



UNIVERSITY OF DENVER

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POLICY MANUAL
FLEXIBLE WORK FOR STAFF

Responsible Department: Human Resources and Inclusive Community (HRIC)
Recommended By: Provost and Vice Chancellor for Human Resources
Approved By: Chancellor

Policy Number
HRIC 3.10.033

Effective Date
2/15/2023

I. INTRODUCTION

The University of Denver thrives by bringing together diverse staff, faculty, and students to engage in learning, scholarship, co-curricular activities, athletics, creative work, and research. As a residential community with in-person learning and research, the University is committed to a vibrant campus experience. To that end, the University recognizes that the utilization of flexible work arrangements offers advantages for both the University and our employees where these arrangements are operationally appropriate. Providing flexible work options may result in increased employee job satisfaction and retention, employee productivity, and improved recruitment results. Flexible work options also contribute to the promotion of carbon emission neutrality by reducing frequency of commuting to campus. Additionally, flexible work supports strategic use of campus space.

II. POLICY OVERVIEW

- A. **Flexible Work** (See Section IV.B below) may include flexibility associated with work locations (**Work Location** arrangements -See Section III.A below) and/or schedules (**Flexible Schedule** arrangements – See Section III.B below).
- B. Flexible Work arrangements must be memorialized in writing, include start and end dates (with the exception of Remote Work described in Section III.D.4 below), and comply with all applicable laws and regulations, including but not limited to the [Fair Labor Standards Act](#).
- C. Employees working under Flexible Work arrangements are required to satisfactorily perform all job duties and to comply with all applicable University policies.
- D. Each college/school/unit as defined by the applicable Vice Chancellor/Dean/Vice Provost (hereinafter “unit”) will determine what Flexible

Work options are available for staff in their unit. To do so, the unit leader will develop a **Flexible Work Plan** for the unit (See Section III.D below) that determines which staff positions are eligible and adheres to the following principles:

1. Meet the reasonable in-person service and academic expectations of the unit's stakeholders, campus partners, students, and users and support the vibrancy of the campus.
 2. The majority of an employee's work time each week should be spent at their official and primary work location, except in circumstances of work-required travel.
 3. A Flexible Work arrangement must not impair the seamless execution of employees' work responsibilities and availability to stakeholders during the University's work week as determined, in part, by the following:
 - a. Performance standards and essential job functions for each employee are not impacted by Flexible Work.
 - b. The workload of a co-worker or manager is not expanded because a staff member is working remotely.
 - c. Stakeholder needs and expectations are met. For example, an office that has drop-in traffic cannot have everyone working remotely on the same day.
 - d. There are situations where in-person meetings are preferred. Unit supervisors will identify meetings that team-members are expected to attend in-person, notwithstanding an employee's Flexible Work Plan.
 4. Unit leaders and supervisors will maximize workspace by identifying how the unit's implementation of the Flexible Work Plan may impact the unit's space requirements and allow for reasonable adjustments to a unit's space consistent with the Flexible Work Plan.
 5. Flexible Work will be available for **Eligible Employees** (as defined in Section IV below) at the discretion of the unit leader with consideration for employee's ability to fully perform their work, employee needs, and the overall goal to maintain a robust, vibrant, fully engaged campus climate.
 6. Unit leaders and supervisors must make equitable decisions on opportunities for Flexible Work within their unit and without discriminating on the basis of employees' protected characteristics. However, equitable decision-making does not guarantee identical results in every instance or across units.
- E. Should University leadership determine that special circumstances exist, such as a natural disaster or pandemic, temporary or intermittent Flexible Work assignments may be approved by a unit without a **Flexible Work Plan** or **Flexible Work Agreements** (See Sections III.D and III.E below). Employees

should not assume they may work from home without first obtaining their supervisor's approval. Once the special circumstances cease, such flexible work assignments will cease absent a Flexible Work Plan and Flexible Work Agreement.

- F. The scope of this Policy does not include short-term work that occurs within one to two pay periods and is arranged between an employee and supervisor. Periodically there may be circumstances of offsite work for various reasons, including but not limited to relief of congestion on campus, budgetary constraints, or if the unit, due to business need, is transitioning an incumbent position to "fully remote."
- G. This Policy does not apply to requests for family medical leave or reasonable accommodations as required by law, such as for disability, religion, or creed. Such requests are governed by other applicable University policies.

III. PROCESS OVERVIEW

A. Work Location Arrangements

1. While the majority of duties for positions at the University are performed on campus, there are situations where it is in the best interests of the University for certain employees to have an officially designated work location off-campus. Work location arrangements may be generally defined as:
 - a. **On Campus:** The employee's official and primary work location is designated to be on campus and an on-site presence is required on a regular basis.
 - b. **Remote:** The employee's official and primary work location is off-site (not in a University owned or rented work space). The employee may work remotely on a regular basis but be required to come onto campus for meetings and other activities.
 - c. **Hybrid:** The employee has a defined schedule in which work is carried out some days of the week or month in their official and primary work location on campus and some days in an official remote location.
2. The above work arrangements do not preclude employees being allowed to occasionally shift their work location between remote or on-campus with manager's prior approval and based on University business needs.
3. Each work location arrangement may support the use of the Flexible Schedule arrangements described below.

4. Employees must promptly notify their supervisor if they seek to change their off-campus work location (e.g., because the employee intends to move to a new residence).

B. Flexible Schedule Arrangements

Regardless of work location, a unit may consider Flexible Schedule arrangements that meet the needs of both the unit and the employee(s). Flexible schedule arrangements include flex time, compressed work schedules, and modified work week schedules.

1. Flex Time

The use of flex time allows a greater opportunity for employees to balance their work and personal responsibilities. It also offers the opportunity to expand the hours during which a work area may be open for operation.

- a. Flex time provides options in setting the work start, end and/or meal times, typically with a designated core period during the day when all staff members are present or working. It may also allow the meal break to be taken at the end of the day so that the employee may leave at an earlier time. An example of flex time is an employee requesting to start work at 6 am so that they may leave earlier, while another member of the same team may choose a 10 am start time and work until later in the day.
- b. A variation on flex time is the split work schedule, under which the work day is split into two distinct segments. Typically, a split work schedule involves an employee starting work earlier than normal, having a break of at least 2 hours during the middle of the day, and ending their day later than normal.

2. Compressed Work Schedules

A compressed work schedule allows an employee to work the expected weekly hours for such employee's role in fewer workdays. For example, a full-time employee could work four days to meet the required weekly hours instead the same hours across five days.

3. Modified Work Week

While the University generally defines its work week as Monday through Friday, it may be in the best interests of the unit and employee to redefine when a work week begins and ends. Each bi-weekly pay cycle is comprised of two weeks. Under a modified work week arrangement, a non-exempt (bi-weekly) employee who normally works five days each week of the pay period could, for example, be assigned to work three days in week one of the payroll cycle and seven in the second week. A unit

would need to consider that such an arrangement would likely result in overtime payments.

A unit's modification of the work week in a specific instance will not change the University's definition of the work week for payroll purposes, its pay dates, or its method of calculating overtime within a work week.

4. All Flexible Schedule arrangements must be memorialized in writing.

C. Eligibility

1. A unit leader will analyze if and how a unit can accommodate Flexible Work and develop a written Flexible Work Plan. A unit's Flexible Work Plan identifies which positions are eligible and ineligible for Flexible Work and precedes the granting of any individual employee's Flexible Work Request.
2. In determining whether a position is eligible for Flexible Work, a unit leader will evaluate whether some or all of the essential functions of a position lend themselves to Flexible Work.
3. Many positions may have a mix of essential functions – some of which may lend themselves to Flexible Work. For example, if a position contemplates that the employee will have four client contact days and one administrative day of work, Remote Work may be appropriate for the administrative day of work, but not the client contact days.
4. If a position is deemed eligible for Flexible Work, any Eligible Employee must be able to work independently, be in good standing without documented performance concerns and meet expectations in their current role.

D. Flexible Work Plan

1. A Flexible Work Plan defines if and how a unit can adopt Flexible Work. A Flexible Work Plan must meet the principles identified in this Policy.
2. Each Flexible Work Plan must be submitted to the unit's Human Resources Partner for review and consultation.
3. A unit's final Flexible Work Plan will be shared with all unit employees.
4. Due to the compliance obligations for out-of-state employees, Remote Work performed exclusively at a pre-approved location other than a traditional, employer-designated place of work (e.g., on campus) is discouraged outside of the Denver metropolitan area absent a nexus to the essential functions of the position and in any event is permitted only

for positions that are pre-approved to be performed outside the Denver metropolitan area by the applicable Vice Chancellor or Dean and HRIC (in consultation with the Provost's office and the Office of General Counsel).

- a. For new positions which are designed to permit Remote Work outside of the Denver metropolitan area, or in the event that an employee requests to transition to Remote Work outside the Denver metropolitan area, the supervisor must apply for and receive approval from the applicable Vice Chancellor or Dean and HRIC (in consultation with the Provost's office and the Office of General Counsel) prior to extending an employment offer, approving a Request for Flexible Work, or posting a position that contemplates Remote Work outside of the Denver metropolitan area.
- b. Requests to permit Remote Work outside of the Denver metropolitan area may be approved only if one or more of the following circumstances are present:
 - There is a nexus to the essential functions of the position in a particular location from where the employee is Remote Working, such as a position tasked with maintaining alumni relationships in the Midwest requiring the employee to work remotely from Chicago, Illinois;
 - The position requires unique or niche skills, not otherwise readily available in the local market as confirmed by HRIC, and Remote Work is required to recruit or retain an employee in a mission critical position; or
 - Unusual life circumstances require a valued and exceptional employee in a mission critical position to transition to Remote Work, such as the transfer of an employee's partner outside the Denver metro area causing the family to move.

E. Implementing Flexible Work Plans

1. An Eligible Employee who wishes to engage in Flexible Work shall submit a "Request for Flexible Work".
2. Supervisors shall evaluate employee interest in Flexible Work against the Flexible Work Plan, employee eligibility and the needs of the unit to determine which Eligible Employees may engage in Flexible Work and on which days. A supervisor's final Flexible Work decisions will be made looking at the totality of the circumstances.

Requests for Flexible Work that include Remote Work outside of the Denver metropolitan area must be approved the applicable Vice Chancellor or Dean and HRIC (in consultation with the Provost's office and the Office of General Counsel)(See Section III.D.4 above).

3. All staff using Flexible Work are expected to meet all pre-existing performance standards and job duties for their position and adhere to the University's policies and procedures.
4. Supervisors must receive training on management of employees with a Flexible Work Plan.
5. Supervisors shall advise the requesting employee in writing if a Request for Flexible Work request is approved as requested, approved with modifications, or denied. If the Request for Flexible Work is denied, the reasons for the denial will be included.
6. If a Request for Flexible Work is approved, the University and Eligible Employee will enter into a Flexible Work Agreement, which the supervisor will discuss with the employee.
7. The Flexible Work Agreement will be part of regular performance management check-ins.
8. With the exception of Remote Work approved pursuant to Section III.D.4, Flexible Work Agreements will include a start and end date. Unit leaders will regularly review and assess the Flexible Work Plan to evaluate if the unit remains responsive to operational needs and consistent with the principles in this policy and will modify, adjust, or renew the implementation of the Flexible Work Plan or an individual Flexible Work Agreement accordingly.
9. Disagreements between employees and supervisors regarding a Request for Flexible Work will be resolved in consultation with the unit's HR Partner. Notwithstanding the foregoing, a decision by the supervisor to deny or modify a request is final and not subject to grievance (i.e., under the Employee Grievance Process) or appeal.
10. Flexible Work is voluntary and is not an entitlement or condition of employment at the University. Accordingly, units retain the discretion to modify, temporarily suspend, and/or rescind Flexible Work Plans and/or Flexible Work Agreements as needed. Supervisors are encouraged to consult with their designated HR Partner prior to suspending, rescinding, or modifying an employee's Flexible Work Agreement. To the extent practicable, supervisors should provide sufficient advance notice to employees of a change to a Flexible Work Plan or Flexible Work Agreement.
11. The University will not incur any additional expense in permitting Flexible Work such as operating costs, office and computer equipment, home maintenance, internet, cell phone or other incidental expenses associated with Flexible Work. Exceptions require approval of the applicable Vice

Chancellor or Dean and may be made only under the following circumstances: (a) when a position description requires Remote Work, in which case the University will be responsible for providing computer equipment and covering the cost of other incidental expenses incurred as a direct result of working from home or otherwise required to be reimbursed under applicable law, or (ii) at the discretion of the unit with equity and/or key performance optimization considerations for such decisions. The University does not assume liability for loss, damage, or wear of employee-owned equipment.

12. Unless a position's job description requires the employee to work outside the Denver metro area, an employee who elects to reside outside the Denver metro area and is authorized to do so under an approved Flexible Work Plan, is responsible for expenses for any travel required for in-person meetings and events at the University. For example, if an employee living and working in Telluride, Colorado is required to be in Denver, Colorado for in-person quarterly meetings, those travel expenses are the responsibility of the employee. Rare exceptions may be made at the discretion of the college/unit.

13. Employees performing work remotely are responsible for following the same best practices for protecting physical and electronic information and resources as is required on campus (See [IT Security Checklist](#)).

IV. DEFINITIONS

A. **"Eligible Employees"** – Those employees who are (a) able to work independently, (b) have no documented performance concerns, and meet expectations in their current role and (c) who hold the positions identified in a unit's Flexible Work Plan as eligible for Flexible Work. Any modifications to work schedules for employees governed by the University's collective bargaining agreement (i.e., union staff) are governed by, and managed within, the terms of the collective bargaining agreement.

B. **"Flexible Work"** – Work done by an Eligible Employee pursuant to a Flexible Work Plan that may include flexibility associated with work location and/or flexibility in work schedule.

C. **"Flexible Work Agreement"** – The agreement entered into between an Eligible Employee and University after a Flexible Work request is approved, in a form approved by HRIC which defines when Flexible Work may be conducted and the terms and conditions of the Flexible Work. The Flexible Work Agreement may be modified or terminated by the supervisor or by the employee with the written consent of the supervisor.

D. **"Flexible Work Plan"** – A plan developed by unit leadership that defines which

positions are eligible for the use of Flexible Work and when Flexible Work is permitted for the unit.

V. RESOURCES

- A. University Policy HRIC 3.10.030 - *Hours of Work*
- B. University Policy IT 1.10.080 – *Information Security*
- C. University Policy IT 13.10.010 – *Use of Computer and Network Systems*
- D. University Policy IT 13.10.012 – *Workstation Security and Clear Desk*
- E. [Technology Resources for Working and Teaching Off Campus](#)

VI. NOTE: On the Effective Date of this Policy each of the following policies are sunset and superseded by this Policy:

- A. University Policy HRIC 3.10.030 – *Pilot Remote Work*
- B. University Policy HRIC 3.10.032 -*Telecommuting*

Revision Effective Date	Purpose
2/15/2023	Minor revision to change “walk-in” to “drop-in”