

REMOTE- FLEXIBLE WORK

Policy Background

<u>Responsible Position for Policy:</u>	General Counsel; Vice President for Finance and Administration Chief Human Resources Officer
<u>Office/Department Responsible for Policy:</u>	Human Resources
<u>Division Responsible for Policy:</u>	Finance and Administration
<u>Scope of Policy:</u>	Institutional
<u>Original Issue Date:</u>	07/2021
<u>Last Revision Date:</u>	08/2021; 09/2021; 10/2021; 01/2022
<u>Log of Previous Revisions:</u>	na

(I) Policy Purpose

To provide direction and guidance for faculty and staff regarding remote-flexible work in select positions within the institution.

(II) Policy Statement

As a selective residential education institution, the College prioritizes the accessibility and visibility of its faculty and staff for those they serve on and off campus. In some limited instances, remote-work can support the overall mission of the College. Remote-flexible work allows employees to work at home, on the road or in a satellite location. Oberlin College considers remote-flexible to be a viable, work option when both the employee and the job are suited to such an arrangement, while still meeting the needs of the institution. This arrangement is appropriate only for some institutional positions. Remote-flexible work is not an entitlement, it is not an institutional benefit, and it in no way changes the terms and conditions of employment with the College.

(III) Eligibility

Positions that may be considered for remote-flexible work must meet a broad criterion. The positions that require independent work and infrequent on-campus interaction are best suited for remote work. Remote work arrangements are at the discretion of division heads or their designees.

Remote-flexible arrangements must not impede the normal operations or service of a department or office. Fundamentally, any position designated to work remotely must still function effectively and efficiently to meet the needs of students, faculty, staff and visitors. Employees in eligible positions must remain available to work on campus as operational needs arise.

(A) Current positions. Positions that currently exist on campus, with or without existing incumbents, may be evaluated for the possibility of remote-flexible work.

Any existing positions with incumbents that had previously been designated as on-campus roles being considered for remote-flexible work will be initiated on a trial basis for three months and the College may discontinue the arrangement at-will and at any time. Every effort will be made to provide 30 days' notice of such change to accommodate issues that may arise from the termination of a remote-flexible arrangement. There may be instances, however, when no notice is possible.

(1) To be considered, positions must meet the following criteria:

- (a)** Non-forward facing to students. These positions do not regularly serve students in an in-person way on campus. If they do, they may not be considered for a remote-flexible work schedule, except in only rare instances that best serve the college.
- (b)** Non-forward facing to employees. These positions do not regularly serve employees on campus in an in-person way. If they do, they may not be considered for a remote-flexible work schedule, except in only rare instances that best serve the college.
- (c)** Positions that do not need to have a campus presence for the effective and efficient operation of their department. For purposes of meeting the needs of an office, department or division, these positions do not need to be on campus and the lack of their presence does not impact or impede effective and efficient operations.
- (d)** Positions must have duties that can be performed remotely in an effective and efficient manner. Positions related to campus facilities operations, maintenance, and/or transportation will not be eligible for remote work. Positions requiring technical work will only be considered if remote computer access can be facilitated.
- (e)** Positions must be exempt. Positions cannot be eligible for overtime consistent with the Fair Labor Standards Act (FLSA).
- (f)** Employees must not be in current instructional positions to be eligible.

- (g) International (i.e. outside of the United States) work is not considered under this policy.
 - (i) The College will designate some positions that require work outside of the United States, but these will not be considered "remote work" for the purposes of this policy.
 - (2) On occasion, the College may designate positions for remote-flexible work for certain short-term instances due to disruption of normal operations related to construction, facilities maintenance or repairs, or adverse weather.
- (B) New positions.** Positions that are without existing incumbents may be evaluated for the possibility of remote-flexible work.
- (1) To be considered the following criteria must be met:
 - (a) Non-forward facing to students. These positions do not regularly serve students in an in-person way on campus. If they do, they may not be considered for a remote-flexible work schedule, except in only rare instances that best serve the college.
 - (b) Non-forward facing to employees. These positions do not regularly serve employees on campus in an in-person way. If they do, they may not be considered for a remote-flexible work schedule, except in only rare instances that best serve the college.
 - (c) Positions that do not need to have a campus presence for the effective and efficient operation of their department. For purposes of meeting the needs of an office, department or division, these positions do not need to be on campus and the lack of their presence does not impact or impede effective and efficient operations.
 - (d) Positions must have duties that can be performed remotely in an effective and efficient manner. Positions related to campus facilities operations, maintenance, and/or transportation will not be eligible for remote work. Positions requiring technical work will only be considered if remote computer access can be facilitated.
 - (e) Positions must be exempt. Positions cannot be eligible for overtime consistent with the Fair Labor Standards Act (FLSA).
 - (f) Newly created instructional positions may be eligible.

(g) International (i.e. outside of the United States) work is not considered under this policy.

(i) The College will designate some positions that require work outside of the United States, but these will not be considered "remote work" for the purposes of this policy.

(C) **Designation process.** Not all positions will be eligible for remote-flexible work arrangements. The process for reviewing existing positions with incumbents, and those new positions that may not yet be created, is similar. Each will undergo a review that ultimately ensures that positions meet the thresholds of the eligibility sections of this policy.

(1) Employees are not granted the ability to request a remote-flexible work schedule under the guidelines and eligibility of this policy

(2) Employees seeking medically-related remote-flexible work, should follow the college's Americans with Disabilities Act (ADA) intake process and request a review by the Department of Human Resources.

(3) Reviews of position-eligibility will be conducted by the Department of Human Resources and the appropriate senior staff member.

(4) Final approval must be sought from the Vice President for Finance and Administration; Dean of Arts & Science; Dean of the Conservatory; and/or appropriate divisional leader.

(IV) **Requirements.**

Employees working remotely are subject to all College policies and procedures, regardless of work location.

(A) The following provisions must be adhered to:

(1) Productive work is expected of remote workers during scheduled hours and this time is not to be considered a substitute for childcare or other dependent care;

(2) Acceptable attendance requirements and tracking methods must be utilized;

(3) Expectations regarding communication, deliverables and measuring productivity must be established with your supervisor;

(4) The appropriate use of necessary equipment and supplies, including electronic hardware, software, and devices must be determined;

- (5) Great care must be taken to ensure security of all institutional documents, reports, records and equipment;
- (6) New funds will not be added to accommodate remote work, whether through additional hours, through the purchase of new equipment by the College or travel to campus from a remote location;
- (7) Employees may be required to work on campus based on the demands of the office at times normally scheduled for remote work;
- (8) Annual review (at minimum) of the remote work arrangement in addition to the initial 3-month review.

(B) Tax and other legal implications

- (1) The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a remote, off-campus location.
- (2) Responsibility for fulfilling all obligations in this area rests solely with the employee.

(C) Equipment

- (1) Equipment supplied to the employee will remain College property. Equipment supplied by the employee will be property of and maintained by the employee.
 - (a) On a case-by-case basis, the College will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources Department and CIT will serve as resources in this matter.
- (2) The College accepts no responsibility for damage or repairs to employee-owned equipment.
- (3) The College reserves the right to make determinations as to appropriate equipment, subject to change at any time.
- (4) Equipment supplied by the College is subject to the College's acceptable use policy.

- (5) The employee must sign an inventory of all Oberlin College property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all college property will be returned, unless other arrangements have been made.
- (6) The College will not be responsible for costs associated with the setup of the employee's remote office, such as remodeling, furniture or lighting, nor for repairs or modifications to the remote office space.

(D) Security

- (1) Consistent with the institution's expectations of information security for employees working at the office, remote employees will be expected to ensure that their remote office is secure and that proprietary college information is not accessible by unauthorized persons. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(E) Safety

- (1) Employees are expected to maintain their remote workspace in a safe manner, free from safety hazards.
- (2) Oberlin College will provide each remote employee with a safety checklist that must be completed at least twice per year.
- (3) Injuries sustained by the employee at a remote location and in conjunction with their regular work duties are normally covered by the College's workers' compensation policy according to State of Ohio laws and regulations.
- (4) Remote employees are responsible for notifying their supervisor of work-related injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to their remote worksite.
- (5) Remote-flexible work is not designed to be a replacement for appropriate child care. The focus of the arrangement will remain upon institutional needs, job performance and stakeholder demands.

(F) Expectations

- (1) Remote employees are expected to be available and communicative during scheduled work hours.
- (2) Oberlin work rules and other policies continue to apply to offsite work locations.
- (3) Employees must seek a quiet and distraction-free working space to establish a professional work environment.

- (4) Employees are expected to maintain their workspace in a safe manner, free from safety hazards.
- (5) While distractions are often unavoidable, every effort must be taken to keep them to a minimum.
- (6) Turning on video during virtual meetings is strongly encouraged as an indication of engagement.
- (7) Business casual dress is acceptable; however, employees are asked to use discretion.
- (8) Supervisors must manage and monitor adherence with these expectations. While gentle reminders may be all that is necessary in some circumstances, egregious or continued violations of these expectations and/or other Oberlin's policies may result in disciplinary action.

(V) Flexible Work for Exempt, Administrative and Professional Staff, and other employees

On occasion, exempt staff may be directed or approved to periodically work off-campus, while still meeting the needs of the College. Such instances must meet the following criteria and use of this off-campus work privilege can be revoked at any time:

- (A) Any off-campus work cannot be a part of an established schedule.
- (B) Approved, short-term, off-campus work (e.g. due to a 1-2-day illness) must not go beyond a short-term expectation or exhibit patterned absences.
- (C) Employees granted the privilege of working remotely must be available, attend necessary meetings and otherwise treat the work day as work on-campus.
- (D) For purposes emergencies or inclement weather or other unplanned operational situations, the College may allow remote work for campus employees which will be communicated to campus, less designated essential employees.

(VI) Definitions / Resources

- (A) **Americans with Disabilities Act (ADA).** Refers to the Americans with Disabilities Act of 1990 which is a federal law governing discrimination against persons with disabilities.
- (B) **Current position.** Positions that are currently occupied by an incumbent employee.

- (C) **Exempt employee.** The term refers to a category of employees set out in the Fair Labor Standards Act (FLSA). Exempt employees do not receive overtime pay, nor do they qualify for minimum wage. When an employee is exempt, it primarily means that they are exempt from receiving overtime pay. Exempt employees stand in contrast to nonexempt employees.
 - (D) **New position.** Positions that are most often newly created, thus without an incumbent. These can be accompanied by a newly drafted position description or can in some cases be vacant positions with established position descriptions.
 - (E) **Remote work.** Work conducted at an offsite location, for a specified number of hours per week, and for a preset, limited duration.
 - (F) **Supervisor.** The individual in a department, unit, office, or section with primary responsibility for the regular and customary supervision of individual positions. The supervisory duties generally include hiring, salary, discipline, performance evaluation, and work assignment decisions
 - (G) **Tax obligations.** All taxes that an employee has obligations to meet that include, but are not limited to: federal income tax; state income tax; social security tax; Medicare tax; city income tax; and/or school district taxes.
 - (H) **Administration.** The divisional senior staff member, direct supervisor and Department of Human Resources will administer this policy for the employee.
- (VII) The College may amend this policy at any time.

Approval Process [Required]

Frequency of Review: Annually

Review Process: General Counsel; VP of Finance and Administration;
Chief Human Resources Officer

Necessary Approval Constituents: President and Senior Staff