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 References NDCC, SBHE
 Policy, UND
 Policy

Hybrid Work Arrangement and Alternative Work Schedule Procedure

REASON FOR PROCEDURE

The University of North Dakota (UND/University) recognizes the growing demands on employees and the increasing challenge of finding new and better ways to provide service and meet University goals. While most UND jobs require on-campus work, flexible work arrangements may be available for specific roles that can be performed effectively from alternate locations or schedules. Workplace flexibility provides a way to successfully manage people, time, space, and workload.

The University may offer flexible work arrangements (FWAs) for employees when the strategic priorities, the specific work requirements, and the employee and supervisor are suited to such an arrangement. Mission-driven work arrangements can expand services, save space and money, enhance employee well-being, and help the University compete for talent, all while supporting the residential-campus experience students, employees and the campus community expect.

CONTACTS

Specific questions should be directed to the following:

| Subject | Contact | Telephone | Department/Office E-Mail Web Address |
|-------------------------|---|----------------|---|
| Procedure Clarification | <i>Divisional Human Resource Managers</i> | | |
| | Provost/Academic Affairs: Becca Bergee | (701) 777-6830 | becca.bergee@und.edu https://UND.edu/academics/provost/ |

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| | | | index.html |
| | Research & Economic Development, Marketing & Communications, Student Affairs: Nathan Ellingson | (701) 777-4367 | nathan.ellingson.1@und.edu https://campus.UND.edu/human-resources/ |
| | Facilities Management, Public Safety, Finance: Misty Brustad | (701) 777-2595 | misty.brustad@UND.edu https://campus.UND.edu/facilities-management/index.html |
| | School of Medicine & Health Sciences/ Health Affairs: Jill Sackenreuter | (701) 777-0870 | jill.sackenreuter@UND.edu https://med.UND.edu/ |
| | President, Athletics, EERC: Peggy Varberg | (701) 777-4802 | peggy.varberg@UND.edu https://campus.UND.edu/human-resources/ |
| Ergonomic Program | Office of Safety | (701) 777-3341 | https://campus.UND.edu/safety/public-safety/ |
| Occupational Injury Guidelines | Office of Safety | (701) 777-3341 | https://campus.UND.edu/safety/public-safety/ |
| Safety Standards of Off-site Workplace | Office of Safety | (701) 777-3341 | https://campus.UND.edu/safety/public-safety/ |
| Technology Safety & Security | UIT | (701) 777-6305 | https://UND.edu/uit/ |

DEFINITIONS

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| Alternative Work Schedule | A work schedule that accommodates flexible work hours or a compressed work schedule. |
| Compressed Work Schedule | A work schedule that allows employees to condense a traditional workweek into an extended workday(s) based on the allotment of designated hours per week. The most common compressed schedule is four 10-hour workdays per week. |
| Customary Worksite | The employee's designated workplace located on University property. |
| Employee | Term includes faculty, staff, medical residents, graduate assistants, and student employees whether full-time, part-time, or temporary. |
| Exempt Employee | Those employees serving in positions that are exempt from the overtime pay and compensatory time off provisions. |
| Flexible Work Arrangement (FWA) | Agreement outlining an employee's work schedule and location if different from the standard for that position. |
| Flexible Work Hours | Work that permits variations in start and end times but does not alter the |

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| | total number of hours worked in a work week. |
| Flexible Work Schedule | Recurring or regular flexibility or adjustments in the scheduling of work hours, such as alternative work schedules (e.g., alternative work hours, flex time and compressed workweeks) and arrangements regarding shift and break schedules. |
| Hybrid Work | Performing some percentage of job duties off-site, while performing on-site for the remainder of the time. |
| Nonexempt Employee | Those employees serving in positions which are eligible for overtime pay or compensatory time off for hours worked beyond 40 hours in a work week in accordance with the Fair Labor Standard Act (FLSA). |
| Remote Work | An arrangement under which an employee is scheduled to perform 100 percent of their work off-campus and is not expected to report to a customary worksite on a regular and recurring basis. |
| Work Schedule | The scheduled days and times that an employee is required to report to work. This may vary based on the employee and position requirements. |

PRINCIPLES

Overview

UND is a highly collaborative workplace with a mission that values face-to-face interactions. In an effort to remain market competitive, enhance employee recruitment and retention, and increase environmental sustainability, UND may provide options for hybrid work or an alternative schedule without compromising work performance, productivity, or the collaborative nature of UND's mission.

This procedure supports efforts to optimize the University workforce and continue to deliver high-quality service at all levels while also providing increased options for work-life management. Resulting advantages may include increased productivity and performance, relief of on-campus space constraints, reduced absenteeism, cost reduction, crisis response, greater work-life balance, and increased job satisfaction.

This procedure is not to be utilized for a medical disability accommodation without first properly requesting an Americans with Disabilities Act (ADA) accommodation through the official process with Human Resources. Human Resources will work with the employee and supervisor/department/unit through an interactive process to determine reasonable accommodation options.

Available flexible work arrangements (FWAs) include:

- Alternative work schedules (e.g., flexible work hours, flexible work schedules)
- Hybrid work locations

Alternative Work Schedules

Flexible Work Hours

Supervisors may approve a temporary change in an employee's regular work schedule to adjust for a

specific event. This change may include modifying regular work start and end times or allowing work missed on one day to be made up on another. Any adjustments made to a nonexempt employee's schedule must fall within the same work week (generally, UND's work week is Sunday through Saturday). For example, a nonexempt employee may not leave early for an appointment on a Friday and make up the hours the following Tuesday.

Flexible work hours help employees avoid taking leave or other paid time off that would otherwise have to be accounted for within each work week. Supervisors have the discretion to grant these temporary changes in work hours if the operational needs of the department/unit are satisfied and discontinue such arrangements when deemed necessary.

Flexible Work Schedules

Supervisors may approve flexible work schedules, which are recurring or regular adjustments to the employee's schedule. Such revised schedules must align with operational needs of the position and the department/unit and allow for appropriate oversight of employee work assignments. Supervisors must ensure that they can provide adequate supervision for work that is performed outside of the department's/unit's standard work schedule.

If a flexible work schedule involves a recurring change to an employee's number of work hours per week (full-time equivalency), then supervisors must consult with their divisional human resources manager about any required system actions or impacts to benefits eligibility (see [Contacts](#)).

Hybrid Work Locations

Hybrid work solutions permit an employee to perform some percentage of job duties off-site, while performing at the customary worksite for the remainder of the time. Department/unit heads have the discretion to approve a request to adjust an employee's customary worksite, either on a short-term (less than 30 consecutive calendar days) or recurring basis (e.g., two days off-site and three days at the customary worksite), to respond to the specific needs of an employee and/or the operational needs of the department/unit.

Employees scheduled to perform 100 percent of their work off-campus for 30 or more consecutive days are considered remote and are not covered by this procedure (see [Related Information, Resources & Forms](#): UND Remote Worksite Location policy).

Customary Worksite

Employees approved for hybrid work are expected to be able to report to their customary worksite when given two days notice. Therefore, employees should maintain a place of residence within a reasonable commuting distance of their customary worksite location. Exceptions to this requirement may be made in limited circumstances based on operational needs. These may include, but are not limited to, the recruitment of those with unique or scarce skills. All such exceptions must have the written approval of the respective supervisor or designee.

Non-Discrimination

The availability and terms of FWAs must be administered equitably based on applicable factors and without regard to an employee's age, color, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status or disability, and must be mindful of overall equity for similarly situated individuals within the department/unit.

Timekeeping & Accountability

Exempt employees are not covered by overtime and record keeping requirements of the Fair Labor Standards Act (FLSA). Therefore, there is inherent flexibility in work scheduling, but exempt employees need to maintain regularly scheduled and approved work hours, as determined with their supervisor.

Nonexempt employees must conform to the overtime, record keeping, and meal break provisions of the FLSA and, where relevant, North Dakota state labor law, respectively, for employees covered by those provisions. For nonexempt employees, supervisors must pre-approve all hours to be worked more than 40 in any workweek. Generally, an FWA for a nonexempt employee should not result in overtime.

All employees are expected to be fully accessible during regularly scheduled and approved work hours. Requests to schedule annual leave, use sick leave, or otherwise alter the agreed upon schedule, are subject to approval by the supervisor in accordance with University policies.

Expectations for timely completion of work, meeting attendance, responsiveness, and other performance criteria are the same for employees with FWAs and on-campus employees. Departments/units are expected to apply the same performance standards to employees regardless of work location or schedule.

Employees with FWAs are required to install Avaya One-X Communicator (softphone) on their computer/laptop, modify their voice mail and/or email announcement to indicate that they may be reached at an alternative number, that the employee is regularly checking for messages, and/or that they are working nonstandard hours.

University Policies

Employees who maintain an FWA must adhere to all University and State Board of Higher Education (SBHE) policies. Especially relevant are policies related to information technology, computer security, and data protection. These policies provide requirements for maintaining, securing, and achieving legal and appropriate use of the information technology infrastructure and confidential data (see [Related Information, Resources & Forms](#)).

In-person meetings with students may not take place at a hybrid worksite unless prior authorization is granted by the employee's supervisor. Rather, the use of technology to conduct virtual meetings is encouraged.

Intermittent Flexibility

While structured work arrangements suit only certain jobs, the University embraces intermittent flexibility

that helps all employees meet day-to-day needs. Examples of intermittent flexibility may include temporary hybrid work during periods of inclement weather, public safety incidents or other declared emergency situations, or a short-term alternative work schedule that lets an employee balance work with other responsibilities.

Given its temporary nature, this type of flexibility is established between employee and supervisor and requires email confirmation only.

PROCEDURES

Overview

Flexible work arrangements (FWAs) are neither an entitlement nor a university-wide benefit and do not change the University's expectations regarding employee performance. FWAs may be approved on a case-by-case basis at the discretion of the supervisor with approval from the respective department/unit head.

Faculty

The University recognizes that it is an accepted practice for faculty to carry out their work with varied schedules on campus and at alternate locations and it is up to each college's/school's dean to set expectations for such work for their faculty. This procedure does not intend to limit the ability of faculty to work in-person and/or hybrid in the course of their normal duties. Therefore, faculty are not required to request FWAs.

Considerations for Alternative Work Schedules

A department/unit head may approve an alternative work schedule upon the recommendation of the employee's supervisor (as appropriate).

To determine if an alternative work schedule is suitable, a department/unit head should ask the following questions:

- Is the position new? Is the employee on probation or new to the position? To what extent does the employee need initial/ongoing training during traditional work hours?
- Can the employee fulfill the requirements of their position(s) outside of traditional work hours?
- Who is responsible for supervising the employee outside of traditional work hours?
- Does the department/unit have appropriate coverage levels during traditional office hours?
- Can the department/unit operate efficiently without adversely impacting the services provided to students, employees or the public if alternative work schedule(s) are implemented?

Alternative work schedules may include:

- Individualized start and end times that remain constant each workday;
- Individualized start and end times for nonexempt employees that vary daily; however, the same number of hours are worked every day;

- Individualized start and end times for nonexempt employees with varied daily hours but consistency in the total number of hours worked every work week;
- Mandatory core-time with individualized start and end times with varied daily hours but consistency in the total number of hours worked every work week;
- Extended mealtimes for nonexempt employees offset by additional hours at the beginning and/or end of the day or shift;
- A compressed work week for nonexempt employees such as a full work week that is condensed into fewer than five days; or
- Two full-time work weeks for exempt employees compressed into nine or nine and one-half days.

Note: Consistent with the Fair Labor Standards Act, nonexempt employees receive time and a half for work over 40 hours in a work week. Hence an alternative work schedule cannot alter a nonexempt schedule in a manner that causes overtime to occur. Although it is permissible, with the supervisor's approval, for a nonexempt employee to alter when the 40 hours are worked during the work week, employees cannot "bank" overtime hours worked in one work week for use as time off in a future work week. Nonexempt employees cannot drop below 40 hours per week or leave will be assessed.

Considerations for Hybrid Work

The University may request or post a new or vacant position as hybrid or that hybrid work is an option (but not 100 percent remote) when deemed appropriate.

Position

Not every position within the University is compatible for hybrid work. If a significant portion (but not all) of the duties can be accomplished at an equal or higher level at an off-campus location, the position may be appropriate for hybrid work. The frequency of required on-campus work for a particular position will be discussed by the employee, supervisor, and appropriate department/unit head.

To determine if a position is suitable for hybrid work, department/unit heads should ask the following questions while considering operational and business needs:

- Is the position new? Is the employee on probation or new to the position? To what extent does the employee need initial/ongoing on-campus training?
- Is daily face-to-face in-person interaction required of the position including on-campus appointments or meetings with students, constituents, or colleagues? (Generally, positions with significant face-to-face in-person interactions or that require regular access to on-site confidential documents may not be suitable for hybrid work.)
- Does the position require on-site supervision?
- Can an excellent level of performance and service be maintained without hardship on collaborating departments/units, students, internal constituents, and co-workers?
- Does the position have clearly defined tasks? If yes, what are the tasks that can be accomplished off-site?
- How are assignments communicated?

- How will the hybrid work arrangement affect cross-training initiatives, team-based approaches, and other such strategies?
- Can results/productivity be measured effectively without regular in-person supervision?
- Can technology (e.g., computers, software, voicemail) be applied to help facilitate successful outcomes?
- Are there sufficient resources available from the department/unit to support a hybrid worksite?
- Will this hybrid work arrangement have a positive effect on the unit's morale?
- What (if any) state/federal laws are applicable to this position and/or hybrid work?

Graduate Assistant Positions

Graduate assistants follow the same process as all other employees. However, it is important to remember that the flexible work arrangement is only for their graduate assistant employment. It does not impact their student schedule or expectations. For example, if a research assistant (RA) is required to attend in-person classes and also has an approved flexible work arrangement for completing their RA duties, they are still required to attend their in-person courses unless additional arrangements are made through their instructor.

Employee

Certain attributes will help ensure a successful hybrid work arrangement. For a current employee to be eligible to request hybrid work, the individual must be in good standing (e.g., not on a performance improvement plan, meets expectations in current performance evaluation) at the University and should have excellent time-management skills, and a demonstrated history of satisfactory, independent work performance. Employees with ongoing performance concerns (e.g., multiple performance improvement plans) should not be considered for hybrid work.

Employees working at a hybrid location must be able to perform their duties free of external obligations and unreasonable interruptions.

Consultation with Human Resources is required when more than one employee holds the same position and job responsibilities in a given department/unit but not all employees have been determined to be eligible for hybrid work.

Supervisor

Individuals with employee(s) under their supervision entering into a hybrid work arrangement are responsible to review work and progress with their hybrid employee(s) regularly, and provide effective and supportive feedback (such reviews should include communicating with on-site co-workers of the hybrid employee). A formal evaluation of the agreement will be included in the employee's annual performance review.

In addition, all hybrid work arrangements must conform to the overtime, record keeping, and meal break provisions of the Fair Labor Standards Act (FLSA) and, where relevant, applicable state law, respective to employees covered by those provisions. Supervisors must ensure an accurate recording of hours worked.

Request and Approval of Flexible Work Arrangement

Requests

Establishing an FWA starts with the employee's submission of a flexible work request form (see [Related Information, Resources & Forms](#)) after which a verbal conversation between the employee and their supervisor takes place. Divisional human resource managers can answer questions and advise as needed.

Review and Approval

Department/unit heads have discretion to determine whether allowing for a flexible work arrangement (FWA) is compatible with the department's/unit's operational and strategic needs. The University expects department/unit heads to assess the functions and duties of the department/unit as a whole and exercise sound judgment that accounts for individual employee needs, business necessity of the department/unit, and equity for similarly situated individuals within the division/college/department/unit. Vice presidents should be cognizant of differing arrangements within the same job family across departments/units in their division.

Once there is initial consensus between the employee and supervisor, the supervisor completes an agreement to document a start date, work locations, schedules, resources, expectations, and other details (see [Related Information, Resources & Forms](#)). The supervisor also adds FWA to Part A – Duties/Responsibilities of the employee's position description to indicate an FWA is in place. The agreement and position description are sent to the department/unit head for approval. Human Resources must receive a copy of the revised position description and the agreement for Human Resources Management System (HRMS) time and labor and absence management (TLAB) purposes and for the employee's personnel file. Modifications annually (or as needed) may be made to ensure the agreement continues to support both institution and employee objectives, performance expectations, etc.

Denials

If the request is denied, the supervisor notifies the department/unit head and appropriate division human resource manager.

An employee who requests an FWA and feels they were unduly denied may ask for an additional review by their respective division human resources manager.

Supplies, Equipment and Workspaces

Supplies and Furniture

Authorization for any supplies and/or furniture must be approved by the supervisor and the department/unit head prior to purchase. Ordinarily, furniture will not be provided at hybrid work sites.

Unless otherwise specified in the FWA, the employee will be responsible for providing furniture at the

hybrid worksite. The University is not responsible for loss, damage, or wear of employee-owned equipment and/or furniture. Repair and/or replacement costs and liability for privately owned equipment and furniture used for hybrid work is the responsibility of the employee. If that equipment is provided by the University, such equipment will be used by the employee exclusively for University business.

University Equipment, Property, and Information

The employee agrees to take reasonable steps to protect any University property from theft, damage, or misuse. The employee agrees to report to the supervisor any instances of loss or damage to University property or known unauthorized use or access to University systems or data.

The University has an insurance program to insure its property. In the case of any damaged or lost equipment, the Office of Risk Management & Insurance must be contacted as soon as possible for assistance in filing a claim. The University is not liable for personal property. Personal property used in connection with University employment is not covered under the University policy and should be covered by homeowners or renter's insurance. The employee is responsible for maintenance and repair of personal items unless other arrangements have been made in advance and in writing with the supervisor.

The security, confidentiality, and integrity of University records and information must always be protected, and all employees must follow all University policies relevant to privacy and information technology security. To this end, employees with FWAs must consult with University Information Technology (UIT) to ensure adequate protection and storage of sensitive information/data, the security of networks and devices being used, and compliance with all SBHE and UIT policies.

The employee will return University equipment, records, and materials upon request and/or termination of the FWA. The employee may be responsible for any costs necessary to return, repair, or replace University property. If University property is not returned upon request, at the end of a hybrid worksite situation or upon termination, the employee (or former employee) will be responsible for all costs to replace any unreturned equipment.

If the employee is unable to meet work obligations due to equipment issues, the employee will notify their supervisor and may be required to travel to a UND location to perform their functions until the issues are resolved.

Workspaces

Hybrid employees are responsible for identifying a workspace that is conducive to performing their job duties, which may require a quiet and/or private workspace. Employees are also responsible for maintaining safe conditions in the workspace, including proper ergonomics, and to practice the same safety habits as those followed on campus. The University assumes no responsibility for injuries that occur because of activities that are outside of the scope of employment. Supervisors should be notified of any workspace injuries immediately and employees must complete an incident report to document any injury (see [Related Information, Resources & Forms](#)).

To accommodate on-campus work for employees with FWAs, departments/units should:

- Approach office and workstation design in a strategic manner, with a thoughtful mix of designated and flexible space;
- Provide team members with dedicated or shared workspace depending on operational and strategic needs and individual employees' work arrangements;
- Provide collaborative workspace for project teams; and
- Allow space for individual and shared work items (e.g., secure storage for personal belongings, workspace for physical network equipment, shared office supplies, special project supplies, etc.).

Distractions

It is the employee's primary responsibility to perform work for the University during their regularly scheduled work hours. The employee is responsible for controlling interruptions during their work hours and should make regular dependent care arrangements as needed during hybrid work periods.

Hybrid work arrangements are not to be used for purposes of taking leave or time off from work. Hybrid work is not to be used as a substitute for active care of a child or dependent. If a hybrid employee is actively caring for a child or dependent, that time is not considered work time and appropriate leave/time off must be requested under the appropriate leave policy (see [Related Information, Resources & Forms](#)).

Evaluation, Length of Commitment, and Discontinuation

An evaluation of an FWA must be completed/documented during the employee's annual performance review. The FWA should be listed as a major duty/responsibility on the performance evaluation tool to adequately reflect on the agreement.

Modifications annually (or as needed) may be made to ensure the agreement continues to support both institution and employee objectives, performance expectations, etc. When issues in employee performance arise during an FWA, a performance improvement plan should be implemented.

A documented end date is not necessary with an FWA. However, the employee, the supervisor, or department/unit head (in consultation with the supervisor) may modify or discontinue an FWA at any time. When an employee with an FWA is hired into a different position the FWA under which they were working must be discontinued. Written notification of discontinuation of an FWA will be provided as soon as possible to the employee, the supervisor, and Human Resources. At the end of an FWA, the employee's position description must also be modified and submitted to Human Resources. Refusal to return to campus will subject the employee to termination in accordance with Human Resources policies.

RELATED INFORMATION, RESOURCES & FORMS

- [Fair Labor Standards Act \(FLSA\) Part 516 – Records to be Kept by Employers](#)

- [Fair Labor Standards Act \(FLSA\) Part 548 – Authorization of Established Basic Rates for Computing Overtime Pay](#)
- Flexible Workplace Arrangement Form (see [Attachments](#))
- Flexible Workplace Request Form (see [Attachments](#))
- [SBHE Policy 604.3 - Performance Evaluations: Benefited Employees](#)
- [NDCC 44-04-19 - Access to Public Meetings](#)
- [NDCC 44-04-18 - Access to public records. Electronically stored information](#)
- [UND IT Security Policy/Guidance](#)
- [UND Policy - Remote Worksite Locations](#)
- [UND Policy - Travel](#)
- [UND Policy - Workplace Disability Accommodations](#)
- [Workplace Accommodation Request](#)

ATTACHMENTS

- Flexible Work Arrangement FAQ
- Flexible Work Arrangement Form
- Flexible Work Request Form

COPY

Attachments

[Flexible Work Arrangement FAQs](#)

[Flexible Work Arrangement Form](#)

[Flexible Work Request Form](#)

Approval Signatures

| Step Description | Approver | Date |
|-------------------|--|---------|
| Executive Council | Jennifer Rogers: Policy Office | 11/2022 |
| Policy Office | Jennifer Rogers: Policy Office | 11/2022 |
| Policy Owner | Peggy Varberg: Associate VP for HR/Payroll/PAG Liaison | 11/2022 |