

## Flexible Work Arrangements FAQs

**Q: Are FLSA non-exempt employees eligible for flexible work arrangements?**

A: Yes. Note that when utilizing flexible schedules, regular schedules for employees who are subject to the Fair Labor Standards Act (“FLSA non-exempt”) must not exceed 40 hours per work week on a recurring basis.

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**Q: Can FLSA non-exempt employees work a compressed work schedule (eg.: 80 hours over a 2-week period).**

A: Typically, no. FLSA non-exempt employees cannot utilize a work schedule that generates overtime or compensatory time. However, a schedule that uses four 10-hour days that does not generate overtime but is compressed could be allowable if supported by the supervisor and the needs of the organizational unit.

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**Q: Are all employees allowed to have flexible work arrangements?**

A: The following employee categories are covered by Flexible Work Arrangement regulation, however, not all employee categories or positions may be eligible for flexible work arrangements:

- SAAO Tier I and Tier II employees;
- EHRA non-faculty employees;
- EHRA professional faculty in the Libraries;
- SHRA employees;
- Post-doctoral scholars and House Officers;
- Temporary employees; and
- Graduate and undergraduate student workers

**Flexible work arrangements may not be available in all organizational units or for all positions.** In addition, the nature of the employee’s duties and responsibilities must be conducive to a flexible work arrangement without causing disruption to performance and/or delivery of services.

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The following employees are not covered by this regulation:

- EHRA faculty;
- County-based NC Cooperative Extension employees; and
- Employees with a special temporary off-site assignment

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**Q: Can an employee's flexible work arrangement be revoked or altered?**

A: Participation in a flexible work arrangement is not an entitlement or right of the employee. Once established, a flexible work arrangement may be altered or revoked at any time. Reasons for changing or revoking flexible work arrangements can include, but are not limited to, changing business or operational needs, or unsatisfactory employee performance or conduct.

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**Q: If a supervisor denies an employee's remote work or flexible work arrangement, can the employee appeal that decision?**

A: The decision to approve participation in or revoke a flexible work arrangement is at management's discretion and is not subject to a grievance under any applicable University grievance procedure or the State Human Resources Act.

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**Q: How often should the flexible work arrangement be reviewed?**

A: Continuation of an ongoing, established flexible work arrangement will be reviewed annually by the manager and employee (e.g, in the employee's performance management planning meeting, at the end of the fiscal year, etc.) to assess the effectiveness of the flexible work arrangement. Flexible work arrangements can be reviewed on various intervals as deemed appropriate by the supervisor (such as but not limited to, 30 days, 60 days, 6 months, etc), but must be reviewed at least once annually.

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**Q: Can managers designate shared work spaces?**

A: Employees whose work schedule and duties and responsibilities make it conducive for the sharing of space may be assigned shared on-site work space or hoteling space (co-working space utilized by remote/teleworking employees) based on management's assessment of operational needs and necessary on-site workspace. The amount of time spent on-site shall be a key determinant in management's decision.

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**Q: Can I be required to work remotely or adjust my schedule?**

A: The Flexible Work Arrangements regulation is intended to align the scheduling options that meet operational needs to employees' individual interests. In some instances a business unit may direct the schedules of employees to meet business or operational needs.

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**Q: Is there a flexible work arrangement form or request that must be submitted?**

A: Yes. Colleges and divisions may have their own processes, but others may use the UHR [Flexible Work Arrangements Request Form](#) located on the UHR website related to [Flexible Work](#).

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**Q: If a flexible work arrangement is ending, do you have to modify the form or submit a new one?**

A: No form is currently needed to end or change a request.

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**Q: Who makes the decision on whether or not employees can have a flexible work arrangement?**

A: It is management's discretion to approve participation in or revoke a flexible work arrangement.

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**Q: Do you have to work in a job for a certain length of time before you are eligible for flexible work arrangements?**

A: There is currently no minimum employment period required before an employee can be considered for a flexible work arrangement.

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**Q: If employees were in a flexible working arrangement before October 1, 2021, when the policy was established, does it need to be formalized through the new policy?**

A: Unless your work unit already has a request form in use that will continue to be used or otherwise instructed by your college or division, then a flexible work arrangement request form

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should be completed for anyone interested in continuing an existing arrangement after October 1, 2021.

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**Q: Can employees take care of their children or elderly parents while working remotely?**

A: Employees with a flexible work arrangement must be able to perform their duties free of external obligations and unreasonable interruptions to the greatest extent practicable.

Employees who have an alternate work location are expected to perform their work during designated work hours, and, with the exception of normal breaks, must not engage in activities that are not work-related. NC State's policies, regulations, and rules covering overtime work, annual, and other leave requests continue to apply to employees using an alternate work location.

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**Q: What happens if an employee who is working a flexible work arrangement wants to return to their previous schedule or work location?**

A: The employee should request of their supervisor to end their current work arrangement with at least 30 calendar days notice, if possible.

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**Q: What happens if an employee with a flexible work arrangement transfers to another department?**

A: Work arrangements are based on the business need of the operational unit. A transferring employee should inquire about the availability of various flexible work arrangements with the new employing unit but should not expect to transfer their existing arrangement.

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**Q: As a flex worker, I'm concerned about losing connection with my co-workers. Any suggestions?**

A: Touch base with your co-workers often through multiple mediums (in-person when possible, telephone, zoom, google instant messages, etc.). Attend meetings in-person whenever possible and if working remotely, be visible on screen and encourage others to be visible as well. Make sure that everyone knows how to get in touch with you if they have an urgent matter. Keep your phones forwarded to a line that you can answer, and not to voicemail. Stay active on your work chat platform.

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**Q: What happens if a meeting, training session or important event is scheduled when I am supposed to be working remotely?**

A: It is important to remember that the work of the university and the department must not suffer as a result of employees using flexible work arrangements. There will be events or meetings that cannot be scheduled around your flexible schedule. The employee and supervisor would need to discuss and determine how it will be handled. In most cases, the employee may be expected to attend.

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**Q: I want to take a class, but don't want to have to take annual leave. Can this policy be used to accommodate that request?**

A: Provided the unit's business needs are met and the supervisor approves, you may be able to develop a flexible schedule, on a short term basis to meet this need.

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**Q: What do employees do if their flexible work arrangement isn't working out?**

A: The first step would be to talk with their supervisor. Both the employee and the supervisor should discuss the challenges to determine a resolution. Employees can request to end or change a flexible work arrangement. Supervisor can rescind or modify an arrangement.

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**Q: As a supervisor, how do you deal with the possibility that everyone is going to want to have Friday or Monday off?**

A: Decisions for approving or denying flexible work arrangements should be based on organizational needs, as well as the interests of the employee. Supervisors should consider coverage of core business hours and ways to rotate schedules equitably if possible.

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**Q: As a supervisor, may I require someone else to change their schedule to assist others who want a flexible schedule?**

A: While supervisors may change work schedules and arrangements to meet the needs of the department, requiring an employee to change a schedule for the express purpose of another employee is not advised. It may appear that you are favoring certain employees. Consult with your HR representative for additional guidance.

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**Q: What can supervisors do during peak times to ensure coverage?**

A: Many departments have peak times or seasons when employees are needed onsite during regular business hours. Supervisors can require that flexible work arrangements be suspended during these times.

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**Q: How will I know that employees working from home are productive? Can I require documentation to support an employee's performance? How do I provide feedback to someone who is not in the office?**

A: All employees will be expected to meet the same performance standards working remotely as are required when working onsite. Supervisors are expected to use the same performance review criteria that has been in place. The arrangement should detail how the employee's productivity and performance will be evaluated.

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**Q: Can a manager require that someone who is working remotely be onsite for meetings or other events?**

A: Yes. That discussion should be part of the original arrangement. A supervisor who finds it necessary to request a staff member working remotely to report to campus as needed for work-related meetings or other work-related events may require staff members to report onsite. Supervisors are encouraged to provide advanced notice when possible. A flexible work arrangement does not alter the responsibility or diminish the authority of supervisors to establish and adjust work schedules or work locations.

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**Q: Can someone who is working remotely also have flexible hours?**

A: Yes, if the arrangement meets the operational needs of the unit and is approved by the supervisor. The remote location arrangement should clearly define the hours the employee is expected to be available to others in the office and customers.

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**Q: How do flexible work arrangements affect the accrual rate for annual or sick leave?**

A: No adjustment is required as long as regular hours worked remains the same.

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**Q: What happens if there is an inclement weather schedule on my non-work day (if working compressed schedule)?**

A: You would not take leave for that time since you are not scheduled to work that day.

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**Q: Are supervisors eligible for flexible work arrangements?**

A: Yes. Supervisors should follow the same guidelines for flexible work arrangements.

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**Q: Can employees work from an alternate work location 100% of their time as part of their flexible work arrangement?**

A: A flexible work location typically involves an employee regularly working from an alternate work location such as the employee's home (or other off-site/satellite location) as part of a **“hybrid”** (combination of on-site and remote work), or fully remote flexible work arrangement (temporary periods only).

Note: This regulation does not address the process for requesting a permanent off-site work location for an employee (off campus duty station, including out-of-state work locations). That process requires a special and separate approval through NC State's University Human Resources Department and approval by the Associate Vice Chancellor for Human Resources (for staff) and the Executive Vice Chancellor and Provost (for faculty) or designee(s).

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**Q: If a staff member works from home and is required to come to campus for a meeting, can they count that as business travel and submit mileage reimbursement?**

A: No. A staff member working remotely from home may not submit an expense reimbursement for mileage if required to travel to the department's primary work location for meetings or other work-related events or needs.

Employees should not be paid for their travel time to/from campus. For example, if an FLSA non-exempt employee is working remotely and must report to campus at 10:00 am for a meeting, they should clock out for their travel time to and from campus.

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**Q: If the campus is under adverse weather conditions or some other emergency, are employees working remotely excused from work as well?**

A: If an employee is working remotely and the weather conditions have not affected your ability to work, then no leave would be needed. If the university closes, then the employee would not be expected to work. Employees should reference the [adverse weather conditions](#) and their mandatory/non-mandatory status.

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**Q: What happens if an employee is injured while working at an alternate location?**

A: The employee's alternate work location is an extension of the employee's NC State work location. Accordingly, workers' compensation liability may be, but is not necessarily, applicable for job-related injuries that occur in the course and scope of employment at the alternate work location. In cases where the home and alternate work location are the same, workers' compensation will not apply to non-job related injuries that might occur at the off-site alternate work location. Employees must immediately report any job-related injury occurring at an alternate work location to their supervisor. Failure to comply with workplace safety standards may impact workers compensation eligibility.

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**Q: How will employees working from an alternate location keep information and data safe?**

A: Employees using an alternate work location must protect the security, confidentiality, and integrity of university records and information at all times. Employees must comply with all information security requirements that would apply at their on-site work location. Sensitive information/data must not be processed or stored on a personal computer or device, but must be processed or stored on university-owned devices or systems and stored in approved, secure remote storage, accessed via secure network technologies.

In addition, employees utilizing an alternate work location must ensure that, while working, their work area is configured to minimize distraction and is able to be secured or isolated during virtual meetings or work that requires confidentiality or is otherwise sensitive in nature.

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**Q: What equipment and materials will be supplied for employees working from an alternate location?**

A: NC State will provide an employee using an alternate work location with necessary office supplies, equipment, and other services as the individual unit deems appropriate to perform the essential functions of the job.



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University-owned equipment used for work at an alternate work location remains the property of NC State and must be returned within five (5) business days of termination of any alternate work location arrangement (unless management, in its discretion, determines the employee still requires use of certain equipment to complete their job duties and responsibilities).

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**Q: How should employees working at alternate locations handle equipment malfunctions?**

A: For university-owned equipment: Work with your department and local IT services support team. For employee-owned equipment, employees are responsible for maintaining their personal equipment when working from home. The university is not responsible for damages to employee-owned equipment resulting from participation in the flexible work arrangement program. If the employee is unable to work remotely due to equipment failure, they are required to coordinate with their supervisor and make arrangements to work on site.

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