core hours flex: the employee’s work schedule does not have set start and end times; instead, the employee is expected to work a specific number of hours each day but may start and end based on the department’s needs. For example, if the Core Hours are 9:00 a.m. to 3:00 p.m., the employee may work one day from 7:00 a.m. to 3:30 p.m. and the next from 9:00 a.m. to 5:30 p.m. without a set schedule, but the employee is expected to be On-Site daily and work eight hours that include the department’s Core Hours.
   c. Mealtime flex: the employee’s work schedule allows for a longer meal period than the ½ hour provided. For example, the employee’s work schedule is 7:30 a.m. to 4:30 p.m. so the employee has an hour unpaid meal period in addition to their two 15-minute breaks.
   d. Day-of-the-week flex: the employee’s work schedule is flexed on a pre-established day of the week. For example, the employee works Monday – Thursday 8:00 a.m. to 4:30 p.m. and Friday 7:00 a.m. to 3:30 p.m.

2. Compressed Workweek Options
   a. 4/10: the employee works four 10-hour days
   b. 4/9/4: the employee works four 9-hour days and one 4-hour day
c. **9/80**: the employee works 80 hours for a bi-weekly period in nine days instead of ten days. *Please note*: in compliance with the Fair Labor Standards Act overtime regulations, only exempt employees are eligible for 9/80 work schedules.

3. **Additional Responsibilities for Alternative Work Schedule Arrangements**
   a. Employees are responsible for adhering to the terms of their Alternative Work Schedule Agreement.
   b. Timekeepers are responsible for maintaining a record of the employee’s Alternative Work Schedule Agreement.
   c. Supervisors are responsible for setting work expectations and regularly communicating with employees about their performance and whether the flexible work arrangement is meeting the needs of the organization.
   d. Department heads are responsible for establishing flexible work standards and Core Hours for their department.

4. **Request/Approval Process**
   a. The employee should review information regarding Alternative Work Schedules, Key Considerations for Employees (Appendix E), and discuss the feasibility of an Alternative Work Schedule with their supervisor who should review Key Considerations for Supervisors (Appendix F).
   b. The supervisor may not commit nor agree to a request for an Alternative Work Schedule until after all approvals have been obtained and an Alternative Work Schedule Agreement has been completed and signed by all necessary parties.
   c. The employee shall complete all sections of the Alternative Work Schedule Agreement (Appendix A) and submit the agreement to the supervisor for consideration.
   d. The supervisor and department head shall review the draft agreement and approve or disapprove and notify the employee.
   e. If approved, the employee’s timekeeper shall receive a copy and the employee shall receive a copy for their records.

Formal Alternative Work Schedule Agreements are not required when an employee and supervisor agree to an infrequent adjustment, for example, such as adjusting the employee’s schedule for just one day.

B. **Hybrid Work**

1. **Additional Responsibilities for Hybrid Work Arrangements**
   a. Employees are responsible for adhering to the terms of their Hybrid Work Agreement.
   b. Employees must report to work On-Site if requested by their supervisor.
   c. Timekeepers are responsible for maintaining a record of the employee’s Hybrid Work Agreement.
   d. Supervisors are responsible for setting work expectations and regularly communicating with employees about their performance and whether the flexible work arrangement is meeting the needs of the organization.

2. **Hybrid Work Request/Approval Process**
   a. The employee should review information regarding Hybrid Work, Key Considerations for Employees (Appendix E) and discuss the feasibility of Hybrid Work with their supervisor.
   b. The supervisor should review Key Considerations for Supervisors (Appendix F) to assess feasibility and must confer with the department head and other appropriate leadership before communicating with employee about the suitability of a Hybrid Work Agreement and before signing any documents regarding Hybrid Work for a particular employee or class of employees.
   c. The supervisor may not commit nor agree to a Hybrid Work arrangement until all approvals on the proposed Hybrid Work Agreement have been obtained.
   d. After consulting with their supervisor, the employee should complete the Hybrid Work Agreement (Appendix B) and submit to the supervisor for consideration.
e. The supervisor and department head will review the proposed Hybrid Work Agreement, consult with others as necessary, and approve or disapprove the Hybrid Work Agreement. The supervisor should notify the employee of the approval or disapproval.

f. If the Hybrid Work Agreement is approved and signed, the employee’s timekeeper shall receive a copy, the employee shall receive a copy for their records, and Human Resources shall receive a copy for their records.

Formal agreements are not required when an employee and supervisor agree to an infrequent adjustment, i.e., such as adjusting an employee working from home for all or part of a single day.

C. Remote Work

1. Additional Responsibilities for Remote Work Arrangements
   a. Employees are responsible for adhering to the terms of their Remote Work Agreement.
   b. Employees must report to work On-Site if requested by their supervisor.
   c. Timekeepers are responsible for maintaining a record of the employee’s Remote Work Agreement.
   d. Supervisors are responsible for setting work expectations and regularly communicating with employees about their performance and whether the flexible work arrangement is meeting the needs of the organization.

2. Remote Work Request/Approval Process
   a. Remote Work must be preapproved in writing by the CHRO or CHRO designee before completing and routing the Remote Work Agreement. To request preapproval, the department must complete a preapproval request form (Appendix G or H).
   b. The employee should review information regarding Remote Work, Key Considerations for Employees (Appendix E), and discuss the feasibility of Remote Work with their supervisor.
   c. The supervisor should review Key Considerations for Supervisors (Appendix F) to assess feasibility and confer with Department Head and other appropriate leadership before communicating with the employee about the suitability of a Remote Work Agreement and before signing any documents regarding Remote Work for a particular employee or class of employees.
   d. The supervisor may not commit nor agree to a Remote Work Agreement until all approvals on the proposed Remote Work Agreement have been obtained.
   e. The employee shall complete the Remote Work Agreement (Appendix C) and submit to the supervisor for consideration.
   f. The supervisor and department head shall review the Remote Work Agreement. Before a department may approve a Remote Work Agreement, the Remote Work Agreement must be reviewed and approved by the cognizant Vice Chancellor and Human Resources. The department should notify the employee whether the Remote Work Agreement has been approved or disapproved.
   g. If the Remote Work Agreement is approved and signed, the employee’s timekeeper shall receive a copy, the employee shall receive a copy for their records, and Human Resources shall receive a copy for their records.

6. FINANCIAL RESPONSIBILITY

A. Travel Expenses
   1. Employees who work Off-Site (whether Hybrid Work or Remote Work) may be required to report to work On-Site. In that case, employees are responsible for their expenses traveling to the On-Site worksite.
2. Employees who work Off-Site (whether Hybrid Work or Remote Work) may be required to report to work to an Off-Site location that is different than their Primary Worksite. In that case, employees may be reimbursed for travel expenses in accordance with UC Policy G-28 Travel Regulations. Reimbursement will be limited to the lesser of the reimbursable travel expenses from the employee’s Primary Worksite or from their unit’s On-Site location.

B. Office Expenses
1. For office equipment that will be used Off-Site, the University will only provide or reimburse the costs for equipment documented in the employee’s flexible work arrangement agreement and pre-approved for reimbursement. All other office equipment is the employee’s responsibility.
   a) Employees will generally only have one worksite equipped by the University. That is, if an employee works predominantly Off-Site (3 or more workdays per week Off-Site), appropriate equipment will generally only be provided for the Off-Site work location. If an employee works predominantly On-Site (3 or more workdays per week On-site), appropriate equipment will generally only be provided for the On-Site work location.

2. All office equipment paid for by the University is University property and must be returned by the employee to the University upon the University’s request or upon the employee’s separation from University employment.

7. SAFETY

A. Employees who work Off-Site are responsible for ensuring that their Off-Site work location is safe and secure.

B. Employees are required to promptly report all workplace injuries, including injuries that occur Off-Site, to their supervisor and to Human Resources.

8. DATA SECURITY

A. Employees are responsible for ensuring the security and integrity of all University information and data in their possession, custody, or control and must follow all University policies and instructions on electronic systems and data security.

9. FORMS

Appendix A: Alternative Work Schedule Agreement
Appendix B: Hybrid Work Agreement
Appendix C: Remote Work Agreement
Appendix D: Safety Checklist for Home Offices
Appendix E: Key Considerations for Employees
Appendix F: Key Considerations for Supervisors
Appendix G: Remote Work Pre-Approval Request
Appendix H: International Remote Work Pre-Approval Request

10. RELATED INFORMATION

• Collective Bargaining Agreements
• Electronic Communications Policy
• Personnel Policies for Staff Members
  o Personnel Policies for Staff Members-20: Recruitment and Promotion
  o Personnel Policies for Staff Members-21: Selection and Appointment
  o Personnel Policies for Staff Members-30: Compensation
  o Personnel Policies for Staff Members-2.210: Absence from Work
11. FREQUENTLY ASKED QUESTIONS (FAQ’S)

Are flexible work arrangements an option for all positions? Some positions may not lend themselves to flexible work arrangements. For example, if a position requires specific hours, requires in-person interaction, or is site dependent, alternative work schedules, hybrid work, or remote work may not be appropriate. Flexible work arrangements should not compromise individual or organizational performance or the unit’s operational goals, objectives, or needs.

Can represented employees have a flexible work arrangement, including hybrid work or remote work, when there is not a supervisor present? Yes, represented employees are not required to have a supervisor present to be able to work. There may be other reasons why a flexible work arrangement is not feasible, such as business needs or individual performance considerations, but collective bargaining agreements do not require employees to only work when supervisors are present.

Can a supervisor negotiate directly with a represented employee over the terms of a flexible work arrangement agreement? No. Represented employees are represented by their unions. If a flexible work arrangement with a represented employee is being considered, supervisors must contact Human Resources, Labor Relations for instructions before attempting to negotiate the flexible work arrangement with the represented employee.

What should employees with flexible work arrangements do on weeks with one or more holidays? The employee should consult with their supervisor regarding their unit’s procedures.

If a meeting is scheduled when I am out of the office due to a flexible work arrangement, do I need to attend the meeting? You and your supervisor and/or work lead should discuss the circumstance in advance to determine if adjustment to your schedule is needed.

If a meeting is scheduled when I am working Off-Site due to a hybrid or remote work arrangement, do I need to attend the meeting in person? Employees should discuss all expectations with their supervisor, including participation in meetings. It may be possible to attend certain meetings via the internet or phone, but other meetings may require in-person attendance.

Can supervisors have a hybrid work or remote work arrangement? Supervisors are not categorically prohibited from hybrid work or remote work; however, supervisors are expected to effectively supervise employees and perform all other functions of their position. Flexible work arrangements should not compromise individual or organizational performance or the unit’s operational goals, objectives, or needs.
Can an employee who does not have an overall performance level of “achieved expectations” or above on the most recent performance appraisal have a flexible work arrangement? Possibly. In consultation with Employee Relations, the department head and supervisor will determine if it is appropriate to begin, end, alter, or continue with a flexible work arrangement.

Can non-exempt employees have a Hybrid Work or Remote Work arrangement? Yes, it is possible for a non-exempt employees to have a Hybrid Work or Remote Work arrangement as long as the job functions can be completed from a remote location. Flexible work arrangements should not compromise individual or organizational performance or the unit’s operational goals, objectives, or needs. Overtime and the use of leave must be pre-approved when an employee is working Off-Site as they would be if the employee were working On-Site. Adherence to meal and rest breaks is also required.

If my job has a worksite in a different location than UC San Diego, like the Bay Area or out-of-state, do I need to complete an agreement? Yes, you should work with your supervisor to complete the Remote Work Agreement.

I am a non-exempt on-site employee. Can my time checking emails while commuting count towards my regular work schedule? You should not check email outside of your regular work schedule if you are a non-exempt employee unless you have your supervisor’s approval to work additional hours.

Do supervisors have to inspect the employee’s home or an alternate work area? No, supervisors do not have to inspect the employee’s home or alternate work area; however, supervisors may inspect the work area or request photos of the work area to check for safety concerns.

While on a Hybrid Work or Remote Work arrangement, will the University cover my travel expenses to conferences or meetings which would normally be considered business travel? The University will cover preapproved travel for business purposes consistent with the UC Travel Policy and Section 6 of this Policy. Departments should contact Travel before approving a trip.

Is Remote Work from a location outside of the United States of America permitted? Working from a location outside of the United States is typically prohibited and will only rarely be approved. Please review the “International Remote Work” section of the Flexible Work Arrangements page for additional information.

I am not interested in a flexible work arrangement, but I would like to voluntarily reduce my hours. Is this possible? In general, employees may request to reduce their time on a short-term or long-term basis. Whether to authorize a reduction in time is at the discretion of the University. Employees who are interested in voluntarily reducing their time should contact their supervisor to see if it is a viable option. Departments must obtain approval from Human Resources before approving a voluntary reduction in time.