



## **OP 60.324 FLEXIBLE WORK (FLEXWORK) ARRANGEMENTS**

### **SUMMARY/PURPOSE**

Mississippi State University supports flexible work arrangements that achieve a reliable and productive work environment for the employee and MSU. MSU's primary delivery of instruction, outreach, and engagement with our students and our colleagues remains through in-person interactions. As such, it is imperative that we strike a balance between employees working on-site and remote in order to maintain collegiality and service to our community.

Flexwork arrangements are established by each department or unit based on needs and benefits with approval from the appropriate Vice President. Each flexwork arrangement should include a specific set of expectations unique to the employee, the supervisor, and the job. The availability of flexible work options may change as we evolve in how we do our work.

Flexwork should only be considered for positions when the following criteria are met: (1) the job duties can be performed with an alternative schedule and/or from a flexible work location; (2) the arrangement can mutually benefit both the employee and University; (3) the work can be appropriately monitored; and (4) the flexible arrangement does not result in an additional burden to the University either financially or otherwise. Each flexwork arrangement should include a specific set of expectations unique to the employee, the supervisor, and the job.

The purpose of this policy is to define the different types of Flexwork arrangements, establish the procedure for implementing Flexwork, and provide important considerations for both supervisors and employees considering Flexwork.

### **OVERVIEW**

MSU allows supervisors to offer flexwork arrangements. However, MSU does not obligate supervisors and departments to offer flexwork arrangements. Flexwork is not an employee right, it is not a campus-wide benefit, and it in no way changes the terms and conditions of employment at MSU.

Supervisors and employees should take time to carefully consider any flexwork arrangement. Flexwork arrangements are a viable work option only when the supervisor, the employee, and the job are compatible with such an arrangement. Flexwork arrangements may be appropriate for some employees or jobs but may not be applied universally to any given job title or position. Flexwork arrangements may vary in times of day and/or location.

### **DEFINITIONS**

- **Flexwork:** any working arrangement that varies from the standard work schedule of the employee or the standard worksite of the employee.

### **Varying WHEN work happens:**

- **Flextime:** An alternate work schedule in which the start time and end time of an employee's workday are varied or the days of the week an employee works are varied.
  - Flextime schedules allow employees to vary their arrival and/or departure times and must be a matter of agreement between the supervisor and the employee. For examples, see *OP #60-311, Overtime/Compensatory Time*.
  - Compensation for flextime arrangements must comply with *OP #60-311, Overtime/Compensatory Time*.
  - Flexible work schedules may be adopted for short or long term by the department and employee to accommodate departmental needs. No additional approval is required for flextime arrangements.

### **Varying WHERE work happens:**

- **Flexible Work Location:** the alternative work location as specified in a Flexwork Arrangement Form. This location may be the employee's home, an office not controlled by MSU, or any other approved location.
- **Remote Work (Fully Off-Site):** An alternative working arrangement in which an employee performs all of their job functions off-campus or away from university operated sites. There is minimal expectation that the worker will be physically present at a university operated site. Remote work arrangements require a Flexwork Arrangement Form that must include the Flexible Work Location.
- **Telework:** A work arrangement in which an employee works part of the standard workweek at a Flexible Work Location and part of the workweek at a university operated site. Telework arrangements require an approved Flexwork Arrangement Form that must include the Flexible Work Location.
  - Hybrid/Flex Telework – An arrangement in which an employee works at a Flexible Work Location for 1-3 days per week and at a University assigned location the remainder of the week. This is the most common telework arrangement.
  - Fixed In/Out – Employees have an assigned number of days per month to be in the office with the remainder of the days to be worked at a Flexible Work Location.
  - Flex around Core Obligations – Employees are expected to work at either their university assigned location or their Flexible Work Location based on the assignments that must be performed. There are no predetermined days on-site or at the Flexible Work Location.
- **Occasional, Ad-Hoc Telework:** Occasional, Ad-Hoc Remote Work or Hybrid Telework in response to unexpected and infrequent employee situations may be approved by a supervisor without an approved Flexwork Arrangement Form for periods of no more than

2 weeks if there is no expectation of ongoing continuance.

## **ELIGIBILITY**

This policy applies to all employees except for 9-month faculty members.

Not all positions lend themselves to flexwork. Flexwork arrangements are entered into at the discretion of the supervisor for the benefit of the employee, the University, and the department/office where employed. In all cases, a department may end a flexwork arrangement at will with at least two weeks' notice to the employee.

Generally, consideration for approval of flexwork arrangements includes:

- A. Whether the nature of the work to be performed is appropriate for a flexwork arrangement;
- B. Whether the quality of service can be maintained;
- C. Whether the employee is able to perform all essential functions of their job;
- D. Whether the employee has disciplinary action within the current and previous performance period;
- E. Whether the employee's supervisor will be able to effectively monitor the employee's performance;
- F. Whether the employee has demonstrated the ability to work independently;
- G. Whether the flexwork arrangement will adversely affect the performance of the employee's peers, colleagues, customers, or other relevant persons;
- H. Whether the schedule would create a pattern of overtime work or cause undue difficulty or cost for the department or unit; and
- I. If the proposed flexwork arrangement involves a flexible work location, whether the employee has demonstrated that the location is a safe and productive work environment where the employee is able to maintain appropriate levels of confidentiality and security of work performed.

An employee with a flexwork arrangement must be available by phone, email, and other means of communication as required by the supervisor.

If an employee is working at the University under a work visa, any conditions related to work location must be satisfied.

## **REQUESTING A FLEXWORK ARRANGEMENT**

To request a flexwork arrangement, an employee should first discuss the requested arrangement with their supervisor. If the supervisor and employee come to an agreement about the arrangement, the supervisor in collaboration with the employee should complete a Flexwork Arrangement Form. The Flexwork Arrangement Form should then be routed up through the employee's appropriate chain of command. At each level in the chain, the approving supervisor should consider the appropriateness of the flexwork arrangement and the details of the arrangement. All flexwork arrangement requests must be approved by a Vice President to become effective. The decision of the Vice President is final and not subject to further review or appeal.

All requests for an employee to work outside of the state of Mississippi or for an employee to work remotely with a work visa must be approved by both Human Resources and the Office of General Counsel prior to Vice Presidential approval as these arrangements may trigger tax reporting and/or other legal ramifications which differ on a state-by-state basis.

A copy of all documentation of an approved flexwork arrangement (including the approved Flexwork Arrangement Form), as well as any changes to the flexwork arrangement, should be kept in the employee's file within their department or unit.

In addition, all approved flexwork arrangements shall be reported to Human Resources Management.

### **EQUIPMENT AND SUPPLIES**

The following guidelines will cover all employees with an approved Flexwork Arrangement:

- A. The department will provide the necessary equipment and software that is needed for the employee to perform their job duties successfully at the Flexible Work Location. This may include desktops, monitors, laptops, storage devices and other necessary IT equipment. However, the department is not required to provide duplicate equipment for an employee.
- B. If an item would not be provided in an individual office (e.g., shared printer in the break room), it will be the employee's responsibility to find a solution that will allow all work responsibilities/duties to be accomplished without that item unless otherwise agreed to by the department head.
- C. No office furniture (e.g.; desk, computer tables, chair) will be provided by the University.
- D. The employee must provide internet service and telephone service necessary to allow the employee to adequately work from a flexible work location. The University will not be responsible for operating costs (e.g., utilities) associated with the use of a flexible work location.
- E. Out-of-pocket expenses for office supplies normally available through the University will not be reimbursed. The University will provide consumable supplies needed for university-provided equipment such as toner or paper for a university-provided printer at the flexible work location.
- F. University-owned equipment, software, and supplies at the flexible work location shall be limited to that authorized by the University and used only for University business. The employee must protect provided equipment against damage and unauthorized use.
- G. An employee may use personal equipment for flexwork arrangements with University approval. In such cases, the employee will be responsible for the maintenance of, repair of, operation of, and insurance for the personal equipment, and the employee must use applicable security measures to ensure protection of any work-related information.
- H. For technical support of equipment and software provided by MSU, the employee has the following options. ITS will not travel to an employee's flexwork work location for any reason.
  - a. Troubleshoot the issue and remedy via an ITS service desk ticket or department's standard process.
  - b. Physically return the item to campus for repairs via hand delivery or insured mail.

Reimbursement for mailing expenses may be provided at the discretion of the department.

### **EMPLOYEE RESPONSIBILITIES**

- A. The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the primary workplace. The employee will continue to comply with federal, state, and agency laws, policies, and regulations while working at the flexible work location. The employee shall remain subject to all applicable University and department policies and procedures while performing work at the flexible work location.
- B. Flexwork arrangements are not a substitute for leave defined in OP 60.201. Employees must continue to use sick leave and annual leave according to policy.
- C. Flexwork arrangements are not a substitute for 60.123, Americans with Disability Act, Reasonable Accommodation in Employment Policy.
- D. While Flexwork Arrangements may allow employees greater flexibility in obtaining childcare, elder care, etc, Flexwork Arrangements are not intended as a substitute for childcare, elder care, etc. Employees must be able to fully concentrate on their work assignments during their work hours.
- E. Workdays, hours, and location must be specified as part of a Flexwork Arrangement Form. The employee must be accessible during the specified workdays and hours. Employees must continue to be on-site as necessary to attend in-person meetings, training sessions or any other similar events or occasions as required by the supervisor.
- F. Employees are responsible for personal tax consequences, if any, resulting from a flexwork arrangement. Employees should seek independent professional advice for any questions or concerns regarding tax issues.

### **DEPARTMENTAL RESPONSIBILITIES**

- A. Supervisors must ensure that their office is adequately staffed and physically open for business during normal operating hours as defined in OP 60.320
- B. Supervisors must have a working knowledge of University employment and performance management policies and should establish a sound communication plan with the employee.
- C. Supervisors must complete the Flexwork Arrangement Form in collaboration with the employee. This form should include considerations, such as:
  - a. standards for job responsibilities, performance, periodic reviews and annual appraisals.
  - b. expectations for workdays, hours and locations and for onsite meetings, training sessions or any other similar events or occasions.
  - c. for fully remote workers, expectations for an agreed upon communication schedule that includes a weekly time for (1) making a personal connection, (2) current business/project needs, progress, challenges, etc., and (3) periodic discussions of career goals and professional development.

## **TERMINATION OF FLEXWORK ARRANGEMENT**

Unless otherwise provided for in an official University employment letter, Mississippi State University may withdraw an employee's approval for flexwork at any time. The employee will be notified in writing when they are expected to return to a standard work schedule at their Mississippi State University work location. An employee may request revocation of a flexwork arrangement. All requests should be in writing to their immediate supervisor. Any termination would usually be effective seven (7) calendar days from the date of approval. All decisions about termination of a flexwork arrangement will consider the status of the office, available office space for the returning employees and equipment needs.

## **REVIEW**

This policy and procedure will be reviewed by the Chief Human Resources Officer at least every four years.

**REVIEWED:**

/s/ Leslie Corey  
Chief Human Resources Officer

6/28/2022  
Date

/s/ David Shaw  
Provost and Executive Vice President

6/28/2022  
Date

/s/ Tracey N. Baham  
Assistant Vice President, Institutional Strategy & Effectiveness

6/28/2022  
Date

/s/ Joan Lucas  
General Counsel

6/28/2022  
Date

**APPROVED:**

/s/ Mark E. Keenum  
President

7/25/2022  
Date