



# Flexibility in the Workplace

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## POLICY STATEMENT

Cornell University provides flexible work arrangements, at the discretion of department heads or their designees, to enable staff and management to serve customers well, meet university goals, and help employees balance personal and professional responsibilities.

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## REASON FOR POLICY

Flexibility in the workplace, a business practice used to manage people, time, space, and workload more effectively, efficiently, and responsively, supports a variety of university goals related to recruitment and retention, sustainability, staff excellence, financial savings, and well-being. The university provides guidance on various forms of workplace flexibility, balanced with required actions and legal concerns related to overtime, holiday pay, timekeeping, medical leaves issues, and tax issues.

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## ENTITIES AFFECTED BY THIS POLICY

- Ithaca-based campuses, Tompkins County and Geneva locations, and other university locations (not including Weill Cornell)

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## WHO SHOULD READ THIS POLICY

- Regular employees
- Supervisors, administrators, deans, directors, and department heads (including academics)
- Unit human resource representatives

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## MOST CURRENT VERSION OF THIS POLICY

- [www.dfa.cornell.edu/policy/policies/flexibility-workplace](http://www.dfa.cornell.edu/policy/policies/flexibility-workplace)

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Volume: 6, Human Resources  
Responsible Executive: Vice  
President and Chief Human  
Resources Officer  
Responsible Office: Work/Life  
Originally Issued: January 1998  
Last Full Review: January 20,  
2016  
Last Updated: May 12, 2020

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## RELATED RESOURCES

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### University Policies and Information

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[University Policy 3.24, Mobile Communication Devices](#)

[University Policy 6.9, Time Away From Work \(Excluding Academic and Bargaining Unit Staff\)](#)

[Human Resource Policy 6.7.10, Meal Periods and Rest Breaks \(PDF\)](#)

[Human Resource Policy 6.7.11, Time Collection \(PDF\)](#)

[Human Resource Policy 6.7.12, Overtime \(PDF\)](#)

[Flexible Work Arrangements Resources](#)

[IT Security and Data Policies](#)

[Guidelines for Working Outside New York State \(PDF\)](#)

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### External Documentation

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[Fair Labor Standards Act](#)

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### University Forms and Systems

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[Flexible Work Arrangement Guidelines and Agreement Form](#)

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## CONTACTS

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Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

<b>Subject</b>	<b>Contact</b>	<b>Telephone</b>	<b>Email/Web Address</b>
<b>Policy Clarification and Interpretation</b>	Work/Life	(607) 255-5298	<a href="mailto:worklife@cornell.edu">worklife@cornell.edu</a> <a href="http://hr.cornell.edu/benefits-pay/pay/flexible-work">hr.cornell.edu/benefits-pay/pay/flexible-work</a>
<b>Flexible Work Arrangements within a College or Unit</b>	Local human resource representative		<a href="http://hr.cornell.edu/find-your-hr-representative">hr.cornell.edu/find-your-hr-representative</a>
<b>Liability and Insurance</b>	Risk Management and Insurance	(607) 254-1575	<a href="mailto:risk_mgmt@cornell.edu">risk_mgmt@cornell.edu</a> <a href="http://www.risk.cornell.edu">www.risk.cornell.edu</a>
<b>Safety Standards of Off-Site Workplaces</b>	Environmental Health and Safety	(607) 255-8200	<a href="mailto:dehs@cornell.edu">dehs@cornell.edu</a> <a href="http://sp.ehs.cornell.edu">sp.ehs.cornell.edu</a>
<b>Tax Compliance</b>	University Tax Manager	(607) 255-3790	<a href="mailto:tax@cornell.edu">tax@cornell.edu</a>

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## DEFINITIONS

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These definitions apply to terms as they are used in this policy.

<b>Alternative Arrival/Departure</b>	An arrangement that permits variations in starting and departure times, but does not alter the total number of hours worked in a workweek.
<b>Compressed Schedule</b>	A schedule wherein the total number of hours expected to work each week are conducted in less than five full workdays. The most common compressed schedule is four 10-hour workdays per week.
<b>Flexible Work Arrangement</b>	An agreement established between an employee and supervisor wherein the time or location of work performed is different than the customary schedule or work location.
<b>Job Share Arrangement</b>	A form of regular part-time work in which two people share the responsibilities of one regular, full time position.
<b>Local Human Resource Representative</b>	The individual in your unit with the responsibility to handle human resources matters.
<b>Occasional Use Agreement</b>	An agreement that permits an employee to access workplace flexibility on an occasional basis to accommodate a business or a personal need.
<b>Overtime</b>	According to the Fair Labor Standards Act, all nonexempt staff who work in excess of 40 hours in a standard workweek are eligible for overtime pay. Overtime pay is calculated at the rate of one and one-half times the staff's regular rate of pay. At Cornell, overtime pay is based on hours paid during the standard workweek. Supervisors must give prior approval for all overtime work.
<b>Regular Employee</b>	A staff member with an appointment of at least 20 hours per week with an expected duration of at least six months.
<b>Remote Work</b>	Work at home or another offsite location, for a specified number of hours per week, and for a preset, limited duration.
<b>Supervisor</b>	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.

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## RESPONSIBILITIES

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The major responsibilities each party has in connection with this policy are as follows:

<b>Department of Environmental Health and Safety</b>	Consult with staff members and management who request information about safety guidelines in the off-site workplace. When necessary, conduct site inspections of remote work locations.
<b>Department of Risk Management and Insurance</b>	When requested, and if possible, provide means for insuring university property that is used at a remote work location.
<b>Employees</b>	Draft a flexible work arrangement proposal for the supervisor's review. Collaborate with supervisors to document arrangements.
<b>Local Human Resource Representative</b>	Consult with employees and supervisors who seek guidance on flexible work arrangements. Consult with a supervisor who makes the determination to deny an employee's flexible work proposal, prior to the denial being issued.
<b>Supervisors</b>	Review flexible work arrangement proposals submitted by employees. Make a determination about whether proposed arrangements fit with business needs, communicate the outcome to employees, and collaborate with employees to document arrangements. In situations where a request may be determined infeasible, consult with the local HR representative prior to issuing the denial. Review arrangements with employees routinely and at least on an annual basis. Refer to Guidelines for Working Outside New York State when then employee request is applicable. (See Related Resources.)
<b>University Tax Manager</b>	Consult with employees, supervisors, and local HR representatives on tax issues pertaining to work conducted outside of New York State.
<b>Work/Life</b>	Consult with employees and supervisors in collaboration with local human resource (HR) representatives (when appropriate) on policy interpretation and best practices for integrating flexible work arrangements.

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## PRINCIPLES

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### Overview

Cornell University is committed to fostering a workplace environment that is flexible and recognizes employees' ongoing navigation of career and life responsibilities. The overarching principles of this policy are as follows.

- **What kinds of flexibility Cornell offers:** Numerous forms of workplace flexibility exist, and not all forms of flexibility are applicable to *all* positions or are a good fit for the specific skills *of all* employees.
- **How to manage flexible work:** Departments and units are encouraged to have open dialogues regarding flexible work and integrate it as a standard business practice. The determination of whether a staff member will be allowed to participate in a flexible work arrangement will be made on a case-by-case basis and in accordance with the needs, requirements, and constraints of the units as well as staff members. If the arrangement becomes unfeasible at any time, it may be discontinued at the discretion of either the staff member or management, with reasonable notice thereof.

To ensure that management and staff members have a mutual understanding of the specifics of the flexible work arrangement, it must be put in writing. The Flexible Work Arrangement Agreement Form (see Related Resources) guides supervisors and employees in specifying the particular details of arrangements.

- **What to do when issues or concerns occur:** If an employee has an issue or concern regarding a decision under this policy, it should be brought, as soon as possible, to the attention of the supervisor, who will discuss the matter with the employee in order to resolve it.

For more assistance, contact the college's, department's, or unit's human resource (HR) representative. Final approval and arrangements for situations covered by this policy are at the discretion of management, and are not grievable.

◆ **Caution:** In certain instances, temporary schedule adjustments may occur as a result of family/medical leave concerns. Those adjustments should be documented separately in consultation with Medical Leaves Administration in Benefit Services.

### Timekeeping During Flexible Arrangements

Exempt employees are not covered by the overtime and record-keeping requirements of the Fair Labor Standards Act (FLSA). Therefore, there is inherent flexibility in work scheduling for them. Even though the law allows this latitude, exempt staff members still need to discuss specific scheduling arrangements with their supervisors and obtain their supervisor's approval.

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## PRINCIPLES, continued

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Non-exempt employees must conform to the overtime, record-keeping, and meal break provisions of the Fair Labor Standards Act and where relevant, New York State labor law, respectively, for staff members covered by those provisions. Therefore supervisors must ensure accurate recording of hours worked. For non-exempt staff members, supervisors must pre-approve all hours to be worked in excess of 40 in any workweek. Generally, a flexible work arrangement for a non-exempt employee will not result in overtime.

#### Leave Time

A non-exempt staff member who has a flexible work arrangement and is granted paid leave time, such as vacation or health and personal leave, must record the number of hours scheduled to work on the day(s) off. For example, 10 hours of vacation would be recorded if a staff member uses vacation on a day with 10 scheduled work hours. This method of using paid leave time applies to all paid leave time as specified in University Policy 6.9, Time Away from Work, except for holidays.

An exempt staff member who has a flexible work arrangement must adhere to the principles of recording time in appropriate increments (as outlined in University Policy 6.9, Time Away from Work).

#### Holiday Pay

Any regular staff member will receive prorated pay equal to 1/5 of their standard workweek for a university holiday.

### **Forms of Flexibility** Alternative Arrival/Departure Times

The core hours for a position are typically identified by a unit or a department. An employee may seek to alter their arrival or departure time on a temporary or consistent basis. This form of flexibility does not typically alter the total number of hours per week the employee works.

The employee and the supervisor may work together to determine a specific arrival and departure time with this type of arrangement. Another option is for the supervisor to set a range of time during which the employee is expected to arrive. For instance, the supervisor may determine it is critical for the employee to be working between the hours of 9:00 a.m. and 3:00 p.m. The supervisor may permit the employee to arrive anytime between 7:00-9:00 a.m., and work until the hours assigned for that day are complete.

#### Compressed Schedule

A compressed schedule is a form of alternative arrival/departure flexibility, wherein the total number of hours expected to work each week are conducted in less than five



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## PRINCIPLES, continued

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full workdays. The most common compressed schedule is four 10-hour workdays per week.

### Remote Work

A remote work arrangement allows an employee to work at home or another off-site location for a specified number of hours per week. To assess whether a remote work arrangement can be an effective tool in your unit, it is useful to consider the position, the staff member, and the management.

◆ **Caution:** Remote work is not intended to be used as a substitute for ongoing caregiving needs (e.g., childcare).

When a remote work arrangement might involve work conducted outside of New York State, there are additional guidelines to review. See [Guidelines for Working Outside New York State \(PDF\)](#).

### Workers' Compensation

Workers' compensation will apply only to injuries arising out of and in the course of employment as defined by the New York State Workers' Compensation Law. Cornell is not responsible for injuries unrelated to such work activities that might occur in the defined off-site work location or elsewhere.

### Services and Equipment

Customarily Cornell does not provide home internet service to support remote work arrangements, nor does it guarantee access to a computing device for the arrangement.

The staff member's use of equipment, software, furniture, and all other resources provided by Cornell is limited to the purposes of remote work and is not intended for the staff member's personal use. The decision to remove or discontinue use of the resources listed above shall rest entirely with Cornell. In the event that the staff member ceases employment with Cornell, or the arrangement is discontinued for any reason, the staff member must return all Cornell property within a university determined timeframe.

### Property Insurance

University insurance will not cover any personal property that is used at home, and will only cover university equipment brought to a defined off-site location if it has been listed with the Department of Risk Management and Insurance. Additional premiums that are required for such equipment insurance will be paid by the requesting units. For more information, or to insure university property that will be used for work conducted off-site, contact the Department of Risk Management and Insurance.

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## PRINCIPLES, continued

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### University Policies

Employees who work remotely must adhere to all university policies. Especially relevant are policies related to information technology, computer security, and data protection. These policies provide requirements for maintaining, securing, and achieving legal and appropriate use of the information technology infrastructure and confidential data.

### Occasional Use Flexibility

A consistent flexible work arrangement might not be feasible due to business needs or position responsibilities of an employee. In such instances, the supervisor and employee may agree to an occasional use agreement. In instances where appropriate, an employee may request to work remotely or alter their arrival/departure time to accommodate a business or personal need (e.g., doctor's appointment, office renovations, inclement weather, etc.). While completion of the "Flexible Work Arrangement Agreement Form" is not required, it is recommended that the supervisor and employee discuss this option ahead of time and document it. A sample confirmation letter *that can be used for documentation* is available on the Flexible Work Arrangements webpage. (See Related Resources.)

### Job Share

In a job share arrangement, two individuals share the responsibilities of one regular full-time position. These are regular part-time positions, and as such, must involve at least a 50 percent commitment. Therefore, the time commitment of each of the two individuals participating must be at least 20 hours per workweek.

Since job sharing positions are regular and part-time, the university's wage and salary policies for regular positions apply in job share arrangements. Benefits eligibility for those participating in job sharing will be the same as for all regular part-time staff members.

### Reduction in Time Commitment

An employee may seek to reduce their time commitment to the university on a permanent or temporary basis to accommodate personal life transitions (e.g., returning from parental leave, preparing for retirement, pursuing a degree, etc.). An employee seeking this type of flexibility must work with their supervisor and HR representative to determine feasibility, duration of time, and impact on pay and benefits and to determine if there are other university policies that may apply to the request.

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## PRINCIPLES, continued

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### Benefits

Benefit status will not be affected by a flexible work arrangement so long as the workplace is in the United States. If hours per week are reduced, some benefits will be reduced proportionally (such as retirement contributions, accrual of vacation and health and personal leave, and educational benefits). If the workplace is outside the United States, how a benefit program applies will require a case-by-case consultation with the senior director of Benefits and the Office of Risk Management and Insurance.

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## PROCEDURES

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### **Making and Reviewing Flexible Arrangements**

The Division of Human Resources provides consultation, training, and online resources to assist supervisors and employees with best practices in proposing and managing flexible work arrangements.

Outlined below are the basic procedures. Departments and units may have additional procedures that must be followed. Contact the local human resource (HR) representative for department/unit-specific guidance.

**1. Employee proposes arrangement**

The employee proposes an arrangement to their supervisor in writing. This may be on the employee's accord or due to a supervisor presenting workplace flexibility options.

**2. Supervisor reviews proposal**

The supervisor reviews the proposal and consults with others for guidance when necessary (supervisor, department/unit head, IT support, HR representative).

If an employee's proposal involves work conducted outside of New York State, the supervisor refers to the guidelines available. (See Related Resources.)

**3. Supervisor and employee review the proposal together**

To answer remaining questions and address any concerns, the supervisor and employee review and discuss the proposed arrangement.

**4. Supervisor makes a determination**

The supervisor makes a determination. If the determination is to deny the arrangement, the supervisor must first consult with their local HR representative for review and guidance.

**5. Supervisor communicates decision to employee.**

**6. Supervisor and employee document/file the arrangement**

If approved, the supervisor and employee complete a Flexible Work Arrangement Agreement Form. Both employee and supervisor should retain the form for their records. The completed form must also be sent to the local HR representative.

**7. Supervisor and employee routinely review the arrangement**

The supervisor and employee review the arrangement and make adjustments to address concerns/challenges. These reviews must be scheduled routinely and no less than annually and may occur more frequently at the beginning of the arrangement.

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