Flexible Work Arrangements Policy

Responsible Administrative Unit: Human Resources
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1.0 BACKGROUND AND PURPOSE

The Colorado School of Mines (“Mines”) is committed to promoting work-life balance, the ability to recruit and retain a more diverse workforce, enhancing productivity and efficiency and sustaining the services and support provided to its students, faculty, staff, alumni, partners and other members of the Mines community. As part of this commitment, Mines established this Flexible Work Arrangements (“FWA”) Policy and Procedures to support a strong, vibrant, productive and engaged workforce while meeting and exceeding the needs of the Mines community.

This Policy and Procedures define the different FWA options that may be available and the process for how an FWA is developed, considered for approval and implemented, if approved.

2.0 POLICY STATEMENT(S)

All FWAs must be approved in advance and such approval must ensure that service to Mines is met in a highly effective and efficient manner. See Exhibit 1 – Procedures for guidance on establishing an FWA.

Because of the wide range of responsibilities amongst Mines employees, any FWA that is implemented must balance the needs of Mines and the duties of the position.

All FWAs are subject to applicable employment laws, including, but not limited to, the Fair Labor Standards Act, Colorado Department of Labor requirements and the Colorado Workers’ Compensation Act.

3.0 RESPONSIBILITIES

Employees must work directly with their supervisor to discuss their FWA request and obtain their supervisor’s approval.

Supervisors are responsible for reviewing and recommending employee’s FWA requests to their Dean/Director/Department Head for approval or denial within 10 business days of receiving the request.
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Deans/Directors/Department Heads are responsible for reviewing and approving or denying the employee’s FWA request within 10 business days of receiving the request from the supervisor. Deans/Directors/Department Heads must also compile the FWAs for their area for overall review by their Provost/Vice President.

Provosts/Vice Presidents are responsible for reviewing the entirety of the FWAs for each area and ensuring the area operations continue to meet the needs of the Mines community while FWAs are in place.

For Remote Work arrangements that include employees residing outside of the State of Colorado, the Dean/Director/Department Head is required to work with and seek approval from HR regarding the out of state status and then making a recommendation to their Provost/Vice President. The Provost/Vice President is responsible for approving or denying any out of State Remote Work arrangement.

Supervisors are responsible for managing their employee’s agreed upon FWA agreement.

4.0 COMPLIANCE/ENFORCEMENT

Any employee operating under an FWA that has not been approved in advance may be subject to disciplinary actions up to and including termination of employment.

Failure to follow this Policy and Procedures for an approved FWA may result in termination of the FWA. Changes in FWA shall not be made without prior discussion and a revision to the agreement.

5.0 EXCLUSIONS/DISCLAIMER

This Policy and Procedures does not address health related or disability related working arrangements. Exclusions to this Policy and Procedures will be addressed by Human Resources in accordance with the Americans with Disabilities Act.

6.0 DEFINITIONS

Compressed Workweek(s) means an approved work schedule that is compressed by varying the length of the workday into fewer than five days. This arrangement may be offered seasonally, on an occasional short-term basis or if the work necessitates, to achieve workload efficiencies of the department.

Core Hours means a set time that Mines requires employees to be available. Mines operates 24 hours a day, seven days per week which necessitates varying Core Hours for employees depending on the nature of the work. Generally, for business hours, Core Hours are 8:00 a.m. to 5:00 p.m. Mountain Standard Time (MST), Monday through Friday, but will vary by department, position and sometimes the
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time of year depending on business necessity.

**Flexible Work Arrangement (FWA)** means an approved arrangement where an employee works an alternate schedule from the area’s Core Hours. FWA may refer to Remote Work, Flextime Schedules, and Compressed Workweeks.

**Flextime Schedule** means an arrangement that allows an employee to alter the starting and/or end time of her/his workday. Employees still work the same number of scheduled hours as they would under a traditional schedule.

**Remote Work** means an approved work schedule that allows employees to work part or all of their work hours from a location other than their regular work site.

7.0 **RESOURCES or ATTACHMENTS**

- Fair Labor Standards Act
- Colorado Department of Labor requirements
- Colorado Worker’s Compensation Act
- Mines Required IT Information Security Practices and Guidelines
- Flexible Work Arrangement Agreement

**KEY WORDS**
Flexible work arrangement, remote work, FWA, compressed workweek, flextime schedule.

8.0 **HISTORY AND REVIEW CYCLE**
The policy will be reviewed at least annually, or as needed by the Responsible Administrative Unit.

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EXHIBIT 1 - PROCEDURES

1.0 PROCEDURES PURPOSE

The purpose of these Procedures is to set forth the guidance for developing, approving and implementing FWAs.

Types of available FWAs:
- Compressed Workweek
- Flextime Schedules
- Remote Work

Objectives for FWAs:
- Retain and attract the right talent in the right positions at the right time.
- Intentional and thoughtful communication between supervisors and employees to maintain accountability and drive a positive work experience.
- Set expectations of service to Mines.
- Set clear expectations about employee work schedules and position responsibilities.
- Identify technology and resources staff need in their daily work in order to be successful.

2.0 PROCEDURES FOR ESTABLISHING FLEXIBLE WORK ARRANGEMENTS

2.1 Eligibility and Responsibilities.

A. In order to be considered eligible for an FWA, employee(s) must:
- Be satisfactorily meeting the expectations of their position as evidenced by a “Meets Expectations” or better rating on their most recent performance evaluation.
- Have been employed by Mines for a minimum of 3 months, unless approved on a case-by-case basis (typically identified during the hiring/promotional).
- Demonstrate that they can work independently and productively and provide regular/continual and as-requested reports on work activities.
- Maintain a weekly work schedule that equals the number of hours dictated by the employee’s FTE (1.0 FTE = 40 hours a week, excluding lunch) which align with the business needs and normal operating schedule of the department or area.
- More than satisfactorily meet Core Hours for the department or area.

B. In order to be considered eligible for Remote Work, employee(s) must:
- Meet the requirements listed in Section 2.1 (A) above.
- Have job duties that are portable and can be accomplished remotely, away from the physical locations of Mines.
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- Provide, or have access to, a physical work location including a laptop or personal computer (equal to or better than that available to the employee in the workplace) that the employee acknowledges may be used for official Mines business. This includes, but is not limited to, adequate internet connectivity, telephone access, supplies and physical workstation arrangements.
- Establish, at their own expense, an appropriate work environment within their alternate location for work purposes. This includes ensuring and maintaining a safe remote worksite.
- Have and maintain access to an alternative communication method, as selected with their supervisor (i.e., Email, Zoom, Microsoft Teams, etc.).

C. Employees that have been approved for FWA must report leave time in line with and consistent to Mines policy as it relates to the approved FWA. Overtime compensation (for non-exempt staff) and vacation or sick leave will continue to be based on hours paid during the FWA as per existing procedures. Requests to work overtime, declare vacation or take other time off from work must be pre-approved by the employee’s supervisor.

D. In addition to the requirements listed in Section 2.1 (C) above, employees that have been approved for Remote Work must:
- Attend all mandatory Mines, department and constituent meetings in person, which may include, but are not limited to, staff meetings and other key meetings, with the exception of employees that have an approved Remote Work arrangement due to their distance from campus (out of state).
- Cover, at their own expense, travel costs to/from campus including, but not limited to, airfare, hotel, and car rental. The number of expected annual trips to campus will be clarified each year with the supervisor in order to afford employees advance notice for travel plans.
- Adhere to Mines Required IT Information Security Practices and Guidelines. All Mines requirements with respect to maintaining computer security and updates must be met. Employees under Remote Work arrangements must take all precautions necessary to secure privileged and proprietary Mines information in their Remote Work location and prevent unauthorized access to any Mines system, consistent with the expectations of information asset security for employees working at any Mines location.

E. Mines responsibilities.
- Mines will provide a computer, software, required peripherals, a separate monitor, and standard office supplies as needed (pens, markers, files, etc.).
- Mines will not reimburse for:
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2.1 Incidental Costs.

- setup of Remote Work spaces, including, but not limited to, remodeling, furniture, lighting, or repairs/modifications to Remote Work office spaces;
- operating costs of any personal equipment, including, but not limited to, computers, personal devices, cellular phones (unless previously approved) or standard telephones;
- home maintenance of personal equipment; or
- any other incidental costs (e.g., utility provider costs, telephone costs or for any supply costs used in the home) associated with an employee’s Remote Work arrangement.

2.2 Request for Authorization.

A. Employees shall initiate the request for a FWA through a formal written proposal to their immediate supervisor detailing:
   - The proposed arrangement
   - How the proposed schedule will meet the requirements of their job description
   - The impact on the department and customer needs.
   - How the employee’s home or alternate work location is conducive to the FWA work arrangement.

B. Prior to approving an FWA, supervisors must confirm that the employee:
   - Has VPN established and functional.
   - Has adequate equipment and software to perform the work or has been issued a Mines laptop.
   - Will maintain accessibility with the department and customers including telephone, email, Zoom, Teams or other means during the agreed-upon work hours.
   - Has a designated workspace off-site that is safe and free of hazards and distractions.

2.3 Guidelines for a Supervisor When Evaluating FWAs. Each FWA request must be evaluated on a case-by-case basis. The evaluation includes a discussion between the supervisor and employee who is requesting the FWA. The following items should be discussed:
   - Operational needs and how the arrangement might impact Mines as a whole, department, students, employees, parents, partners and others in the Mines community;
   - The impact this arrangement might have on other staff members within the department and the stakeholders they engage with on a daily basis;
   - Ability for the department to maintain appropriate staffing during Core Hours or peak periods;
   - Past performance evaluations of the employee; and
   - Other considerations as necessary.
Other factors may be considered with respect to FWAs:

- Defining what work can be done off-site versus what work must be done on-site;
- How does the supervisor plan on measuring the productivity of the employee;
- Whether the FWA will affect the standard of service for that department and Mines as a whole;
- How might the FWA affect team initiatives, cross-training, and any other team related activity.
- Whether the employee has demonstrated time-management skills and has shown success working independently;
- Ensuring multiple and effective communication pathways between employee and supervisor;
- Defining the expectations on the availability of the employee throughout the workday;
- The employee’s arrangements for formal childcare, or other care, to be maintained during working hours. The employee will not provide primary childcare, or other care, during work hours; and
- Other business factors as necessary.

2.4 Flexible Work Arrangement Approvals or Denials. If the supervisor deems an FWA to be appropriate, they must seek approval from their respective Dean/Director/Department Head. If approved by the Dean/Director/Department Head, they will then seek final approval from the area Vice President or Provost noting any other FWAs in the department and the impact of the current FWA request.

Approval or denial of the FWA will be communicated in writing to the requesting employee by their supervisor. If the request is denied, a brief explanation for the denial will be included in the communication. Reasons for denial may include, but are not limited to:

- Employee does not meet eligibility requirements
- Burden of additional costs
- Detrimental effect on aggregate employee morale (unrelated to discrimination or other unlawful employment practices)
- Detrimental effect on the ability of the department to meet customer demand
- Inability to reorganize work among existing staff
- Detrimental impact on business quality or business performance
- Planned structural changes to business

If the employee and supervisor agree to a Remote Work arrangement, they must complete the appropriate Flexible Work Arrangement Form. Agreements shall be time-specific with a date for review and reconsideration. Modifications and/or renewals must be appropriately documented. The original form must be maintained by Human Resources in the employee’s personnel file, with copies for the employee and supervisor.
2.5 **Remote Work From Outside of Colorado.** In certain circumstances and in Mines best interest, there may be reasons for an employee’s workplace to be located outside of Colorado. Because of potential issues raised (such as worker’s compensation, timekeeping, travel reimbursement, job duties, employment laws, unemployment insurance, tax, payroll, and state registration issues), it is essential for such arrangements to be carefully considered and approved in advance by the department’s Provost/Vice President and Human Resources. The decision must be coordinated with leadership, Payroll and Human Resources before a Provost/Vice President approves. Cost of living adjustments will be made to pay for individuals residing outside of the Mines benchmark pay ranges set within the context of Denver, Colorado. The unit/department reserves the right to immediately suspend any approved out-of-state arrangement in case of unanticipated circumstances regarding employee performance or operational needs.

**A. Classified Employees.**

The Colorado Constitution requires that state employees reside in Colorado. Work outside of the State of Colorado should only be on a temporary (no more than six months and only as the position allows) basis for classified employees.

A classified employee must, at a minimum, meet the following requirements before an outside of Colorado Remote Work request is considered:

- The employee maintains their permanent residence in Colorado, as defined by IRS guidelines for principal home (residence); and
- The employee confirms in writing the temporary nature of their request to work remotely outside of Colorado.

**B. Administrative/Athletics/Research Faculty.**

Administrative/Athletics/Research faculty may be allowed to reside outside of Colorado if an appropriate Remote Work arrangement is approved.

**C. When considering an out-of-state arrangement the following procedures should be followed:**

1. The Dean/Director/Department Head identifying the potential need for an employee to work outside Colorado contacts Human Resources.
2. Dean/Director/Department Head works with Human Resources to gather all necessary information, including state involved, precise location(s) of workplace, nature of work to be performed (job title/description), exempt or non-exempt status etc.
3. Human Resources contacts the Office of Risk Management to obtain assessment and advice regarding worker’s compensation and other insurance and potential liability issues.
4. Human Resources contacts the Controller’s Office and shares to obtain assessment and advice regarding tax, payroll, unemployment insurance, state registration issues, etc.

5. If necessary, Human Resources, Risk Management and the Controller will discuss the details and request with the Office of General Counsel.

6. If the preliminary determination is made that such an arrangement is manageable, the Dean/Director/Department Head, in conjunction with, Human Resources presents the complete information to the department’s Provost/Vice President. The Provost/Vice President considers all the information submitted and makes a determination of whether or not there are sound reasons for the proposed arrangement and it is in the best interests of Mines.

7. If the Provost/Vice President determines that there are sound reasons for the proposed arrangement and it is in the best interests of Mines, the Dean/Director/Department Head reviews and obtains the employee’s and Provost’s/Vice President’s signatures on the Flexible Work Arrangement Agreement.

2.6 Modifying or Terminating the FWA. Once approved, the FWA may only be changed if the supervisor and employee meet and discuss the necessary changes, and have them approved by the Dean/Director/Department Head.

Before terminating an FWA, supervisors may consult with Human Resources regarding the reasons prior to discussions with employee. The supervisor may terminate the FWA, in their sole discretion, should they feel that the arrangement no longer meets the departments needs or if the performance of the employee is not meeting the supervisor’s expectations.

The supervisor should provide 30 days’ notice of termination of an FWA to the employee so the employee can make the necessary arrangements to report back to the office.

2.7 Mines Equipment/Property. Employee’s use of equipment, software, and all other resources provided by Mines is limited to the purposes of Remote Work and is not intended for the employee’s personal use. The decision to remove or discontinue use of the resources available for use during Remote Work rests entirely with Mines. Mines reserves the right to exchange or retrieve Mines-owned property with reasonable advance notice.

In the event that the employee ceases employment with Mines, or the Remote Work arrangement is discontinued for any reason, the employee must return all Mines property within 48 hours.

2.8 Space. If an employee is in the office for three full eight-hour days or more, then the employee is eligible for a dedicated work space on campus. If an employee’s approved Remote Work arrangement represents that the employee is in the
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office for less than three full eight-hour days then the employee is not eligible for a dedicated work space and will work in a hoteling or hot-desking manner when on campus.

2.9 Stipend and Reimbursement. Stipends may be provided to employees with an approved Remote Work arrangement to facilitate their working situation. An employee will receive a one-time $300 stipend to purchase office supply items to support their work.

2.10 Insurance. Mines employees working in a FWA are covered by Mines General Liability and Worker’s Compensation insurance while they are acting in their course and scope of employment for Mines. Reports of injuries will be handled in the same manner as reports of injuries at the primary worksite.

Property/equipment that is purchased using Mines funds belongs to Mines. Mines property insurance coverage applies to Mines owned property/equipment. All employees are responsible for safeguarding Mines property/equipment to prevent it from damage or loss. Any damage or loss to Mines property/equipment caused by willful action or negligence by the employee may be the responsibility of the employee.

If Mines property/equipment is being shipped to a Remote Work location an agreement with the party shipping the property/equipment must be entered into clearly setting forth each parties’ responsibilities regarding risk of loss and insurance coverage.

Any property/equipment that is owned by an employee is the responsibility of the individual employee, regardless of whether such property/equipment is used in the completion of work for Mines.