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| Date: | |

Alternate Work Arrangements Policy

1.0 Purpose

This policy provides a framework for alternate work arrangements for Lord Fairfax Community College (LFCC). The intent of this procedure is to promote arrangements that 1) support operational efficiency; 2) ensure high quality, uninterrupted service to all LFCC constituencies; 3) are cost neutral; 4) ensure that departments are staffed, trained and operated in an integrated manner that assures work continuity, and 5) ensure employees are properly oriented to their positions and the LFCC way of doing business. This policy applies to all employees of LFCC except teaching faculty.

2.0 Revision History

Original Policy: July 2009
Revised: October 2014
Revised: February 2017

3.0 Principles:

- Alternate work arrangements will be used only when it is in the best interest of LFCC and supports the mission.
- Decisions made about the feasibility of an alternate work arrangement will be based on the work being performed and departmental operations before any other factor is considered.
- Alternate work arrangements are operational considerations, not employee rights or benefits; therefore, decisions to utilize such arrangements are based on the student or customer needs, not the employee.
- Alternate work arrangements cannot change the terms and conditions of employment or the required compliance with all state, federal, Virginia Community College System (VCCS) or local policies and procedures.

4.0 Types of Alternate Work Arrangements: Eligibility and Approval

1. **Alternate work schedule**: Positions in a department may work a schedule other than the normal scheduled workday (e.g. 8 a.m. to 4:30 p.m.). Actual schedules will be based on the duties and responsibilities of the position and the needs of the clients it serves. The immediate supervisor may determine the position incumbent's work schedule following the Department of Human Resources (DHRM) Hours of Work Policy 1.25.
2. **Compressed workweek**: A department or individual positions may work longer hours per day resulting in a shorter workweek. For situations where the proposed schedule would result in all positions in a work unit working the same compressed work schedule, the final decision will be made by the president or his/her designee. For position requests, the appropriate vice president will make the final decision at the request of the supervisor. The following will apply:
 - a. Non-exempt employees will not work more than 40 hours in any seven-day workweek. The provisions of the Fair Labor Standards Act will apply. Also, non-exempt employees can work no more than six consecutive hours of work without a half hour break.
 - b. Use of accrued leave will reflect the scheduled workday. For example, an absence for sick leave or annual leave for a 10-hour workday will be charged as 10 hours of leave.
 - c. Holiday and Official Closings: State holidays each count as eight (8) hours of holiday leave. An employee whose ten-hour work day falls on an observed holiday will need to work an additional two (2) hours in that work week in order to achieve 40 hours or take two (2) hours of leave. An employee who is not scheduled to work on an observed holiday may take the eight (8) hours of holiday time over the course of the pay period.
3. **Telework: Occasional and Full-time Telework**
 - a. Eligibility: The determination of whether a position is eligible for alternate work arrangements or telework is made based upon the duties and requirements of the position as well as student or customer needs and is normally made at the time the position is established. The eligibility of the position does not change unless the duties, responsibilities or the requirements for the position change.
 - b. Non-exempt positions (e.g., AOSII or III, ESS II's, Trade Technicians) are not normally eligible for alternate work arrangements; however, any such arrangements must be consistent with the provisions of the Fair Labor Standards Act.

- c. Managing the operations of each department is a dynamic and evolving challenge; therefore, decisions that govern alternative work arrangements are subject to change. When establishing eligible positions, identifying designated positions and granting permission for individuals to be assigned to an alternate work arrangement, the principles indicated above and the following operational considerations are guiding considerations:
- i. Eligible positions should:
 - include work objectives and tasks that are clearly defined with measurable results, project-based work or similar activities;
 - have a low requirement for direct contact with customers;
 - have a lower requirement for direct supervision;
 - have a minimal need to use specialized materials and equipment;
 - be cost neutral in their implementation and maintenance of alternative arrangements;
 - require independent work, concentration, thinking or writing.
 - ii. Approved employees should:
 - have demonstrated a thorough understanding of their position responsibilities;
 - have an established track record of success and above average evaluations;
 - have demonstrated self-motivation, self-discipline and the ability to work independently;
 - not have been subject to disciplinary action within the past two years;
 - normally not be new employees who are yet to be oriented, trained and acculturated in the LFCC way of doing business.
- d. Approval: Immediate supervisors may approve their staff to work alternate work schedules or flex-time arrangements as the work permits. All decisions to either approve or deny alternative work schedules must be reviewed by the appropriate vice president or president. All other alternate work arrangements, including telework, require a documented work agreement, which must be reviewed by the Chief Human Resource Officer (CHRO) and approved by the respective vice president or president. Decisions to approve or deny alternate work arrangements by a vice president or president are not subject to appeal.
- e. Exceptional approvals: The following alternate work arrangements require approval of the president: 1) any work arrangement that incurs upfront or ongoing costs; 2) that necessitates changes to the compensation or benefits of staff members; 3) that affect an entire function or department or (4) that change the terms and conditions of employment of a position or person.

4.0 General Provisions for Telework

- a. Work agreements: Initial work agreements become effective only after the written agreement has been reviewed by the CHRO and signed by the supervisor, vice president or president, and the employee and both parties have completed telework training.
- b. Regular work agreements: Regular work agreements will be established for 12-month periods and are not subject to automatic renewal. The home worksite may be visited by the supervisor or other College personnel. Prior notice of a visit is not required during scheduled work hours.
- c. Renewal: Regular work agreements must be reviewed after each 12-month period by the supervisor and CHRO. At this time, the following considerations, among others, must be taken into account: 1) changes in the duties and requirements of the position; 2) changes or additions to the work requirements of the department; 3) personnel changes in the department; 4) initiatives, priorities and changes in work requirements at LFCC and 5) the performance of the incumbent.
- d. New supervisors: The presence of a new supervisor may cause a work agreement to be suspended or retracted by the appropriate vice president in order to ensure the proper coordination of work requirements and business continuity.
- e. The president or designee reserves the right to terminate the telework agreement at its discretion. Generally, an employee will be given advance notice of termination, but advance notice is not required.
- f. Leaves, holidays and absences:
 - i. Alternate work arrangements are not intended to change the terms and conditions related to leaves, holidays or other absences.
 - ii. Annual Leave: Employees who work from an alternate work location are required to take annual leave when they are not present and working at the alternate work location during their established work hours.
 - iii. Employees who work an alternate work schedule, such as a ten-hour work day, will take leave in the appropriate increment that reflects their work day (such as 10-hours for a day of leave).
 - iv. Sick Leave: Employees who work under an alternate work agreement must utilize sick leave when sick and unable to work their normal work schedule.
 - v. Other Absences: Alternate work arrangements are not intended to be used in place of; Family and Medical Leave, leave used under the Virginia Sickness and Disability Program, Workers' Compensation leave or other types of leave.

g. Alternate work locations:

- i. Alternate work locations must be suitable spaces that support the active engagement of work and have appropriate access to technology, equipment and other necessary related business tools.
- ii. Security of agency information: Employees must safeguard the information used or accessed while teleworking and they must agree to follow all applicable security procedures in order to ensure confidentiality and security of data.
- iii. Child and adult care: Telework is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care.
- iv. Safety and distractions: Alternate work locations must be safe, free from physical hazards, conducive to efficient work and free from distractions.
- v. Costs: Alternate work location arrangements should not require the College to incur costs that it would not normally incur if the work were completed onsite.
- vi. Call-in provisions: Work agreements for any employees who have designated alternate work arrangements will include provisions for employees to report to the College for planned or ad hoc work-related meetings, special events, or other operational needs. Call-in provisions will normally include an expected time frame for reporting of at least one hour.
- vii. Workers' Compensation liability: A job-related injury or illness that occurs in the employee's alternate work location during established hours should be reported immediately to the supervisor.

h. Training:

- i. Managers must complete the required training at the DHRM Knowledge Center called MVP-HR Policy & Law-Managing Teleworkers located at https://covkc.virginia.gov/kc/login/login.asp?kc_ident=kc0001&strUrl=https://covkc.virginia.gov/lfcc/Default.asp
- ii. Employees must complete the following training at https://covkc.virginia.gov/kc/login/login.asp?kc_ident=kc0001&strUrl=https://covkc.virginia.gov/lfcc/Default.asp
Managers are encouraged to review this course.

5.0 Definitions

Alternate work arrangement: Any non-traditional work circumstance wherein the employee is not engaged in routine work during normal work hours and co-located with their supervisor in a normal workweek.

Alternate work location: Any work location other than the employee's normal workspace where their supervisor and coworkers are located (i.e., employee's home, another LFCC location, other approved sites).

Alternate work schedule: A schedule that is other than a normal schedule (e.g. 8 a.m. – 4:30 p.m.) and Friday to Thursday.

Compressed work week: A schedule where the number of days per week is shortened, but the number of hours a day is increased in order to achieve the same total number of scheduled work hours over a pay period (e.g., a four-day, 10-hour per day workweek or four 9-hour days and one 4-hour day).

Emergency work: Previously designated positions and persons who are authorized to work at alternate locations to telecommute, remote work, or other alternate work arrangement in the event of a declared emergency for 12 hours to 30 days.

Emergency work location: A previously designated or temporary work facility where approved employees are authorized to work for up to 30 days. Emergency locations are either hot (ready for work immediately), or cold (previously identified, but requires installation of equipment/furniture or activation).

Flex-time: Any non-routine work schedule where the number of hours per day and days per week varies according to the needs of the work, the academic schedule, the season or other approved pattern or routine.

Intermittent teleworker: An employee who, under written agreement, performs his/her usual job duties in an alternate work location without a specific telework schedule.

Occasional Tele/Alternate work: A previously designated position that has on-going authorization to utilize alternate work arrangements or to work from alternate locations as needed.

Remote worker(s): A work arrangement wherein the supervisor and employee are not located in the same regular work facility.

Telework: A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from the central workplace.

Teleworker: An employee who, under formal agreement, performs his/her usual job duties in an alternate work location with or without a specific telework scheduled at least one day per week or at least 32 hours per month.

Work agreement: The required, written agreement between the employer and employee that details the terms and conditions of an employee's work away from his or her primary workplace.

Work schedule: The employee's hours of work at a LFCC location or in an alternate work location.

6.0 Interpretation

The authority for interpretation of this policy rests with the LFCC CHRO.

10.0 Authority/Reference

- Code of Virginia §2.2-2817.1
- DHRM Policy 1.25 Hours of Work
- DHRM Policy 1.35 Emergency Closing
- DHRM Policy 1.40 Performance Planning and Evaluation
- DHRM Policy 1.60 Standards of Conduct
- DHRM Policy 4.20 Family and Medical Leave
- DHRM Policy 4.55 Sick Leave
- DHRM Policy 4.57 Virginia Sickness and Disability Program
- DHRM Policy 4.60 Workers' Compensation
- VCCS Systems Office Alternate Work Arrangements Policy