



## **Utica University FlexWork Policy**

### **Purpose**

The FlexWork Policy provides employees with greater flexibility and work/life balance while also meeting the objectives, productivity needs, and mission of Utica University. For the purposes of this policy, FlexWork is defined as a 5.5 hour reprieve from the standard workweek obligation of 37.5 hours per week; in essence, FlexWork reduces the workweek obligation to 32 hours per week. This policy will comply with all applicable federal and state laws, including but not limited to the Fair Labor Standards Act (FLSA).

### **Scope**

All full-time, benefits-eligible non-instructional exempt and non-exempt employees are covered by this policy.

### **Policy Guidelines**

Under this policy, all covered employees will be given the opportunity to work a reduced schedule that amounts to 32 hours per week versus 37.5 hours per week. In addition, the standard Utica University work day will now be 8:00 a.m. – 5:00 p.m. Supervisors will work with their teams to determine a schedule that not only covers the standard work day, but also affords each employee an additional 5.5 hours of “flex time.” While there could be some flexibility with start times, it will be at the supervisor’s discretion, with the department’s input, with a requirement that there is coverage from 8:00 a.m. - 5:00 p.m. Supervisors may also be flexible with lunch periods in order to create an equitable schedule; however, New York State law requires that there is at least a 30-minute meal period, generally between the hours of 11:00 a.m. and 2:00 p.m., for every 6 hours worked.

Employees are required to arrive at a work week that is paid based on 37.5 hours, between work hours and flex time, while maintaining coverage from 8:00 a.m. to 5:00 p.m. When employees take paid time off (vacation, sick, holiday, etc.), the hours will still total 37.5 for payment purposes, but could be a combination of work time, flex time, and other paid time off.

As an example, an employee may have the following schedule:

Monday	8.0 (work day)	-OR-	Monday	8.0 (work day)
Tuesday	8.0 (work day)		Tuesday	5.5 (flex day)
Wednesday	5.5 (flex day)		Wednesday	8.0 (vacation day)
Thursday	8.0 (work day)		Thursday	8.0 (work day)
Friday	8.0 <u>(work day)</u>		Friday	8.0 <u>(work day)</u>
TOTAL	37.5 hours pay		TOTAL	37.5 hours pay

Another way an employee could achieve the reduced schedule is to work all five days, but for a reduced number of hours each day (reduced by 5.5 hours total for the week). This is just another example of flexibility that could be afforded through this program provided it works for the department and meets productivity and service needs.

For employees who work in areas where work is more cyclical, the 5.5 hours of flex time for each week will be banked for use at a time when work flow affords the opportunity to take blocks of time off. To achieve this, every employee covered under this policy will receive a front-loaded bank of hours labeled “FlexTime” from which to draw this available extra time. The bank will not include hours for block out weeks. FlexTime is loaded into employee banks on June 1<sup>st</sup> of each year.

Please note that there is no payout provision for flex time, meaning balances are not paid out when a person leaves the University. Also, flex time will not roll over from one year to the next.

Employees working a FlexWork schedule will not receive any decrease to their current compensation due to the enactment of this policy. This means that an employee who works the required hours will receive their full salary or, if paid on an hourly basis, payment for 37.5 hours. Non-exempt (hourly) employees who work more than their scheduled hours will be paid for all hours worked. In accordance with New York State law, overtime will be in effect beyond 40 hours of work. In addition to maintaining the same level of pay, employees will also retain all paid time off benefits.

To ensure appropriate compensation and compliance with applicable law, all non-exempt employees must continue to record their time (including FlexTime hours and any paid time off – vacation, sick, etc.) in Banner on their timesheet. Exempt employees must complete a compensated absence report each month to record any non-worked time such as FlexTime, vacation, sick, holidays, etc.

This policy does not constitute a guarantee of a reduced work schedule in all weeks. Exempt employees are still required to work the number of hours needed to complete assigned tasks and possibly, additional hours as directed by their supervisor. However, supervisors are encouraged to implement work efficiencies and cross-coverage that will reduce those instances. In addition,

non-exempt employees could, from time to time, be required to work additional hours as directed by their supervisor. For example, if the department is experiencing an unexpected shortage in staffing and coverage, sufficient staffing will need to be maintained when offices are open and more help may be needed.

The University reserves the right to designate “block out” periods when maximum staffing is needed in multiple areas for times that are important to the student experience. During these periods, offices directly involved or that support the activities of those weeks will be unable to “flex” their additional time. Departments may also identify weeks when maximum staffing is needed and therefore the opportunity to flex is not available. For example, the Office of Human Resources may decide that the first week of August is an inopportune time to flex due to the onboarding of new faculty. Employees will still have that flex time in their banks to use at another time. It is important for employees to use that banked time as soon as possible.

On days that Utica University is closed (e.g. due to inclement weather, declared disaster, holidays, etc.), employees who are scheduled off because of a FlexWork arrangement will not receive additional paid time. For example, consider an employee who works 8 hours each day on Monday through Thursday, and then the University must close due to inclement weather on Friday, the employee’s scheduled day off. The employee will be paid their full salary or, if paid on an hourly basis, will receive pay for 37.5 hours. They will not receive any additional pay for the Friday closure.

Weeks in which a holiday falls (including any Winter Break period) are considered block out weeks since employees are not required to be at work on that holiday. In essence, employees will already have a reduced schedule during that week.

Example of a holiday week (office shifts will be adjusted for office coverage for the 8:00 am to 5:00 pm Utica University work day; unless directed otherwise by their supervisor, during holiday weeks employees may stagger shifts to work a 7.5 hour day, even if during a flex week the employee works more than a 7.5 hour day)

Monday	7.5 (Holiday)
Tuesday	7.5 (work day)
Wednesday	7.5 (work day)
Thursday	7.5 (work day)
Friday	7.5 ( <u>work day</u> )
TOTAL	37.5 hours pay

Utica University reserves the right to modify or discontinue this policy at any time. Employees who participate in the FlexWork program must also meet Utica University’s and the department supervisor’s requirements and expectations for performance and productivity. Any employee

who is not meeting those requirements and expectations will no longer be able to participate in the FlexWork program and will be placed on a different schedule as communicated by their supervisor.

Employees may direct any questions regarding this policy to their supervisor or to the Office of Human Resources at (315) 792-3276 or [hr@utica.edu](mailto:hr@utica.edu).