

## Flexible Work Schedules

<b>Objective:</b>	To allow flexibility in the days and/or hours worked, provided there will be no adverse effect on County operations.	<b>Policy/Procedure Number:</b>	03-22
<b>Reference:</b> <i>(All applicable federal, state, and local laws)</i>	U.S. Department of Labor, Fair Labor Standards Act (FLSA); Tompkins County Collective Bargaining Agreements; NYS Civil Service Law; NYS Workers Compensation Law	<b>Effective Date:</b>	July 7, 2020
<b>Legislative Policy Statement:</b>	Tompkins County recognizes that our diverse work force may, at times, have needs that require creative approaches to helping employees balance work and life demands. This policy is provided as a tool to use in recruitment and retention of a diverse and talented workforce, ensure we meet our commitments to the public we serve, increase workplace flexibility and coverage, improve morale and productivity among employees. The County encourages management to consider non-traditional work arrangements that will enable employees to balance work and life demands while maintaining or enhancing the department's ability to meet and/or exceed expectations.	<b>Responsible Department:</b>	Human Resources
		<b>Modified Date (s):</b>	June 7, 2022
		<b>Resolution No.:</b>	2020-118; 2022-106
		<b>Next Scheduled Review:</b>	June 2027
<b>General Information:</b>	A flexible work schedule (flexible work hours, compressed work week, or reduced work hours) is one of many alternative work arrangements (AWA) between an employee and their supervisor which can be productive for both partners and the department. A flexible work schedule is not always appropriate for all employees, departments, or positions. No employee is entitled to or guaranteed the opportunity for a flexible work schedule. Flexible work schedules are based on the discretion of the employee's Department Head or their designee. All schedule agreements must meet the criteria within this policy.		

**I. Definitions:** **Alternative Work Arrangement (AWA)** - Work structures that alter the time and/or place that work gets done on a regular basis. This may include flexibility in the place of work such as working from home or in the scheduling of hours worked, such as flexible work hours or compressed work weeks.

**Compressed Work Week** - Allows employees to work full-time hours in fewer than five (5) days per week. (e.g., A full-time 40 hour per week schedule is accomplished by working four 10-hour days).

**Flexible Work Hours** - Schedules that begin and end work at non-standard times within set parameters which include core work hours and flexible work hours. For example, an employee who works 40 hours per week may be able to adjust arrival and departure times that differ from department norms, working 7a.m.-3:30p.m. instead of 8:30a.m.-5p.m.

**Reduced Work Hours** - A temporary reduction of work hours for full-time employees, not less than 35 hours per week.

**Traditional Work Schedule** - A full-time work week involving a standard schedule of five 8-hour days. These schedules begin and end during the departments core business hours of operation. (e.g., working 8:00a.m. - 4:30p.m.)

## **II. Policy:**

- A.** Department Heads or their designee reserve the right to implement flexible work schedules, where appropriate for *eligible* employees in recognition of the positive personal and business impacts of such arrangements, for reasons including increased workplace flexibility and the possibility of offering a greater number of office hours or department coverage. Written documentation of such arrangements must be provided to the Department of Human Resources for placement in the employee's personnel file..
- B.** An employee's participation in a flexible schedule is strictly voluntary. It is prohibited for an employee to be forced into such arrangements. Flexible work schedules may be terminated at any time by either the employee or by their Department Head or designee in accordance with *Section III.F* of this policy.
- C.** Every request for a flexible work schedule will be evaluated on a case-by-case basis based on the needs of the employee and of the department in which they work.
- D.** Duties, obligations, and responsibilities of an employee are the same with a flexible work schedule as when working a traditional work schedule. These arrangements do not change the basic terms and conditions of the employee's employment.
- E.** Routine reviews to evaluate the success of flexible work schedules and employee work performance shall be completed by Department Heads or their designee as required to ensure such schedule arrangements continue to be productive and meet the current needs of the department. Department Heads or their designee retain discretion to modify or terminate these arrangements should they prove counterproductive.
- F.** Employees engaged in a flexible work schedule will continue to accrue applicable fringe benefits (vacation, personal, sick, holiday, compensatory, disability) at the same rate as an employee who is not engaged in a flexible schedule arrangement. An employee's salary, retirement, benefits, development and training opportunities will remain as if they were working without special arrangements.
- G.** There shall be no additional pay for working flexible work schedules as opposed to working a traditional work schedule.
- H.** This policy applies to requests for work schedule requests of two (2) weeks or more. Short-term requests within departments shall be handled on a case-by-case basis.

## **III. Procedure:**

### **A. Eligibility**

1. An employee must be performing currently at an overall satisfactory level or above in their current position.
2. Employees who have received formal disciplinary action within one (1) year from the proposed flexible schedule arrangement start date may be deemed ineligible. Ineligibility shall be at the discretion of the Department Head or designee. Such ineligibility shall be dependent upon the offense that resulted in disciplinary action.
3. An employee's department and an employee's position allow for a portion of daily tasks to be performed successfully out of core business hours without an adverse effect on department operations or other co-worker's schedules, duties, and/or responsibilities.
4. Employees must meet characteristic standards which include a demonstrated conscientiousness about work time and productivity, self-motivation, self-discipline, and communicate effectively with supervisors, co-workers, support staff, customers and/or clients.

5. Flexible work schedules are not transferrable to other employees, positions or departments. An employee must submit a new request if their position changes if they wish to continue to have a flexible schedule.

## **B. Requesting Arrangements**

1. Employees wishing to request a flexible work schedule shall submit a *Request for a Flexible Work Schedule (Appendix A)* form to their Department Head or designee.
2. After the *Request for a Flexible Work Schedule* form has been submitted, the Department Head or designee will review the request and make a determination of approval or denial within ten (10) business days of receiving the employee's request.
3. Department Heads or their designee may also ask employees to volunteer to work a flexible work schedule if the Department Head believes there is a need, and the department would benefit from such arrangements.

## **C. Approval of Arrangements**

1. Approval for employee requests must be provided in writing within ten (10) business days of receiving the request. A written notice approving the request must be provided to the requesting employee, which shall include next steps for developing a flexible Work Schedule Agreement. Such arrangements are valid for up to a maximum of six (6) months.
2. Employee shall work with the approving Department Head/Designee to formulate an agreement and complete the following:
  - a. *Flexible Work Schedule Agreement (Appendix B)*, to include:
    - i. Start date and if applicable, end date of agreement;
    - ii. The days/hours the employee will be on work status;
    - iii. Designated times for break and meal periods;
    - iv. Work performance evaluation schedule;
    - v. Employee signature and
    - vi. Department Head or designee signature.
3. An employee's collective bargaining agreement should be reviewed for specific provisions regarding work schedules, if applicable, prior to approval.
4. The Department of Human Resources should be consulted for any flexible work arrangement that results in reduced hours worked as this may affect an employee's benefits and eligibility.

## **D. Denial of Arrangements**

1. Denial for employee requests must be provided in writing within ten (10) business days of receiving the request. A written notice denying the request must be provided to the requesting employee, which shall include the reason for the determination. A request may be denied based on business reasons.
2. An employee who feels their request was inappropriately denied may submit an appeal to the Commissioner of Human Resources or designee, who will consult with the Department Head and review the decision. After such review, the Department Head will make a final decision whether to approve or deny the request. The final decision may

not be contested further with the County.

#### **E. Implementation**

1. Once a flexible work schedule has been agreed upon, implementation of the arrangements should commence within thirty (30) calendar days of the signed agreement.
2. Any changes to the written *Flexible Work Schedule Agreement* must be mutually agreed upon, documented in writing, and signed by the employee and applicable Department Head or their designee. Periodic adjustments to arrangements may be necessary to achieve an optimal schedule which suits the needs of the employee, the department, and the County.
3. Flexible schedule arrangements must be reviewed and flex work performance evaluations must be completed on a schedule at the discretion of the Department Head or designee. Written reviews and flexible work schedule evaluations must occur, at minimum, once within the first three (3) months of the flexible work arrangement. More frequent review and evaluation schedules are at the discretion of the Department Head or designee.

#### **F. Termination of Arrangement**

1. Flexible work schedule arrangements may be modified, adjusted, suspended, or terminated by the Department Head/Designee or at the request of the employee by providing a written notice a minimum of ten (10) business prior to the change.
2. Participation in a flexible work schedule arrangement may be terminated when the employee no longer meets the eligibility criteria. Reasons for termination may include, but are not limited to the following:
  - a. Changes in employee's and/or department's needs;
  - b. Performance falls below the satisfactory level;
  - c. Service is adversely affected;
  - d. Undue burden on co-workers or other County departments;
  - e. Negative impact on the public we serve;
  - f. Conduct or other performance concerns;
  - g. Business needs dictate a need for termination;
  - h. Other requirements of the flexible work schedule arrangement are not fulfilled;  
or
  - i. Other reasons at the discretion of the Department Head.
3. Thirty (30) calendar days prior to the expiration of an existing flexible work schedule agreement, the employee has the option to request a renewal of their existing arrangement by filling out a new *Request for a Flexible Work Schedule* form. This process allows the Department Head or designee and employee to evaluate and adjust the arrangement to meet their workload needs. If terms or details of an arrangement are modified during the renewal process, an updated *Flexible Work Schedule Agreement* will be needed.

#### **G. Responsibilities**

1. Employees shall:

- a. Initiate a written request to their Department Head or designee if they are interested in a flexible work schedule.
  - b. Ensure that a high level of public service and work production is maintained, and abuses of this policy do not occur, including but not limited to maintaining accurate time records to support and substantiate work hours in accordance with normal County and/or department procedures.
  - c. Get advance written authorization for any hours worked outside of or beyond their normal work schedule. Failure to comply with this requirement can result in the immediate cessation of the flexible work schedule.
  - d. Notify their immediate Supervisor if unable to work on a scheduled day, according to normal established departmental procedures. Personal, sick, vacation, holiday, compensatory, or disability leave time scheduled during a scheduled workday must be arranged following departmental procedure for requesting time off.
  - e. Participate in work performance evaluations as necessary.
  - f. Recognize that they may be required to work outside of their agreed upon flexible schedule at times to attend important meetings, participate in training sessions, or due to increased department needs per the request of their Department Head or designee. The operational needs of the County take precedence over flexible work arrangements.
  - g. Failure to meet employee responsibilities may be cause for termination of the arrangement or for disciplinary action up to and including termination of employment, in accordance with relevant provisions of the NYS Civil Service Law and applicable collective bargaining agreements.
2. Department Heads and/or Supervisors shall:
- a. Assess the impact of flexible work schedules on the functions of the department and consider work schedules or patterns that would maintain or enhance service quality.
  - a. Ensure that a high level of work production is maintained, and that abuses of this policy do not occur.
  - b. Review, approve, and/or deny employee requests for a flexible work schedule within ten (10) business days of receiving the request. A written notice granting or denying the request must be provided to the requesting employee and the Department of Human Resources, which shall include the reason for the determination.
  - c. Provide written notice for termination of agreements to employees within ten (10) business days, where practical.
  - d. Communicate to the employee performance expectations and monitor accomplishment of those expectations through work performance evaluations as required.
  - e. Attempt to give reasonable notice when special meetings, trainings, or a different work schedule are necessary. A minimum of 24-hour notice is recommended.

- f. Ensure that an employee's flexible work schedule does not burden their department, other County departments, or other County staff.
- g. If necessary, notify and discuss arrangements in advance with the Facilities department if it is determined that the employee work arrangements fall outside of normal department operating hours, if additional assistance from Facilities may be needed (i.e., key fobs), or if the work arrangements have the potential to impact the work of the Facilities department.
- h. Maintain an official record of all flexible work schedules and provide copies of such records to the Department of Human Resources for placement in employee's personnel file. These records shall include the following:
  - Requests for a Flexible Work Schedules;
  - Flexible Work Schedule Agreement; and
  - Formal written evaluations (Provide copies to HR).

Appendix A



**Tompkins County Department of Human Resources**

125 East Court Street, Ithaca, NY 14850 | P: (607) 274-5526 | F: (607) 274-5401 | www.TompkinsCountyNY.gov  
*Inclusion through Diversity*

**REQUEST FOR A FLEXIBLE WORK SCHEDULE**

(Submit to Department Head or Supervisor)

Employees interested in Flexible Work Schedule arrangements must complete this form and present the document to their Department Head/Supervisor for review. Completion of this form is not a guarantee that flexible work schedule arrangements will be approved.

Employee Name: \_\_\_\_\_ Phone (home/work): \_\_\_\_\_

Department: \_\_\_\_\_ Position Title: \_\_\_\_\_

Department Head: \_\_\_\_\_ Date of Request: \_\_\_\_\_

1. Please state your reason for the need of a flexible work schedule.

\_\_\_\_\_  
 \_\_\_\_\_

2. Please describe how you will meet you job responsibilities during your proposed flexible work schedule.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Type of Flexible Work Schedule Requested:

Flexible Work Hours     Compressed Work Week     Reduced Work Hours

4. Proposed Start Date:

\_\_\_\_\_

5. Proposed Flexible Work Schedule:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours							
Meal Period*							

\* Must include a ½ hour unpaid meal period for any employee who works a shift of more than 6 hours per NYS Department of Labor.

**Employee:**

I have discussed the request for a flexible work schedule with my supervisor and understand that this request does not constitute a formal agreement or guarantee that I will be approved for a flexible schedule. I have read the *Tompkins County Administrative Policy: Flexible Work Schedules (03-22)* and understand that flexible schedules are not an entitlement and that it may not be appropriate for every employee, department, and/or position.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Department Head/Supervisor:**

I have discussed the option of a flexible work schedule with the above-named employee. Based on the review of the position/job responsibilities, performance in their current position, and needs of the department, I have determined that the employee:

- is eligible
- is not eligible

for a flexible work schedule and I have informed the employee of the next steps and outcome of this process.

Department Head/Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>For Human Resources Use Only</b>	
Date Received: _____	Received by: _____



Appendix B



Tompkins County Department of Human Resources

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FLEXIBLE WORK SCHEDULE AGREEMENT

(Department Heads: Submit copy to the Department of Human Resources)

Employee Name: \_\_\_\_\_ Phone (home/work): \_\_\_\_\_

Department: \_\_\_\_\_ Position Title: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

A flexible work schedule arrangement ("alternative work arrangement") is hereby established between Tompkins County and the above-mentioned employee. The purpose of this agreement is to clarify the terms and conditions under which the employee will be allowed to participate in this work arrangement as described below.

1. Flexible Work Schedule Type:

- Flexible Work Hours  Compressed Work Week  Reduced Work Hours

2. Flexible Work Schedule:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours							
Meal Period*							

\* Must include a 1/2 hour unpaid meal period for any employee who works a shift of more than 6 hours per NYS Department of Labor.

3. Work Performance Evaluation Schedule: \_\_\_\_\_

It is expressly understood and agreed that this work arrangement does not create or define the terms of any contract of employment, whether expressed or implied.

Terms of Arrangement: This flexible schedule arrangement shall be evaluated on a schedule at the discretion of the Department Head or designee. Written reviews and evaluations must occur, at minimum, once within the first three (3) months of the flex work arrangement and then once per calendar year thereafter for the duration of the arrangement, with the exception of reduced work hour arrangements. Reduced work hours must be reviewed and

evaluated every ninety (90) days for the duration of the arrangement. Evaluation schedules are at the discretion of the Department Head or designee. The employee understands that this is a voluntary arrangement and can be terminated at any time by either party.

This agreement is subject to the employee satisfying the following conditions on a continuing basis:

- Employee obligations, duties, responsibilities, and terms and conditions of employment are unchanged.
- The employee shall perform all job duties at a satisfactory performance level or above.
- The employee must comply with all County and departmental policies and procedures while working a flexible schedule.
- The employee will abide by the Flexible Work Schedules policy and all provisions within that policy.
- The employee will maintain the agreed-upon work schedule.
- The employee will participate in routine work performance evaluations as required.
- Any non-compliance with these terms by the employee may result in modification or termination of the telework arrangement at any time.

**Hours of Work and Compensation:** The employee agrees to be responsible for maintaining the agreed upon hours of work and is required to keep a detailed record of hours worked (as well as verification as applicable), and to enter hours worked into the County timekeeping system as instructed. Employee pay rates and accrual of leave time benefits remain unchanged and in accordance with the terms of this agreement the employee will be compensated for all hours during which work is performed. Employees must get advance authorization for any hours worked outside of or beyond their normal work schedule. Employees are required to take rest and meal breaks per NYS Labor Laws and applicable collective bargaining agreements.

**Agreement Acknowledgment:** I have read and understand this agreement and all its provisions. Furthermore, I have read and understand *Tompkins County Administrative Policy 03-22: Flexible Work Schedules*. By signing below, I agree to be bound by all terms and conditions within this agreement and the County policy. I understand it is my responsibility to make the flexible work schedule arrangement a success. And that failure to adhere to the provisions set forth may have adverse effects on my employment, and may result in disciplinary action, including but not limited to immediate termination of the opportunity to participate in the flexible work schedule arrangement.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department  
Head/Supervisor  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Human Resources Use Only	
Date Received: _____	Received by: _____