

Sample Flexible Work Program Guidelines

511 Contra Costa provides these free employer resources to assist businesses exploring flexible work options for their employees. Employers should review the legal, financial and personnel issues associated with Work-from-Home and flexible schedules with professionals equipped to understand their specific business needs.

It is the policy of [Company Name] "COMPANY" to provide a Flexible Work Program as an alternative to the traditional work location and/or work schedule. The program is designed to achieve increased productivity and effective use of staff work time, promote efficient use of resources, and assist in reducing traffic and air quality hazards.

"Work-from-Home", also known as telecommuting or telework, refers to a flexible work arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work one or more days a week, usually their home.

"Flexible Schedule" refers to a flexible work arrangement under which an employee continues to report to an approved worksite but shifts their work hours to arrive and depart outside of peak commute times or to reduce the number of days in a week they commute by compressing their work week.

Types of Work-from-Home

- Routine Work-from-Home occurs one or more days a week as part of an ongoing, regular schedule.
- Situational or informal Work-from-Home that is approved by the employee's supervisor on a case-by-case basis, where the hours worked were not part of a previously approved, ongoing and regular Work-from-Home schedule. Situational Work-from-Home would generally be used for Bay Area Spare the Air Days, cases of doctors' appointments, road hazards, inclement weather, sick family members, or emergencies. Situational Work-from-Home may also be occasionally used to allocate staff and resource efficiency, particularly for offsite meetings or appointments where Work-from-Home would increase staff efficiency.

Types of Flexible Schedules

- Offset schedules in which an employee reports to work before or after the normal weekday morning and evening commute times or includes a weekend day in their work schedule.
- Compressed schedules are any work schedules in which an employee works additional hours, fewer days a week, to decrease the number of days they work in a pay period. The most common schedules are a 4-10 schedule where employees work 4 10-hour days a week, eliminating two working days a pay period or a 9/80 schedule where employees eliminate one work day a pay period by working 80 hours over 9 days, usually as 8 9-hour days and one 8-hour day.

A. Applicability

Selected employees must have job duties appropriate for Work-from-Home or flexible work schedules. Certain positions may be ineligible for participation due to business necessities. COMPANY holds the final determination of an employee's position being appropriate for Work-from-Home or a flexible work schedule and if the employee meets eligibility standards.

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Eligible employees may combine a flexible schedule with Work-from-Home only if the needs of the business can still be met.

Work-from-Home and flexible work schedules are not employee rights but may be offered by the COMPANY based upon business needs. If at any time the COMPANY determines the work schedules and/or workweek periods offered must be changed, affected employees will be notified of the change at least [time interval] in advance of the change.

B. Work-from-Home and Flexible Schedule Eligibility

This policy shall be applicable to selected employees who meet specific work standards and the employees' job duties are appropriate for flexible work. Meeting one or more of the eligibility requirement does not guarantee approval. The COMPANY holds the final determination of an employee's position being appropriate for flexible work and if the employee meets the specific work standards. Minimum work standard eligibility requirements include, but are not limited to:

1. Regular status [full-time and/or part-time] employees who have worked at the COMPANY for at least [time interval];
2. Prior job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;
3. Employee is self-motivated and demonstrates high dependability;
4. Job duties and requirements allow the employee to be away from the COMPANY worksite for a period of time during the work week or to be present in the office outside of normal staffed hours;
5. Work-from-Home or a flexible schedule does not impede other employees or work groups from performing their job duties, impact the COMPANY's business needs, or diminish its operations;
6. Flexible work does not reduce service to internal or external customers; and
7. Supervisor is able to manage the employee remotely.

C. Participation Guidelines

1. Employee Wages and Benefits

The duties, obligations, responsibilities, and conditions of a COMPANY employee are not changed by a flexible work schedule. Employee's wage, retirement, benefits, and insurance coverage remain unchanged.

The Work-from-Home employee remains obligated to comply with all COMPANY rules, policies, practices, and instructions. Violations may result in preclusion from Work-from-Home and/or disciplinary action, up to and including termination of employment. The COMPANY's worker's compensation liability for job-related accidents will continue to apply during the employee's Work-from-Home hours.

Work hours, overtime compensation, and vacation schedule will conform to COMPANY policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by employee supervisor, except that, those terms may not violate the laws/provisions stated above. Hours of work can be arranged flexibly with the supervisor.

Employee will work at a designated location during hours agreed upon. Arrangements for flexible work schedules are subject to supervisor's approval.

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2. Performance Expectations

Expectations must be pre-established between flexible workers and supervisors regarding work assignment(s), productivity level, and productivity measurements to be used when employee is working from home or working outside of normal office hours. Timeliness, quality, and quantity of work must be maintained.

Attendance and punctuality that is observant of scheduled hours on a regular basis is an essential function of each classification and must be maintained during flexible hours, unless otherwise approved in advance.

Employee agrees not to engage in personal activities or in employment activities other than COMPANY assignments during Work-from-Home or flexible schedule hours.

3. Equipment and Data

Computer and office supplies needed by the Work-from-Home employee [will or will not] be provided by the COMPANY. If provided, use of COMPANY equipment and supplies is limited to authorized persons for purposes relating to work business. The employee is responsible for ensuring that equipment is used properly.

The COMPANY will be responsible for maintenance of and will replace or provide repairs to company-owned equipment that is not functioning properly. In the event there is a delay in repair or replacement of equipment such that it becomes impossible for an employee to work from home, the Work-from-Home arrangement may be altered or suspended.

The COMPANY [will or will not] assume or reimburse any costs associated with providing Wi-Fi/internet access to the home or for the payment of utilities or home maintenance costs at employee's home.

The Work-from-Home employee is expected to maintain the security and confidentiality of any documents taken from work to home and will protect and maintain the security of any data belonging to the COMPANY in whatever form the data occurs.

4. Remote Work Location

The employee will designate a workspace at home for use while working from home. This work area must be in a quiet area, free from disruption and maintained in a safe condition, free from hazards and other dangers to EMPLOYEE and to any COMPANY owned equipment that may be assigned. Any accident must be brought to the immediate attention of the supervisor.

As part of Work-from-Home responsibilities, the employee must ensure that ergonomic standards are met in the workspace.

Work-from-Home employees must work with their supervisor to develop a means to expediently receive and respond to communications from coworkers, supervisors, and customers.

Work-from-Home employees remain liable for injuries to third persons and/or members of their family or others on the premises of their home.

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D. Implementing a Work-from-Home or Flexible Work Schedule

Employees who would like to work from home or work a flexible schedule should contact their immediate supervisor for approval. The employee's supervisor will evaluate the employee's eligibility. If approved, a signed agreement between COMPANY and the employee must be in place before Work-from-Home or a flexible work schedule begins.

Situational or informal Work-from-Home may be approved by the employee's supervisor on a case-by-case basis without a signed agreement.