

I. ATU STAFF FLEXIBLE WORK ARRANGEMENT POLICY - VISION AND MISSION ALIGNMENT

Arkansas Tech University (ATU) is dedicated to facilitating student access to higher education and promoting student success, as reflected in its vision and mission statements. [About our University | Arkansas Tech University \(atu.edu\)](#) ATU cannot realize its vision and mission without the dedicated efforts of its faculty and staff. To the extent consistent with ATU's vision, mission, applicable law, and this Staff Flexible Work Arrangement Policy ("FWA Policy"), ATU provides staff the opportunity to seek a Flexible Work Arrangement (FWA).

This FWA Policy only applies to administrative, classified, and non-classified staff, and as appropriate, extra help/hourly employees. The following sections of the FWA Policy: (a) define key terms; (b) identify applicable law and other relevant ATU policy; (c) outline the parameters of FWAs; (d) distinguish FWAs from minor schedule or workplace location adjustments that can be made at the supervisor level without a formal FWA request; (e) detail the process for requesting an FWA; and (f) set out factors supervisors and Approving Executives should consider when deciding whether to approve a FWA request.

II. DEFINITIONS

"Employee" means, for purposes of this FWA Policy, an individual other than a faculty member who is employed by ATU. Employees who may become eligible for overtime under the Fair Labor Standards Act (FLSA) are occasionally referred to specifically in this FWA Policy as "non-exempt" employees. Employees who are not eligible to earn overtime under the FLSA are occasionally referred to specifically in this FWA Policy as "exempt" employees.

"Flexible Work Arrangement" or "FWA" means an approved schedule adjustment, a remote work arrangement, or a combination of the two that is recurring. A FWA is not paid or unpaid leave. It cannot be used to reduce or increase a non-exempt employee's scheduled working hours or to eliminate or increase the essential duties of a position. A FWA is different from a minor, temporary adjustment a supervisor can make in response to emergencies or non-recurring incidents, which authority is discussed more fully below in Section IV. E.

"Adjusted Schedule" means an approved fixed work schedule that deviates from the standard work schedule for a position but that: (a) does not increase or decrease the regularly scheduled number of hours of work expected of the non-exempt employee during a work week; and (b) has been approved consistent with this FWA Policy. Decreasing the number of hours worked by non-exempt employees must be done through a leave request submitted in conformity with the appropriate ATU Leave Policy.

"Remote Work Arrangement" means an approved arrangement to allow an employee to work at home or another off-site location, for a specified number of hours per week, month, semester, etc., and that that has been approved consistent with the requirements of this FWA Policy.

"Approving Executive" means, with respect to the Russellville campus of ATU, the chief executive supervisor of any division or department of ATU who reports directly to the President of ATU. Specifically, the Vice President of Academic Affairs; Vice President of Student Affairs;

Athletic Director of the Athletic Department; Vice President of Administration and Finance; and the Vice President for Advancement of the Division of Advancement. In the case of an employee who reports directly to the President of ATU or to the Chief of Staff, “**Approving Executive**” means the officer to whom the employee reports. With respect to ATU Ozark campus, “**Approving Executive**” means the Chancellor.

III. APPLICABLE LAWS & OTHER ATU POLICY

The Fair Labor Standards Act (FLSA). The FLSA requires employers to keep accurate records of the time a non-exempt employee spends working each week to ensure that the employee is compensated at time and a half for any time over forty (40) hours in a week that he or she is permitted or required to work by their employer. Under this policy, an immediate supervisor is not permitted to grant a FWA that will require overtime except with the approval of the appropriate Approving Executive in conformity with ATU Policy 302, OVERTIME AND COMPENSATORY TIME.

The Family Medical Leave Act (FMLA). The FMLA entitles eligible employees of covered employers, like ATU, to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The number of hours worked by an employee is important in determining an employee’s rights under the FMLA, so any supervisor approving a FWA must be sure that he or she can properly document and report hours the employee works to ensure that the employee receives leave consistent with their rights under the FMLA and ATU Policy 406, FAMILY MEDICAL LEAVE.

The Arkansas Uniform Attendance and Leave Policy Act (AUALPA) & ATU Leave Policies. AUALPA and ATU LEAVE POLICIES (400 through 417) govern the amount of paid annual, sick, and other leave that ATU employees earn. The amount of leave an employee earns under AUALPA and ATU LEAVE POLICIES cannot be enlarged or abridged by a FWA.

Time Reporting. In accordance with ATU Policy 604, TIME REPORTING, supervisors remain responsible for the submission of accurate time records of employees with a FWA. Timesheets must accurately record all hours worked. An approval signature on a timesheet, whether manual or electronic, reflects the approver’s adoption of it as an accurate record of time worked by the employee.

ATU Non-Discrimination Policy. ATU follows all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education. ATU does not discriminate against any employee, applicant for employment, student, or applicant for admission based on:

- Color
- Sex
- Sexual orientation

- Gender identity
- Race
- Age
- National origin
- Religion
- Veteran status
- Genetic information
- Disability; and
- Any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or with the Equal Employment Opportunity Commission.

Supervisors allowing an employee a FWA based on specific circumstance or circumstances must not deny another employee in identical or substantially equivalent circumstances the same FWA based on that employee’s actual or perceived membership in any of the protected classes listed above. Doing so would violate ATU’s policy on nondiscrimination. A supervisor must document a rational, articulable, non-discriminatory basis for denying an employee a FWA under the same or substantially equivalent circumstances that the supervisor permitted another employee the same FWA.

Income Tax Law. If an ATU employee resides in another state, state income tax may be due under the laws of that state. To avoid issues with unanticipated state tax liability, ATU does not permit a remote work FWA for a location outside of the State of Arkansas under the FWA Policy without prior written notice to the President of ATU and written approval from both the Approving Executive and the Director of Human Resources.

IV. FWA PARAMETERS, GENERAL AND SPECIFIC

Below are parameters that apply to all FWAs followed by some that are specific to adjusted schedules and others that are specific to remote work.

A. General FWA Parameters

1. FWAs are entered into at the discretion of ATU and should only be permitted where consistent with ATU’s mission, vision, and standards. FWAs will not be uniformly available to all employees because not all positions are suitable for schedule adjustments or remote work arrangements.
2. FWAs are made on a revocable basis, should be reviewed periodically (at least annually) by the relevant supervisor, and may be discontinued by the supervisor or the Approving

Executive at any time. FWAs are special working arrangements, not an employee benefit or right. Any decision made by the Approving Executive to deny or rescind a FWA is final.

3. FWAs are not intended to allow for concurrent employment at other jobs, running a business, or engaging in other activities that would otherwise result in the employee being required to take leave. The expectation is that normal work requirements, both qualitative and quantitative, must be met. Violation of this prohibition or failure to fulfil work requirements on account of non-position-related activities may be cause for disciplinary action, up to and including termination of employment.
4. FWAs do not excuse employees from supervision. An employee with a FWA must still be available by phone, email, or other means of communication as required by the supervisor during their approved work hours.
5. FWAs must be arranged so that work time completed by any non-exempt employee with a FWA is accurately reported on the employee's timesheet for payroll processing. An employee in a non-exempt position may not work overtime (i.e., more than forty (40) hours in a workweek) without prior authorization from the employee's supervisor consistent with ATU Policy 302 OVERTIME AND COMPENSATORY TIME.
6. An employee with an approved FWA is still subject to all personnel policies of ATU.
7. FWAs must not: (a) create or increase a need for additional staffing or increase work hours or workload of staff on campus; (b) adversely affect productivity or the quality of the services provided to students, parents of students, employees, or the public, whether those services are directly provided by the employee or by others; or (c) adversely impact communications, collaborations, and team-based environments, etc.
8. If an employee is working at ATU under a work visa, all work-related visa conditions must be satisfied.
9. If conditions arise that render an employee with a FWA unable to communicate reliably or perform job related duties, such as a loss of internet access for a remote employee, the employee should notify their supervisor and be prepared to report for work on campus, have their scheduled adjusted, or to request leave after conferring with their supervisor.
10. An employee in a FWA may request to discontinue participation with reasonable notice to the supervisor and approval from the Approving Executive. Such a request is subject to the FWA review approval process.

B. Additional Parameters for Adjusted Schedules

1. Employees are expected to work their normal work schedule unless and until they receive approval to adjust their schedule.

2. Employees are expected to remain productive and responsive during the work hours of their adjusted schedule.
3. Although start and end times of shifts may be adjusted where doing so is determined not to result in an adverse impact and approved pursuant to this FWA Policy, the total aggregate number of weekly hours of employment may not be varied by an adjusted schedule FWA.

C. Additional Parameters for Remote Work

1. Remote work agreements must not be used to permit dual contemporaneous full-time employment or full-time care of a child, dependent, or ill family member as an alternative to using leave. Employees are expected to arrange for child/dependent care as necessary for the hours in which the employee works remotely.
2. Remote work arrangements must not create data security or other confidentiality risks that cannot be effectively mitigated.
3. Employees must establish an appropriate professional work environment free from distractions at their remote work location.
4. A remote work FWA is not available under this policy for work outside of the State of Arkansas absent special approval from the Director of Human Resources and the Approving Executive as set forth in ATU's FWA Policy for Approval of Work Locations Outside the State of Arkansas, below.
5. Remote work arrangements with an employee in a different time zone present a circumstance where the employees work schedule must be considered and managed to ensure unit operations and services are not disrupted. Where the job performed must be performed during ATU's standard hours of operation, remote work schedules must be aligned with the Central Standard Time Zone.
6. If a remote work arrangement is agreed to, ATU will generally see that a laptop or other suitable device is made available for the employee's use, budget and inventory permitting. Except for such (or other) equipment that ATU may, in its sole discretion, elect to provide, the cost of a printer and all other equipment and supplies that an employee may need to work remotely are the responsibility of the employee. ATU shall not be responsible for any home maintenance, utilities, internet service, modifications, improvements/upgrades, fixtures, repairs, installations, or other operating or incidental costs associated with the employee's use of a private home as a remote-work location. ATU insurance will not cover any employee-owned property.
7. Equipment issued to an employee by ATU in connection with an FWA remains the property of ATU and must be accounted for in accordance with ATU policies. Employees are expected to use ordinary care and to maintain any ATU property issued to them.

Upon termination of the FWA, their employment, or upon ATU's request, employees must return ATU property to campus in the same condition in which it was originally issued to them, minus normal wear and tear.

8. Employees shall immediately report damaged, lost, or stolen ATU property to their supervisor and any other person(s) that they are required to report to under ATU policies. Employees may be personally liable for lost, stolen, or damaged ATU property in their care.
9. Equipment used to connect to the ATU information system must satisfy minimum security standards established by the ATU Office of Information Systems. Employees must use any ATU computer or information-technology equipment issued to them in compliance with all applicable ATU policies. Employees cannot have any reasonable expectation of privacy from ATU as to any information they save on or send through ATU equipment.
10. An employee permitted to work remotely must maintain connection to ATU's network with sufficient bandwidth to perform the duties of their position. If they are unable to do so, they shall contact their supervisor and be prepared to report to duty on campus as they may be directed.

D. Approval of Work Locations Outside the State of Arkansas

Work conducted from a location outside the State of Arkansas can result in multiple income tax issues and other employment considerations, creating possible cost and compliance-related issues for ATU. Consequently, staff employees cannot work for more than forty (40) hours in any location outside of the State of Arkansas without prior written approval from the Approving Executive and the Director of Human Resources, with notice of the requested FWA sent to the President and University Counsel. Employees are strongly encouraged to consult with a tax advisor or tax attorney with respect to the tax consequences of working remotely in another state before requesting approval for a FWA to work outside of the State of Arkansas. **An employee who performs more than forty (40) hours of work for ATU from a location outside the State of Arkansas without first obtaining approval as required by this FWA Policy is subject to possible disciplinary action, up to and including termination.**

E. Special Cases (Minor Non-Recurring Responsive Adjustments - One Offs)

ATU's FWA policy allows supervisors the flexibility to approve up to a maximum of forty (40) hours of remote work per employee during any month in response to special or emergency circumstances, such as unanticipated, temporary, personal or workplace disruptions that invite or require a responsive adjustment on a short-term, non-recurring

basis without the need for submission of a formal request for a FWA and prior written approval by the Approving Executive. This allowance is intended to permit a limited amount of supervisory discretion when an employee is faced with unusual circumstances. It is not intended to authorize remote work on a regular basis without approval from the appropriate Approving Executive. Anything beyond forty (40) hours of remote work in any month must be approved by the Approving Executive. Any adjustment that is anticipated to be recurring for two or more months should be brought to the attention of the Approving Executive even if it is expected to be for less than forty (40) hours each month. **No FWA permitting remote outside of the State of Arkansas is permitted under this FWA Policy absent approval from the Approving Executive and the Director of ATU Human Resources as set forth above.**

V. PROCESS FOR REQUESTING A FWA

Employees may request a FWA by submitting a FWA Request to their immediate supervisor. The employee must identify the nature of the FWA requested and: (a) how job responsibilities fit with the requested FWA; (b) any potential impacts of the requested FWA and how those could be addressed; and (c) any implications for their unit, for students or others served by the position. Employees who are unsure whether their position is eligible for a FWA are encouraged to discuss their proposed arrangement with their supervisor before submitting a FWA request.

Supervisors will review FWA requests, consider potential operational impacts, the specific job responsibilities, any relevant employee specific facts of which he or she is aware, and ATU's mission, vision, goals and objectives. All approved FWAs must be documented by a **Flexible Work Agreement Request** signed by the employee, the supervisor, and the Approving Executive. Such documentation should include the specifics of the FWA as agreed. A copy of the signed **Flexible Work Agreement Request** must be sent to the office of Human Resources.

Under this FWA Policy, FWAs may not be approved for periods longer than twelve (12) months without a supervisory review. Pre-existing FWAs must be submitted to the appropriate Approving Executive if they have not already been approved by the Approving Executive under this FWA Policy. In the event a supervisor who is not also the approving Executive declines a request for a FWA, the supervisor's decision may be appealed to the Approving Executive, whose decision will be final.

VI. PROCESS FOR REVIEWING A FWA REQUEST

When an employee submits a Flexible Work Agreement Request to their immediate supervisor, that supervisor should acquaint himself or herself with this FWA Policy. The supervisor must consider the mission and vision of ATU, applicable laws and other applicable ATU policy (identified in Section III of this FWA Policy), the parameters of permissible FWAs (as set forth in Section IV of this FWA Policy). As applicable, they should also consider the following:

1. Adequacy of Supervision
2. Operational & Service Level Impacts
3. Position Suitability
4. Employee Specific Considerations

The following sections elaborate further on each of these considerations.

A. Adequacy of Supervision

Supervisors must be able to adequately supervise all employees under their supervision. Consider whether the employee's supervisor would still be able to adequately supervise the employee if the FWA is approved. Some questions to consider are:

- How will the supervisor monitor the work performance of the employee if the FWA is approved?
- How often will the supervisor be monitoring the work performance of the employee if the FWA is approved?
- Will the supervisor still be able to monitor work hours to ensure non-exempt employees do not end up working unapproved overtime or getting compensated for time when they are not working?
- Will the supervisor be able to monitor the quality of the work performed?

The FWA should not be approved if approving it would prevent the employee's supervisor from adequately monitoring work performance to ensure tasks are completed and to an acceptable level of quality. Similarly, a requested FWA should be denied if the supervisor would not be capable of monitoring how much time a non-exempt employee is working if it is granted. If the supervisor or Approving Executive determines that adequate supervision cannot be provided to an employee under the requested FWA, then the supervisor or Approving Executive can deny the requested FWA without considering the other factors, such as operational and service level impacts.

B. Operational & Service Level Impacts

FWAs should have either a net-positive or net-neutral effect on the work environment and the level of service ATU delivers. An FWA should not adversely impact operational efficiency, productivity, customer service, or team collaboration.

If a schedule adjustment is requested, the supervisor should analyze the division's or department's workflow and staffing needs. The supervisor should identify peak service or demand times and the adequacy of scheduled coverage during those times.

The following questions are intended to help a supervisor or Approving Executive consider the potential impacts of an FWA:

- What are the probable operational impacts of the requested FWA? Will it enhance, maintain, or diminish operational efficiencies? How will the requested FWA affect the workload of other employees, if at all?
- Does the employee's job require working closely with others? If so, how will the requested FWA affect interactions with others? Will it enhance, impair, or otherwise impact the quality of service provided?
- How will office communication be affected by the FWA? Consider communication between the employee and internal/external customers, co-workers, supervisors, and others.
- Is the requested FWA in the best interests of ATU students and other stakeholders served by the position?

A supervisor or Approving Executive is not limited to considering these questions when considering the potential operational impacts of a requested FWA. If the supervisor or Approving Executive reviewing a requested FWA believes that it will have adverse operational impacts, they may reject it without considering position suitability or employee specific considerations.

C. Position Suitability

Each job has its own unique requirements that will bear on the suitability of a requested FWA. Some jobs may not be suitable for a FWA because they require:

- use of heavy or specialized equipment on campus
- delivery services to students or other stakeholders on campus
- location specific manual labor
- ongoing access to materials and/or files that can or should only be kept on campus
- extensive face-to-face contact with students, supervisors, other employees or the public on campus
- performing work on campus and/or at standard office hours
- presence on campus or facility location due to security concerns

If the supervisor or Approving Executive deems the position unsuitable for the FWA requested, the supervisor or Approving Executive need not consider any employee specific considerations before declining the FWA request.

D. Employee Specific Considerations

Although a position may be suitable for remote work or schedule adjustment, there may be employee specific considerations that might weigh against approving an FWA request. If any FWA request is denied based solely on one or more employee specific considerations, the supervisor or Approving Executive making the decision to deny the request should document the specific consideration(s).

- Does the employee's current or recent work performance present any issues that are rationally related to the advisability of approving the FWA request?

- Does the employee have all the equipment and resources necessary to reliably perform their job duties if the requested FWA is approved?
- Is the employee currently or has the employee recently been the subject of disciplinary action that bears on the prudence of granting the FWA?
- Does the employee have a work history that shows they can work independently and be self-directed in accomplishing their tasks?
- Does the employee need to demonstrate competency in a critical area before such an arrangement can be approved?

After considering the ATU FWA policy, applicable law, FWA parameters, and other relevant factors, the supervisor will make an initial decision regarding the requested FWA. If the supervisor is the Approving Executive, that concludes the supervisory review and the Approving Executive's decision is final (unless it is an approval with respect to a remote work FWA outside of the State, in which case the Director of Human Resources must also approve).

If the employee's supervisor is not the Approving Executive and the supervisor is willing to recommend that the FWA be approved, then the supervisor will forward the FWA Request to the Approving Executive with the supervisor's notes and recommendation. The Approving Executive will conduct their own assessment but will consider the information and recommendation the supervisor has provided.

If the employee's supervisor is not the Approving Executive and the supervisor declines the FWA Request, that supervisor's decision may be appealed to the Approving Executive, whose decision is final. If approved, a copy of the signed determination and approval will be forwarded to the Office of Human Resources.

When an FWA is approved the supervisor and the Approving Executive should establish a regular check-in process to evaluate how the FWA is working. If the FWA is not working, either the supervisor or the Approving Executive may discontinue it or make reasonable adjustments to address what is not working.