Alternative Work Arrangements (20.053)

Introduction
An Alternative Work Arrangement (AWA) is any arrangement which is different from the department's norm and accommodates the needs of the employee and the department. There are a variety of options in AWAs that may work for both staff and management.

Policy Statement
Brown University permits an Alternative Work Arrangement (AWA) that accommodates the needs of the employee and the department.

An AWA is available at the University's discretion only. The existence of an AWA agreement does not alter an individual staff member's employment relationship with Brown University or the employee's obligation to observe all applicable University rules, policies and procedures. All existing terms and conditions of employment remain the same as they would be if the staff member worked at his or her regularly assigned location. This includes, but is not limited to, the job description, salary, benefits, vacation, leave and overtime. The pre-AWA agreement regularly assigned place of employment is considered the employee's workstation for all pay, leave and travel purposes.

An AWA is a collaboration between the staff member and the supervisor to arrive at an arrangement which is productive for both partners and the department they serve. In certain departments and for certain positions, AWAs may not be feasible or may be limited to certain times of the year.

If the supervisor or department head who approved the AWA leaves the management position, AWAs in that area will be reviewed, and either continued or canceled at the discretion of the new supervision. AWAs are granted on a temporary and revocable basis.

Definitions
An Alternative Work Arrangement may include flexible scheduling such as:

- Working a different schedule (e.g., 7 a.m. to 3:30 p.m. instead of 8:30 a.m. to 5 p.m.)
  Note: Under Rhode Island state law, employees are required to take at least a 20 minute (unpaid) break if the work day exceeds six hours. Break or lunch periods may not be used to delay the beginning of the day or cause it to end early or to modify the work hours under an AWA in any other fashion. AWAs must be structured to comply with state wage and hour laws and the federal Fair Labor Standards Act regarding minimum scheduled hours per day and payment of overtime.
- Working the scheduled number of full-time hours over three or four days (compressed work week)
- Participating in short-term job sharing or other special arrangements
  Note: If a job share or other reduction in hours worked per week is being requested on a short-term and/or trial basis, an AWA may be used. For percent time changes extending into a new fiscal year, updated staffing plans must be submitted to fully budget for the change in schedule. At that point, the hours reduction becomes the regular schedule for the position and the AWA ends.
- Telecommuting, which is routinely working all or part of a work week at a location other than an employee's regularly assigned place of employment
  Note: There shall be no additional pay for telecommuting, nor shall mileage by paid or reimbursed for transportation between an employee's telecommuting site and Brown University.
Responsibilities

Employees:

- Employees on AWAs are expected to follow established Brown University policies, procedures and guidelines including maintaining a normal workload.
- Employees unable to work due to illness will report their absence to their supervisor according to normal established departmental procedure.
- Employees on AWAs who wish to be relieved of responsibility for work for all or part of a scheduled work day(s), must follow departmental procedure for requesting time off.
- Employees must use vacation or unpaid time and/or a leave of absence as appropriate.
- Employees on AWAs are required to maintain accurate time records to support and substantiate their work hours and work products.
- Overtime work must be approved in advance by the supervisor in accordance with Brown policy and the requirements of the Fair Labor Standards Act; failure to comply with this requirement can result in the immediate cessation of the AWA.
- Employees on AWAs may be required to work a regular on-site schedule, attend important meetings, or participate in training sessions which are outside of the AWA; the employee's supervisor will attempt to give reasonable notice when special meetings or a different work schedule are necessary.
- The employee must know schedule requirements and make appropriate arrangements for scheduled activity outside of the AWA.
- The operational needs of the University take precedence over AWAs.
- Employees with an Alternative Work Arrangement who work reduced hours in the office may have to share office space and/or equipment.

Telecommuting employee responsibilities include:

- Employees who telecommute are not permitted to work at other jobs, run their own businesses, or provide child care or elder care during their scheduled work hours.
- Telecommuting employees must continue to fulfill normal work requirements, both qualitative and quantitative.

Failure to meet employee responsibilities may be cause for disciplinary action or termination of the telecommuting arrangement and/or the employment relationship.

Human Resources:

- Reviews and approves all AWA requests
- Holds the official record documenting all approved AWAs

Supervisor/Department Manager:

- Supervisors review all AWAs and either approve, send back or deny each request.
- Supervisors and employees must agree that employees can participate in an AWA.
- Supervisors with employees on AWAs are expected to follow established Brown University policies, procedures and guidelines, including maintaining a normal workload.
- Performance evaluations for employees on AWAs will follow the regular University schedule.
- Salary increases for employees will not be affected by an AWA.
- Employees will receive the same pay and benefits as they would if they were working the same number of hours per year without special arrangements.
Employees sharing a job can be paid different salaries based on their background and experience and as those relate to a position's requirements. The same development opportunities and training are offered to employees with AWAs and to employees working regular schedules.

**Procedures**

**Overview:**
An AWA or Telecommuting Agreement requires creating a Request in Workday.

- An AWA cannot begin before Human Resources has approved the Request for an AWA or Telecommuting Agreement in Workday.
- An AWA Agreement will be made for a predetermined period of time not to exceed one fiscal year and can only be extended by mutual agreement of the department and employee.
- An extension requires completion and approval of a new Workday Request.
- The department will evaluate the effectiveness of the AWA periodically and at the end of every fiscal year.

**Procedure:**
1. The employee completes a Workday which routes to the supervisor.
2. The supervisor or department head reviews the Request in Workday and either approves, sends back with additional provisions or modifications, or denies it.
   - The decision to approve an AWA will be made on a case-by-case basis for each employee.
   - Approval can be rescinded at any time should circumstances change.
   - Telecommuting is appropriate only when both the abilities of the employee and the nature of the work to be done meet the minimum feasibility criteria below.
   - Supervisors may apply more rigorous criteria when determining whether an employee and a position are appropriate for telecommuting or another form of AWA.
3. If a request for an AWA is denied, the reasons should be clearly communicated to the employee. An employee who feels his/her application was inappropriately denied may seek the advice of Human Resources, who will consult with the department head and review the decision. After such review, the department head will make a final decision whether to approve or deny the request.
4. Approved Alternative Work Arrangement Requests, including details of the actual work schedule, are accessible in the employee's Workday file.

**Forms/Instructions**
Requesting an Alternative Work Request in Workday Job Aid

**Related Information**
General criteria for considering an Alternative Work Arrangement.

- The employee must not be in a probationary period of employment.
- The employee has demonstrated sustained high performance and the abilities to successfully organize and manage time (and for employees requesting telecommuting to work independently and productively with minimal supervision), as documented in Performance Appraisal Forms.
- The employee has a thorough knowledge and understanding of the job functions and, if applicable, the equipment required to telecommute.
- The manager believes the employee can maintain the expected quantity and quality of work.
while working under an AWA.

- All or significant components of the work can be done while working under an AWA. The employee's position involves measurable or quantifiable work product.
- Operational needs of the department are met.
- Security needs can be adequately addressed.

General criteria for not considering an AWA.

- The nature of the job requires the employee's physical presence (for example, where the employee supervises the work of other employees).
- The employee requires close or frequent supervision, direction or input from or to others who are on-site.
- The employee requires access to information or materials available only at the regularly assigned place of employment.
- The employee's performance evaluations do not indicate sustained high performance, or do indicate a record of disciplinary action or a demonstrated attendance concern.

Special Considerations for AWAs which include Telecommuting.

- Income taxes will be withheld based on employment at Brown University in Rhode Island, not on the location from which the employee telecommutes. Telecommuting employees are responsible for tax consequences and other legal implications that may occur, including local zoning restrictions.
- The University assumes no liability for injuries occurring in the employee's home workspace outside of work hours. Telecommuting employees are responsible for notifying the Office of Insurance & Risk if they are injured while at the off-campus work site and in conjunction with their regular work duties. The employee is liable for any injuries sustained by visitors to the remote work site.
- Consistent with Brown University's expectations of information access security for employees working on-site, telecommuting employees are responsible for ensuring the protection of University equipment and information accessible from their homes or other remote workspaces. Under no circumstances shall Brown University data be stored or downloaded on an employee's personal computer.