

**EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE BOARD OF
GOVERNORS REGULATION No. AR-5.13**

TITLE: Employment Innovation and Flexible Work Schedules/Arrangements

SECTION 1. GENERAL

- 1.1 Scope - This policy shall be in effect and shall govern Employment Innovations and Flexible Work Schedules/Arrangements at Eastern West Virginia Community and Technical College.
- 1.2 Authority - West Virginia Code § 10-7-9, Series 39 Section 4. I
- 1.3 Effective Date — 11/7/2008; REVISED 1/28/2020

SECTION 2. GENERAL PROVISIONS

- 2.1 The opportunity to work a flexible work schedule/arrangement is a privilege, not a right. The needs of the College and the specific department must be met while considering the request by the employee to alter his/her schedule or telecommute. Flexible Work Schedules/Arrangements are not appropriate for all positions within the College.
- 2.2 The College will remain open from 8:00 a.m. through 5:00 p.m., Monday through Friday except for holidays.
- 2.3 All schedules must provide a 37 1/2 hour work week.
- 2.4 Members of a work team and the supervisor of that group typically work similar schedules.
- 2.5 Flexible schedules are not unpredictable schedules. The employee needs to establish starting and quitting times with approval from the supervisor, and approval for schedule variations. Failing to meet those standards can be a cause for disciplinary action.
- 2.6 Overtime is paid at 1 1/2 times for hours worked over 40 hours in a week. Supervisors may offer compensatory time off (CTO). Applies to non-exempt employee only.

- 2.7 Timesheets must accurately reflect time worked on an hourly basis for nonexempt employees. Supervisors are prohibited from setting up informal tracking systems that are different than the time reported on the timesheets.
- 2.8 While exempt employees can request a flexible work schedule or arrangement, it is management's expectation that exempt employees may need to regularly work beyond 37.5 hours per week to fulfill the responsibilities of their positions. The designation of exempt employee status means that the college is exempt from the obligation to provide overtime payment and/or an equal amount of time off for time worked in excess of the assigned schedule.
- 2.9 Flexible work arrangements such as telecommuting that would result in a loss of supervisory oversight should not be granted to any employee where there are performance concerns.
- 2.10 The quality of work must remain satisfactory during the flexible work arrangement. Documented concerns about performance or conduct may be cause for withdrawing or denying flexible work arrangements.
- 2.1 1 An adjusted work schedule is not the same as a Flexible Work Schedule. An adjusted work schedule is temporary for a time period of a week or less.
- 2.12 Whether working a flexible schedule or a regular schedule, all employees must take a 1/2 hour break after 5 hours of work, except when a workday will be completed in 6 hours. This is a U. S. Department of Labor law.

SECTION 3. TYPES OF EMPLOYMENT INNOVATIONS AND FLEXIBLE WORK SCHEDULES

- 3.1 **Flextime** - Schedules that permit employees to alter their starting and quitting times from the standard starting and quitting times within limits set by management.

Example: an employee may start at 11 a.m., take one half hour for lunch and leave at 7:00 p.m.
- 3.2 **Compressed Work Week** - A standard workweek compressed into fewer than five days: (only allowed during the summer upon approval of the President)

- 3.2.1 **4 day work week**— 9 1/2 hours per day for 3 days and 9 hours worked the 4th day (37.5 hours per week; exempt employees may be required to work more) with one day off during the same week (in addition to weekends or other scheduled days off in place of weekends).

Example: An employee works 7:30 a.m. to 5:30 p.m. with a half hour lunch three days a week and works 7:30 a.m. to 5:00 p.m. with a half hour lunch the 4th day. The employee would then get another day off during the week.

- 3.2.2 **4 1/2 day work week** — employee works 37.5 hours (exempt employees may be required to work more) in 4 1/2 days during the week. The employee gets an additional 1/2 day off during the work week.

Example: An employee works 8:00 a.m. to 4:45 p.m. with a half hour lunch 4 days that week and works 8:00 a.m. to 12:30 p.m. with no lunch the 5th day. The employee leaves work at 12:30 p.m. one day during that week

SECTION 4. FLEXIBLE WORK ARRANGEMENTS

- 4.1 Telecommuting – Work arrangement that allows for an employee to work his or her weekly schedule from home. Appropriate reasons for implementing a telecommuting work arrangement include the following:

- Reasonable accommodations in accordance with the Americans with Disabilities Act, the West Virginia Human Rights Act, and the Federal Rehabilitation Act of 1973
- Statewide executive order due to a global pandemic/disaster
- Compliance to returning to work after a global pandemic/disaster due to caring for children during school closures/lack of child care, elderly family members, and those at risk with weakened immune systems

- 4.1.2 A telecommuting work arrangement may be implemented on a full-time or part-time basis, or on concurrent schedules

Example: An employee will work from home Monday through Wednesday then work on a campus location Thursday and Friday)

Note: If an employee is working a full day, it is not intended to allow him/her to work through lunch to leave early.

SECTION 5. Responsibilities and Procedures

5.1 Supervisors Responsibilities

- 5.1.1 Supervisors should make employees aware of flexible work schedule and arrangement options and what would be expected of them should they wish to participate. Not all positions are suited for these options.
- 5.1.2 Flexible work schedules/arrangements may limit the supervisor's ability to directly observe the employee's performance. In such instances, the supervisor must develop alternative methods for evaluating the employee's performance.
- 5.1.3 The supervisor should clearly define for the employee what steps should be taken when a problem arises during the flexible work schedule/arrangement period if the supervisor is not present.
- 5.1.4 It is the supervisor's responsibility to manage flexible work schedules and arrangements with other requests such as annual leave, compensatory time off (CTO) and sick leave to ensure proper coverage for the department. There may be times when a supervisor will have to temporarily adjust an individual's schedule in order to meet the operational needs of the department. In such cases, the employee will be given as much notice as possible.
- 5.1.5 After flexible work schedules/arrangements are initiated, the dean or director should periodically check to make certain that the flexible work schedules/arrangements are not causing a decrease in the service level.
- 5.1.6 Supervisors must post flex schedule/arrangement for the department on the share file.

5.2 Employee Responsibility

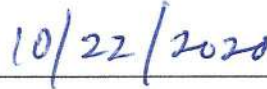
- 5.2.1 It is the responsibility of the employee to submit the request in writing using the Flexible Work Arrangement Agreement Form and to discuss the details of the arrangement with his/her direct supervisor.
- 5.2.2 Once a flexible work schedule or arrangement is approved, it is the responsibility of the employee to make the schedule/arrangement a

success. The employee must maintain satisfactory performance while on a flexible work schedule/arrangement. Failure to maintain this status may result in the withdrawal of the flexible work schedule/arrangement.

- 5.2.3 If an employee desires to alter or discontinue a flexible work schedule or arrangement he/she must work with the supervisor within a reasonable amount of time.



Dr. Charles Terrell, PRESIDENT



DATE