
**LAKE-SUMTER STATE COLLEGE
ADMINISTRATIVE PROCEDURE**

TITLE: Flexible Work Arrangements

NUMBER: PRO 5-33

REFERENCE: Board Rule 5.11

PAGE: 1 OF 7 with Flexible Work Agreement Form

I. PURPOSE

The purpose of this policy is to define the program for flexible work arrangements (also known as working remotely and alternative work schedules), hereinafter referred to as flexplace and flextime, and the guidelines and rules under which it will operate.

The flexible work arrangement is an employer option that is appropriate when it supports the mission, vision, and strategic goals of the College. Flexible work arrangements may not be suitable for all employees and/or positions; they are a work option for certain eligible employees based on specific, performance-based criteria and procedures consistently applied throughout the department.

Lake-Sumter State College must be appropriately staffed at all times in order to effectively pursue our educational mission. In recognition of the wide range of professional responsibilities and duties required of College employees, there may be special circumstances in which a flexible work arrangement can be implemented so as to optimally balance the needs of the College and an individual employee and/or work team. This procedure outlines the types of flexible work arrangements that may be available to approved employees and the process by which such an arrangement is developed and implemented. Flexible work arrangements are not a part of the College's employee benefits package. New funds will not be added to accommodate a flexible work option, whether through additional hours or through the purchase of equipment by the College.

This policy does not attempt to address the special conditions and needs of all employees, nor is it intended to interfere with existing or future faculty schedules driven by teaching, service, and/or clinical responsibilities, which can vary daily.

II. RESPONSIBILITY

Oversight for this procedure falls under the supervision of the Executive Vice President.

III. SCOPE

This policy applies to flexible work arrangements for approved exempt and non-exempt staff and are expected to remain in place for 30 days to twelve months. These arrangements will be

reviewed annually. It is not intended to apply to short-term, ad hoc arrangements to meet unexpected needs. Supervisors should use their best discretion, consistent with applicable law and College policies, to address short-term or unexpected (See Section VII).

IV. DEFINITIONS

- a. Core Hours and Peak Periods
 - 1. Core Hours refers to the period of hours each work day or peak workload periods during which a department must be staffed at an appropriate or specified level. Core Hours may also include the requirement for employees to be present during a particular day of the week.
 - 2. Peak Periods refers to cyclical times of the year when business activity or work volume is high, during which a department must be staffed on site at a specified level. During Peak Periods employees may be required to work on campus for their regular schedule.
 - 3. The department head is responsible for determining the Core Hours and Peak Periods for the department, ensuring that the College commitment to a high level of service is maintained. The department head may alter Core Hours and Peak Periods from time to time.
- b. Flexible Work Arrangement – The term ‘Flexible Work Arrangement’ as used in this procedure refers to ‘Flextime’ and ‘Flexplace,’ as defined below.
 - 1. Flextime – Flextime allows for flexible scheduling arrangements that permit variations in starting and departure times, but does not alter the total number of hours worked in a workweek. Examples of Flextime arrangements include the following:
 - i. Fixed starting and departure times that are different from normal business hours of the department. Agreed-upon starting and departure times continue for a specified period with the same number of hours worked each day;
 - ii. Pre-approved starting and departure times that may vary daily. With such a personalized work schedule, an employee may arrive at work and leave at a different time each day, provided the number of hours worked each day remains the same;
 - iii. Variations in the length of the workday (for example, a ten-hour day followed by a seven-hour day). This type of schedule may result in a ‘compressed workweek’ where the total number of standard weekly hours is completed in fewer than five workdays.
 - iv. All flextime arrangements must meet the operational needs of the department and the College and must conform to the overtime, recordkeeping, and meal break provisions of the Fair Labor Standards Act (FLSA).
 - 2. Flexplace – The term Flexplace refers to situations when arrangements are made to allow an employee to work at home or another off-site location, for a specified number of hours per week, and/or for a pre-determined duration. A separate work area must be designated in the off-site setting for the Flexplace arrangement. This area must be conducive to working productively.

- c. Performance-based criteria - the employee's expected goals and objectives during the flexible work arrangement period that will be used to track employee activities, performance, and results.

V. ELIGIBILITY

Regular full-time or part-time employees who have been employed for at least 90 calendar days, are not on an active performance improvement plan, and who have not received formal disciplinary action within the previous 12-month period, may request a Flexible Work Arrangement.

VI. PROCEDURES FOR ESTABLISHING A FLEXIBLE WORK ARRANGEMENT

- a. Requests for Flexible Work Arrangements.
 - 1. Any employee seeking a Flexible Work Arrangement must make a written request to their supervisor using the Flexible Work Arrangement Approval Form.
 - 2. The written request will include:
 - i. The type of Flexible Work Arrangement being requested;
 - ii. The reason(s) for the request;
 - iii. The employee's plan for meeting the responsibilities of their position;
 - iv. Work schedule (hours, days, commitment) requested; and
 - v. The proposed start and end date of the Flexible Work Arrangement.
- b. Considerations for Evaluating Flexible Work Arrangements.
 - 1. Every proposal for a Flexible Work Arrangement will be evaluated on a case-by-case basis. That evaluation will include a discussion between the supervisor and the employee seeking the Flexible Work Arrangement regarding the reasons for the request and the needs of the department in which the employee works. The evaluation will consider the following factors:
 - i. Operational needs of the specific department and the College along with the impact of the request on students, faculty, parents, staff, and community;
 - ii. Ability for a department to maintain appropriate staffing levels during Core Hours and Peak Periods;
 - iii. Impact on other staff members both within the department and those who may work regularly with the department;
 - iv. Past performance levels of the employee; and
 - v. The extent to which the job duties can be translated to measurable and demonstrated outcomes for accountability.
- c. In addition to the factors outlined above, the following factors will be considered with respect to a proposed Flexplace arrangement:
 - 1. Whether the position has clearly defined work that can be accomplished remotely;
 - 2. If there are position requirements that cannot be met from a remote location;
 - 3. Whether specific, performance-based criteria can be established for the position;

4. Whether the employee's activities, performance, and results can be measured effectively through offsite supervision;
 5. Whether the department can continue to meet its standards for service and staff availability;
 6. Whether the employee proposing the Flexplace arrangement has a demonstrated record of excellent time-management skills and satisfactory, independent work performance;
 7. Whether there are effective methods for communicating between the employee and supervisor;
 8. The frequency and schedule for the employee being on-site to meet with the supervisor, co-workers, and customers;
 9. How the proposed Flexplace arrangement may affect cross-training initiatives, team-based approaches, and other similar strategies; and
 10. Expectations for availability during the work day.
- d. Approval of Flexible Work Arrangements.
1. Upon receipt of a Flexible Work Arrangement proposal, the supervisor receiving the request will discuss the request with the employee. While each department and division is structured differently, the supervisor must discuss the request with their division vice president prior to consulting with the Human Resources Department about the employee's request.
 2. After receiving the verbal approval of their division vice president and Human Resources for the request, the supervisor will complete, sign, and submit the Flexible Work Arrangement Form to the Human Resources Department.
 3. The Human Resources Department will obtain written approval for the appropriate division vice president member's approval on the Flexible Work Arrangement Form. The vice president must approve any Flexible Work Arrangement within their division, in consultation with the employee's supervisor and/or department head.
 4. If approved, the employee will receive a copy of the Flexible Work Arrangement Approval Form specifying the terms and conditions for the Flexible Work Arrangement.
 5. If not approved, the supervisor will notify the employee in writing of the reasons for such decision.
- e. Piloting Flexible Work Arrangements.
1. If a request for a Flexible Work Arrangement is approved, the approval will be for a designated pilot period only. The pilot period will be specified in the written approval for the Flexible Work Arrangement. The pilot period will normally be at least 30 calendar days.
 2. At the end of the pilot period, the supervisor will re-evaluate the arrangement, considering the factors set forth in this procedure, as well as the performance and productivity of the employee during the pilot period and the impact that the arrangement had on the department and other employees.
 3. Based on the results of that re-evaluation, and with the approval of the appropriate Cabinet member, the Flexible Work Arrangement may be renewed annually for a designated period of time, modified, or terminated.

f. Modifying or Terminating Flexible Work Arrangements.

1. Modifying Flexible Work Arrangements

- i. Once approved, the employee may not modify the Flexible Work Arrangement without the written consent of their supervisor.
- ii. A supervisor may modify an approved Flexible Work Arrangement if the supervisor or relevant Cabinet member or dean determines that such modification will better meet the current needs of the department and/or the College. Any modification will be specified in writing.
- iii. The supervisor will make every effort to provide the employee with at least two weeks' prior written notice.

2. Terminating Flexible Work Arrangements

- i. A supervisor, after consulting with the department head and Human Resources, may terminate a Flexible Work Arrangement if the supervisor determines that the arrangement is no longer consistent with the department's obligations, if the performance of the employee does not meet performance expectations, or if the employee has committed fraud in the reporting of hours worked or work performed.
- ii. If a Flexible Work Arrangement is to be terminated, the supervisor will make every effort to provide the employee with at least 10 working days prior written notice.
- iii. The arrangement may be terminated immediately due to documented poor performance or fraudulent reporting of hours worked or work performed.

g. Remote Work to Address Short-term or Unexpected Needs.

Remote work may be granted to address short-term or unexpected needs. This could be consecutive days of working remotely or a combination of on-campus and remote work over a period of less than 30 days.

There may be instances where a supervisor may determine that an employee may be able to complete a specific work assignment or special project in a more efficient and timely manner working remotely. This may include situations involving special or time-sensitive projects or may be a result of exigent circumstances such as a pandemic, extreme weather conditions, or other similar circumstances.

In these cases, the supervisor must secure the prior approval of their vice president for this work arrangement. The supervisor must submit the following in writing for review with their vice president:

1. The type of short-term or unexpected needs work arrangement being requested;
2. The reason(s) for the request;
3. The employee's plan for meeting the responsibilities of their position;
4. Work schedule (hours, days, commitment) requested;
5. The proposed start and end date of the short-term or unexpected needs work arrangement; and
6. Possible measures of accountability.

The supervisor and their vice president will evaluate the short-term unexpected needs work arrangement on the following factors:

1. Operational needs of the specific department and the College along with the impact of the request on students, faculty, parents, and staff;
2. Ability for a department to maintain appropriate staffing levels during Core Hours and Peak Periods;
3. Impact on other staff members both within the department and those who may work regularly with the department;
4. Past performance levels of the employee; and
5. The extent to which the job duties can be translated to measurable and demonstrated outcomes for accountability.

The supervisor will notify the employee in writing of the decision. The supervisor will provide a copy of the request and approval document to the Human Resources Department.

This may also include exigent circumstances, such as those related to a pandemic where an employee may be required to isolate or quarantine away from College campuses, but are still able to perform their duties remotely. In these cases, the supervisor would coordinate with the Human Resources Department, as well as keep their vice president apprised of these cases.

h. Out-of-State Flexplace Flexible Work Arrangements.

Out-of-State work arrangements occur when an employee is working outside of the state or states where the employer operates. Requests for this arrangement will be considered on a case-by-case basis, including consideration of specific, performance-based criteria and tax considerations.

i. Tax considerations.

Income Tax: Generally, employees pay income tax in the state in which they reside regardless of where they work. The employee is responsible for the accuracy of withholdings and payment of state income tax to states other than Florida.

j. Accountability and Productivity.

1. Employees working remotely will be held to the same expectations for performance and productivity as if they were working on-campus and must be easily accessible and responsive to students, colleagues, and other constituents.
2. Supervisors are responsible for creating specific, performance-based criteria and obtaining the appropriate documentation of performance from the employee. The supervisor must engage with the employee to determine and document expectations. Documentation may include a weekly work log of calls, emails, and project updates and will be directly related to the established performance measures.

k. Benefits and Applicable Employment Laws

An employee working under a Flexible Work Arrangement will be entitled to the same College benefits as a similarly situated College employee working on campus. Leave time must be submitted based on the hours that the employee is scheduled to work on the day(s) they are sick or taking personal or vacation leave.

All Flexible Work Arrangements are subject to applicable employment laws, including the Fair Labor Standards Act, Florida state employment law, and the Florida Worker's Compensation law.

The College has insurance coverage to protect its property. This insurance will not cover any personal property that is used at home, and will only cover College equipment brought to a defined Flexplace work site if it has been listed with the Business Services Office and Information Technology.

NEW: 11/10/2020

Flexible Work Agreement Form (LSSC)

Employee Name:

FLSA Status: ☐ Exempt ☐ Non-Exempt

Department:

Position Title:

Flexible Work Arrangement Requested

☐

Flextime/Compressed Work Week

☐

Flexplace/telecommute

	Current Schedule	Proposed Schedule	Flexplace*
Monday			<input type="checkbox"/>
Tuesday			<input type="checkbox"/>
Wednesday			<input type="checkbox"/>
Thursday			<input type="checkbox"/>
Friday			<input type="checkbox"/>
Saturday			<input type="checkbox"/>
Sunday			<input type="checkbox"/>

***Must complete Flexplace Agreement at end of application.**

Why are you requesting the proposed schedule?

Describe your plan for achieving the goals and objectives established by you and your supervisor and measured by your activities, performance, and results.

Employee Authorization

I have read and understand the flexible work arrangement process and agree to the terms and conditions set forth by this arrangement. I understand that it is my responsibility to make my flexible work arrangement a success and that Lake-Sumter State College has the right to discontinue this arrangement at any time, the supervisors shall make every effort to provide the employee with at least 30 days prior written notice.

Employee Signature

Date

Supervisor Authorization

Describe how performance will be measured under this flexible work schedule.

This arrangement will be most successful if: (list opportunities for enhanced communication and management of work).

If approved, please list below any special conditions or instructions. If denied, please provide an explanation for the denial to the staff member:

Stage of FWA Process	Approve/ Disapprove	Signatures	Start/End Dates
Pilot	<input type="checkbox"/> A	<input type="checkbox"/> D	Supervisor, Dept Head or Dean:
			Cabinet Member:
Implementation	<input type="checkbox"/> A	<input type="checkbox"/> D	Supervisor, Dept Head or Dean:
			Cabinet Member:
Renewal	<input type="checkbox"/> A	<input type="checkbox"/> D	Supervisor, Dept Head or Dean:
			Cabinet Member:

Please send completed forms to LSSC HR via e-mail (HR@lssc.edu) or campus mail.

Flexplace Agreement

Complete ONLY if requesting a Flexplace Arrangement

This location is: ☐ Employee's residence ☐ Off-site location

Location if not home address:

Terms of Agreement: The duties, responsibilities, and conditions of employment remain unchanged. The employee must comply with all college policies and procedures while working off-site. Salary and benefits remain unchanged and Workers Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Florida Workers Compensation law. The employee must report any such work-related injuries to his or her supervisor immediately. Lake-Sumter State College is not responsible for injuries or property damage unrelated to such work activities that might occur in the flexplace setting.

Overtime compensation (for non-exempt staff) and vacation and sick leave will continue to be based on hours paid during the flexplace arrangement according to current policy. Requests to work overtime, declare vacation or take other time off from work must be pre-approved in writing by the employee's supervisor. According to the terms of this agreement, the off-site work schedule is detailed below (For non-exempt staff, this must be in accordance with FLSA guidelines and should include meal breaks). If the employee needs to change his or her schedule, he or she agrees to obtain advance written approval from the supervisor.

Lake-Sumter State College will not reimburse the employee for the cost of off-site related expenses such as heat, water, electricity, and any insurance coverage not provided by the College. Personal tax implications related to the off-site workspace shall be the employee's responsibility.

The employee has responsibility for maintaining the security and confidentiality of College files, data and other information that are in the off-site work place.

Flexplace is not to be regarded as a substitute for ongoing child-care or eldercare. If applicable, the employee will attach a general description of care-giving arrangements that will be in effect during the flexplace work hours. If the employee needs to modify these arrangements, he/she will inform the supervisor and obtain the necessary approvals to continue the flexplace arrangement. The employee is expected to make regular visits to the on-site workplace to review work and progress with supervisors, and to meet with co-workers and customers on the following basis:

I have read and understand the above expectations relating to the flexplace arrangement. I understand that my failure to adhere to the expectations may have an adverse effect on my employment and may result in disciplinary action, including, but not limited to the immediate withdrawal of the opportunity to benefit from a flexplace arrangement.

Supervisor Signature

Date

Employee Signature

Date

Please send completed forms to LSSC HR via e-mail (HR@lssc.edu) or campus mail.