



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

HR-FLEXIBLE WORK ARRANGEMENTS-2019

DIVISION OF HUMAN RESOURCES

Flexible Work Arrangements Policy

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1. Policy

- a. The purpose of this Flexible Work Arrangements Policy is to define the State of Rhode Island's Flexible Work Arrangements program and the guidelines under which it will operate; assist managers and employees in understanding flexible work options; and, provide a general framework for assessing and approving flexible work arrangements in Executive Branch State Agencies.
- b. The state recognizes the growing demands on staff and increasing challenge of finding new and better ways to provide service and meet state and agency goals. Flexible work arrangements provide a way to successfully manage people, time, space and workload. The state supports flexible work arrangements to achieve a progressive and highly productive work environment that enables employees to balance work and personal needs while providing workforce predictability and stability.

2. Governing Authority

- a. This policy is governed by Rhode Island General Law Ch. 36-3.1 and collective bargaining agreements.

3. Definitions

- a. **“Flexible work arrangements”** - Also known as alternative work schedules means a plan of employment which varies the workday, workweek, and work schedules as an alternative to the conventional workweek, while still working the total basic number of hours required of their job. Alternative work schedules include flextime, compressed workweeks, seasonal compressed workweeks, job sharing, permanent part-time, and other alternative work plans. Flexible work arrangements must first be approved by the appointing authority/agency director and reviewed by the Executive Director of Human Resources/Personnel Administrator.
- b. **“Compressed workweek”** - This means a working schedule which compresses the biweekly pay period into less than ten (10) working days. A compressed workweek allows full-time employees to work longer days for part of the week or pay period, in exchange for shorter days or a day off each week or within the same pay period.
- c. **“Seasonal compressed workweek”** - A compressed workweek schedule, as defined above, which is in effect for a defined part of the calendar year (i.e. Labor Day to Columbus Day).

- d. **“Flexible-time employment”** - Also known as “flextime”, means employment in which the workday of a full-time employee consists of at least four (4) work hours worked between hours which are specified and known as "core time" or "core hours", and the remaining hours of which may be worked by the employee, as approved by the supervisor from among hours which are specified as the earliest time an employee may normally start work and the latest time an employee may normally stop work without special arrangements made in advance and known as the "bandwidth" of the workday.
 - (i.) Examples of flextime hours are 7:00 am to 8:30 am and 3:30 pm to 6:00 pm. A bandwidth may extend from 7:00 am to 6:00 pm.
- e. **“Job Sharing”** - Means a work plan in which two (2) or more persons share one job, jointly assuming responsibility for the job's output.
- f. **“Permanent part-time”** - A work schedule which provides for less than thirty-five (35) hours per week on a non-temporary basis.

4. Procedures for Compliance

a. General

- (i.) The appointing authority/agency director is responsible for identifying and determining if any of the flexible work arrangements are feasible within the agency, its divisions and/or departments. This may include determining if the entire division, department or a particular shift should convert to one or more of the flexible work arrangements. To determine whether an alternative work schedule is appropriate, the director must assess the impact and the outcome in terms of production, quality and absenteeism, and if one or a combination of the flexible work arrangements is in the best interest of the agency, division and/or department and the employee.
- (ii.) Types of flexible work arrangements and potential schedules must be approved with the consent of the Executive Director of Human Resources/Personnel Administrator prior to announcement and implementation.
- (iii.) Flexible work arrangements are not appropriate for all employees, positions, or work units and are not a universal employee benefit or employee right. Alternative work schedules will be considered by the appointing authority/agency director in situations where creative work schedules have been shown to accomplish both work and personal goals, to provide coverage for individual agency, division and/or department operations and to serve the agency as a whole with increased productivity at no expense to quality output. Approval of such arrangement may be granted only where it is determined to be in compliance with the guidelines established in this policy.
- (iv.) A flexible work arrangement must not negatively affect the workload or productivity of other departments or work units either by shifting burdens or creating delays and additional steps in the workflow.
- (v.) A flexible work arrangement must not impede the efficiency of agency operations or increase agency overtime liability. Flexible work schedules may create special considerations for FLSA non-exempt employees. The agency needs to be

accountable for any possible overtime exposure through careful scheduling and planning.

- (vi.) A flexible work arrangement during the probationary period is not allowed because of the need to clarify job responsibilities, establish relationships with co-workers and clients, and assess suitability for continued employment.
- (vii.) Where an employee is a member of a union, to insure compliance any alternative work plans shall be jointly agreed to by the appointing authority/agency director and the certified bargaining representative.
- (viii.) There will be a six-month trial period to assess the impact of the flexible work arrangement. After successful completion of the trial period, the work arrangement will be reviewed at least annually thereafter to ensure continued success. The arrangement may be cancelled for any reason by management by giving not less than five (5) working days notice to employees. Any employee wishing to change or cancel participation in an alternative work arrangement must provide to management not less than five (5) working days notice of his/her withdrawal from the program prior to transitioning to the regular work schedule.
- (ix.) Flexible work arrangements do not change the nature of the work a state employee is expected to perform or the employee's office/work station location.
- (x.) Employee salary, benefits, leave, and number of hours required to be worked shall not change as a result of flexible work arrangements. Salary, benefits, work status and work hours will remain subject to the rules governing the appropriate collective bargaining agreement or existing State statutes and regulations.
- (xi.) Employee rights provided under the employee's collective bargaining agreement between the State and the employee unions are neither enhanced nor abridged by participating in a flexible work arrangement.

b. Eligibility

- (i.) The request for a flexible work arrangement must meet the needs, requirements and constraints of both the agency and the employee. An employee must meet the following criteria to be eligible to participate in a flexible work arrangement:
 1. Be employed in or assigned to a position which is conducive to a flexible work arrangement;
 2. Have been currently assigned to the agency and/or position for at least six (6) months;
 3. Demonstrate satisfactory performance and productivity;
 4. Demonstrate the ability to complete tasks and assignments on a timely basis;
 5. Have a satisfactory attendance record.

c. Process

- (i.) Considering all aspects and potential impacts on the agency and its divisions and/or departments, the agency must define its flexible work arrangements, including flextime core time or core hours and bandwidth of the workday.

Management will establish minimum staffing levels for specified periods of the bandwidth.

- (ii.) The manager submits a Flextime Request Agreement to the appointing authority/agency director detailing the specific schedule desired. The Agreement should be submitted well in advance of the desired start date for the new schedule. The manager should be prepared to discuss the details of the request with the appointing authority/agency director and participate in resolving any issues.
- (iii.) When requesting flextime, the manager must first define the default schedule, to be used as a planning tool for managers to ensure that minimum staffing requirements are met.
- (iv.) Once approved by the appointing authority/agency director, the Flextime Request Agreement is submitted to the Executive Director of Human Resources/Personnel Administrator for review and approval.
- (v.) Based on the approved flextime work arrangement, employees may work less or more than 7.0 (or 8.0) hours on any given day, up to a limit established by management; they must work their regular number of hours (35 or 40) within the normal workweek. Permanent part-time employees, with authorization, may vary the length of each workday, but must fulfill their weekly work hours commitment.
- (vi.) All employees must be in the office during core hours to be available for meetings, communication with supervisors, etc.
- (vii.) The compressed workweek or seasonal compressed workweek is an option within flextime. The four-day model is implemented by eliminating core time on a specific day (for example on Monday or Friday), enabling employees to schedule their workweek over a period of four days (working Monday through Thursday or Tuesday through Friday, for example). Where provided in the approved Flextime Request Agreement, the day not worked can be any day of the week as determined by the manager and employee. A four-and-a-half day workweek is accomplished by allowing for arrival late on a specified day or departing early on a specific day.
- (viii.) Unless given overtime authorization, a non-exempt employee working flexible hours must limit the total of scheduled hours in any one workweek to thirty-five (35) for those who work a thirty-five (35) hour workweek, and to forty (40) for those who work a forty (40) hour workweek.
- (ix.) In agencies which normally schedule overtime, each work unit must specify the procedure for scheduling overtime for those non-exempt employees participating in a flexible work arrangement. The agency needs to be accountable for any possible overtime exposure through careful scheduling and planning.
- (x.) In any workweek in which a holiday occurs on a day that the agency has determined flexible hours employees may choose for scheduled hours, any flexible hours employee who 1) fails to work the day immediately preceding that holiday or immediately following that holiday and 2) is on leave of absence without pay during the workweek in which such day falls, shall not be paid for that holiday.

- (xi.) Accurate timesheets must be maintained by the employee, signed by the supervisor/manager and submitted timely to payroll each week.
- (xii.) Job sharing, as an alternative work schedule, must ensure the continuity of the work being done at the same workstation, with two individuals working as a team to accomplish one full-time position's duties.

5. Repercussions for Noncompliance

- a. Failure to follow state and agency policies, practices, rules and procedures may result in termination of the flexible work arrangement and/or disciplinary action. For example:
 - (i.) Inaccurately filling out time sheets;
 - (ii.) Failing to share duties or cover for other employees as requested by the flextime arrangement;
 - (iii.) Decreased productivity when staying late or coming in early, indicating that an employee is not working when others are not around; and/or
 - (iv.) Habitually working long hours Monday through Thursday and then calling in sick on Friday (this may also be an abuse of sick time).

6. Signatures



Division Director



Date



Director of Administration



Date