



## Alternative Work Assignments Policy

POL 08.10.05

Effective Date: April 23, 2020

### 1.0 Policy Purpose

Brown's Alternative Work Assignments (AWAs) offer innovative approaches to meeting the University's operational needs while promoting balance between work and personal life for its staff. Depending on the needs of the department, AWAs may be a beneficial alternative to the University's regular work schedule that allows the University to meet business needs while providing greater workplace flexibility.

There are various assignments that can be created due to job roles, department needs and University objectives. This policy addresses alternative work assignments, which Brown University supports to create a common approach across the University.

### 2.0 To Whom the Policy Applies

This policy applies to all staff employees and students employed in a staff position except where assignments are outlined in collective bargaining agreements.

### 3.0 Policy Statement

An alternative work assignment is a discretionary agreement between Brown University and an employee that may include modifications to a work schedule, work location, and other arrangements that differ from a department's usual standards and practices. Where applicable, Brown University encourages supervisors to permit reasonable adjustment to these established standards and practices. The University also recognizes that AWAs may not be suitable for every job. In particular, many types of jobs require employees to physically report to work on a full-time basis or at regularly scheduled times.

Brown University may provide AWAs in order to help employees balance work and personal commitments, or to enhance employees' job performance and productivity, if the following criteria are met:

- Departmental efficiency and service are not adversely affected;
- Regular office hours to meet departmental needs are maintained;
- Undue burdens are not placed on other employees or supervisors; and
- The employee has demonstrated sustained high job performance and satisfactory conduct at work.

In all cases, AWAs are subject to supervisor approval and, except where directed by the University, are available to an employee once they have successfully completed their probationary period of employment. The total numbers of hours worked and expected productivity remain the same. A supervisor may adjust, refuse or terminate an AWA if they conclude that it is not currently satisfactory or suitable to the department's operations.

The existence of an AWA 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. If afforded an AWA, the staff member's duties, responsibilities, and conditions of employment remain unchanged.

This AWA policy is not intended to be utilized when alternative arrangements are requested or granted as an accommodation due to an employee's impairment, serious health condition, disability or other circumstances that may be covered by the Family and Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). Employees requesting medical/family leave should contact University Human Resources for guidance. Employees requesting a leave as a workplace accommodation under the ADA should contact the University Human Resources' workplace accommodation partner, Broadspire.

### **3.1 Salary, Benefits and Safety**

Salary and benefits remain unchanged while working on an approved AWA. Overtime compensation (for non-exempt staff), vacation, and sick leave will continue to be based on hours worked during the pay or accrual period during the AWA. Requests to work overtime, request vacation, except for sick leave, must be pre-approved in writing by the employee's supervisor.

There may be tax implications for employees who have an AWA. Telecommuting or Remote Working employees are responsible for all tax consequences that may occur as a result of telecommuting or working on a remote basis.

To ensure the safety of all employees, workers' compensation benefits are offered for injuries or illness arising out of and in the course of employment in accordance to workers' compensation laws. Staff members must report work-related injuries to their supervisor as soon as an injury occurs. Workers' compensation will be applicable for injury or illness if the injury or illness arises out of and in the course of employment, whether the injury occurs at the regular work location or the approved alternative work location. Claims will be analyzed on a case-by-case basis depending on the specific facts of each claim to determine if workers' compensation benefits apply.

### **3.2 Information Security**

Brown University property such as computers, printers, mobile devices, and other equipment provided to an employee is the employee's responsibility while it is not on University premises. Consistent with the University's expectations of information security for employees working on campus, Telecommuting employees will be expected to ensure the protection of proprietary information accessible from their alternative work location. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate to secure University information.

### 3.3 Notice

AWA assignments are subject to periodic review and approval by the supervisor. When operational needs of the department require a change or cancellation to the assignment, notice of at least 10 business days will be provided.

### 4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

**Alternative Work Assignments (AWA):** A mutual work agreement between a supervisor and a staff member that allows for a work assignment that is different from the department's regular work schedule and regular operations and maintains staffing coverage within a department.

**Compressed Workweek:** A traditional 37.5-hour workweek that is lessened to fewer than five days of work.

**Telecommuting:** A work-at-home assignment that occurs for a specified period of time where an employee works for a part of the regular workweek on a regular basis from an alternative work location. All Telecommuting arrangements when an employee is regularly working in a non-Brown workspace must receive prior review from University Human Resources. The employee must have a thorough knowledge and understanding of the job functions and, if applicable, the equipment required to Telecommute.

**Remote Work:** An arrangement in which an employee performs work from a location other than a primary work location generally within Rhode Island, New York or California, including an alternative Brown University work location, during their regularly work hours on a full-time basis.

### 5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

#### 5.1 Employee Responsibilities

- The employee should consider their need, work conditions, and the type of alternative work assignment that would meet this need and why.
- The employee is responsible for timely informing their supervisor of the need for an alternative work assignment and any known challenges to having an AWA with suggestions to address those challenges.
- The employee should be open to feedback and changes to an AWA request.

- Upon agreement between the supervisor and employee to an AWA, the employee is responsible for submitting the approved AWA form in Workday for the supervisor's approval.
- The employee must communicate with their supervisor to ensure they are meeting expectations and regularly evaluate the assignment with their supervisor and implement agreed upon work assignment changes.
- All job responsibilities and conditions of employment are applicable while an employee is working on an approved AWA.
- Employees on AWAs are expected to follow established Brown University policies, procedures and guidelines, including maintaining a regular workload during the AWA.
- Employees must certify that any Telecommuting or Remote Work environment is safe and meets the same safety standards that are applied to on-campus work locations.
- Unless directed by the University as a condition of employment, an employee is responsible for expenses arising out of an approved alternative work assignment.
- An employee who has a telecommute or remote assignment is not entitled to reimbursement for travel to attend work meetings.
- Tax deductions (i.e. home office deductions) are not applicable if the Telecommuting or Remote Work assignments is for the convenience of the employee.
- An employee is responsible for tax implications when approved for an alternative work assignment. An employee should seek professional advice before requesting an alternative work assignment.
- Failure to follow policies, procedures and practices may result in the cancellation of an alternative work assignment.

## 5.2 Supervisor Responsibilities

- The supervisor is responsible for discussing an alternative work assignment and whether an AWA can be implemented for the employee and the department operations.
- The supervisor must review all AWAs and either approve, send back or deny each request in Workday and provide the employee with information and rationale for the decision.
- If an AWA is agreed upon, supervisors must clearly communicate defined tasks and expectations, measure performance through results and behaviors and provide regular feedback on work performance.
- Supervisors should work collaboratively with the employee and address problems and/or known challenges before approving an AWA.
- Supervisors are responsible for reviewing AWAs on a case-by-case basis by evaluating the individual's performance, responsibilities and work style while remaining focused on the benefits derived by supporting an AWA
- Supervisors must review workplace needs and the AWA on a regular basis and retain discretion to discontinue assignments that are no longer in the best interest of the department and/or University.
- The supervisor will apply salary increases to an employee on an AWA in accordance to the University's policies and procedures.

### 5.3 University Human Resources (UHR) Responsibilities

- UHR must review the AWA form in Workday and ensure that the AWA is filed in the employee's digital employment file in Workday.
- UHR will review and approve Remote Work assignments.

### 6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

Violations to this policy include the revocation of an AWA or disciplinary action to an employee found to be performing work in another position not in furtherance of the University's interests or managing work that is not on behalf of the University. The existence of an AWA 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.

### 7.0 Related Information

This policy is not a legal document. This policy does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and Brown University. The University reserves the right to change, amend or terminate any of its human resources policies at any time for any reason.

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, Brown's Anonymous Reporting Hotline allows anonymous and confidential reporting on matters of concern online or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

#### 7.1 Related Policies:

- [Work Schedules](#)
- [Essential Positions](#)
- [Leaves of Absence](#)
- [Reasonable Accommodations in Employment \(Americans with Disabilities Act\)](#)
- [Position Elimination, Layoff, and Severance Pay](#)
- [Exempt Staff Pay Policy](#)
- [Non-Exempt Staff Pay Policy](#)
- [Paid Time Off](#)
- [Holiday Policy](#)

## 7.2 Related Procedures:

- [Alternative Work Assignments SOP](#)
- [Emergency and/or Administrative Closing and Delays SOP](#)

## 7.3 Related Forms:

- Alternative Work Assignment Agreement

## 7.4 Frequently Asked Questions (FAQs):

- **My supervisor has approved a four-day workweek (Compressed Workweek) for the next four months. What steps do I need to take to document this assignment?**

After meeting with your supervisor, you should complete the AWA Form into Workday. Your supervisor will receive the completed form and review and approve it. The form will then be submitted to University Human Resources and remain on file.

- **I have been approved to work from home for the next two weeks. What steps do I need to take to document this work assignment?**

If the circumstances are not a direct result of a medical condition for yourself or a family member as defined under the FMLA or the circumstances are not a result of an accommodation for yourself under the ADA, you will need to complete the AWA Form in Workday. Your supervisor will then review and approve the form in Workday. The approved AWA Form will then be submitted to University Human Resources to remain on file.

- **I need to work from home to care for my family member who is ill, can I apply for an AWA?**

If the circumstances are a result of a medical condition for your family member, you will need to contact University Human Resources to speak to a Benefits Specialist about a leave of absence for medical reasons either under the FMLA or seek approval for an AWA from your supervisor.

- **What expenses am I responsible for if I am approved to Telecommute for the next several weeks?**

Expenses will be the responsibility of the employee unless provided in writing by the University. There may be expenses paid by the University and approved by the supervisor to ensure the protection of the University's digital or paper records or digital data as well as expenses associated with ensuring that the location to Telecommute can reasonably be deemed as a work location.

- **Can I have my children or another family member requiring attention at home with me during work hours?**

An alternative work assignment is not a substitute for dependent care. Employees are required to make dependent care arrangements during the agreed-upon work hours. Under unique circumstances, the University may direct that an AWA can be requested. Where an AWA has been directed as an acceptable workplace option, employees can seek guidance from University Human Resources if a conflict arises to manage dependent care as well as work obligations.

- **Do I need to seek an AWA if my employment is not regularly performed at a University work location on a full-time basis?**

Yes, this assignment would be referred to as a Remote Work assignment. Remote Work assignments generally require a signed Alternative Work Assignment form to be completed in Workday and apply to employees remotely working in RI, NY, and CA. These assignments require University Human Resources (UHR) review and approval.

**7.5 Other Related Information:**

- [Brown's Collective Bargaining Agreements](#)

**8.0 Policy Owner and Contact**

**8.1 Policy Owner:** Vice President for Human Resources

**8.2 Policy Approved by:** Executive Vice President for Finance and Administration

**8.3 Subject Matter Contact:** Senior Director of Employee & Labor Relations

- Telephone: 401-863-3896
- Email: [employeeandlaborrelations@brown.edu](mailto:employeeandlaborrelations@brown.edu)

**9.0 Policy History**

**9.1 Policy Effective Date:** April 23, 2020

**9.2 Policy Last Reviewed:** May 8, 2020

**9.3 Policy Update/Review Summary:** Policy disclaimer notice added in section 7.0 on May 8, 2020. Policy footer removed on June 19, 2020. Previous policy version superseded by this policy:

- Alternative Work Arrangements (20.053), Revision Date: January 30, 2019