

I. **Flexible Work Arrangements, Including Remote Work**

The University of Arkansas Community College at Batesville permits flexible work arrangements in certain circumstances where it is consistent with the efficient operation of the campus and the effective delivery of services to students and the public. While any College employee may request a flexible work arrangement, not all positions may lend themselves to flexible work. Ultimately, flexible work arrangements may be allowed when consistent with this policy and in the best interests of the College.

Flexible work arrangements are separate and apart from the informal practice of employees occasionally working remotely or working a different schedule with their supervisor's approval on a short term, day-to-day basis. Temporary changes to an employee's regular work schedule in order to adjust for an unplanned, short-notice, or sporadic event can be approved at the department or unit level and should be documented without going through the detailed approval process outlined in this policy. Further, this policy is not intended to address schedule modifications or scheduling assignments made by a supervisor to fulfill operational needs of the work unit. However, anyone working remotely, even if occasionally or sporadically, is still bound by the remote work provisions in this policy.

A flexible work arrangement entails a remote-work agreement or a flexible work schedule for at least part of the workweek on an ongoing basis. In certain cases, flexible work arrangements may be a requirement of the position, included in the position description, and communicated to the employee. In other cases, flexible work arrangements are mutually agreed upon by the employee and the College, which may be approved under appropriate circumstances regarding effectively performing employees whose position's responsibilities are suited to such an arrangement. In the latter situation, the flexible work arrangement may be terminated by the College or requested to be terminated by the employee with reasonable notice, and under the terms of agreements entered into under the guidelines set forth below. All flexible work arrangements are subject to applicable laws and College policies. Flexible work arrangements under this policy are subject to the approval of the Cabinet.

II. **Duration**

Flexible work arrangements are made on a revocable basis, should be reviewed periodically (at least annually) by the relevant supervisor, and may be discontinued by the College at any time and for any reason. In addition, an employee may request to discontinue participation in a flexible work arrangement with reasonable notice (except in those circumstances noted earlier where a flexible work arrangement is required of the position). Such request is subject to approval by the College.

In making flexible work arrangements, both the department/unit and the employee must be mindful that the policy is designed to provide an ongoing working arrangement.

Where a flexible work arrangement is a requirement of the position, and the administrative department or unit wishes to terminate the flexible work arrangement, reasonable efforts should be made to assist the employee with maintaining employment with the College.

III. **Eligibility**

This policy pertains to benefits-eligible employees. However, this policy does not pertain to the location or delivery of course instruction, or other on-campus expectations of faculty such as office hours for in-person student meetings, although faculty have considerable flexibility in their local work location other than for such on-campus duties.

Flexible work arrangements are not appropriate for every employee or for every position. Initiation of a flexible work arrangement may be at the request of either the College or the employee. Flexible work arrangements are entered into at the discretion of the College. Participation in flexible work

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arrangements is voluntary on the part of the employee, except in cases where it is a requirement of the position and notification has been provided to the employee.

- Generally, when an employee requests a flexible work arrangement, the following should be considered:
 - Whether the nature of the work to be performed is appropriate for a flexible work arrangement;
 - Whether quality of service can be maintained for students, faculty, other members of the College community, and the public;
 - Whether the employee has demonstrated sustained productivity and the University reasonably anticipates the employee can maintain the expected quantity and quality of work;
 - Whether the employee has demonstrated the ability to work independently;
 - Whether the employee's supervisor will be able to effectively monitor the employee's performance;
 - If the proposed flexible work arrangement involves an alternative work location, whether the employee has demonstrated that the location is a safe, private, and productive work environment;
 - Whether the proposed flexible work arrangement would present an undue difficulty to the College, its students, or the public;
 - The impact that the flexible work arrangement would have on others; and, whether the employee's position has clearly identified and measurable performance objectives.
- Generally, requests for a flexible work arrangement should not be granted when:
 - The nature of the position requires the employee's physical presence, including, for example, positions that involve regular interaction with students, faculty, staff, visitors, or the general public; that require the use of laboratory and other fixed equipment and facilities; that involve work on campus physical facilities; or that require in-person work as part of a team or for the purpose of accomplishing an on-site task;
 - The employee's performance evaluations do not indicate sustained productivity;
 - The employee's observed productivity levels are less than desirable;
 - The employee requires close supervision as indicated, for example, by the employee's consistent need for guidance, or the employee's current assignment requires frequent supervision, direction, or input from others who are on-site;
 - The employee is a supervisor of other employees requiring close, on-site supervision; or
 - The schedule would create a pattern of overtime work or cause undue difficulty for the department or unit.

An employee with a flexible work arrangement must be available by phone, email, and other means of communication as required by the supervisor during work hours.

Flexible work arrangements are not intended to allow for work at other jobs, running businesses, or to engage in other activities that would otherwise result in the employee being required to take leave. The expectation is that normal work requirements, both qualitative and quantitative, must be met. Failure to comply with these restrictions or failure to fulfill normal work requirements on account of non-position-related activities may be cause for disciplinary action, up to and including termination of employment.

An employee in a non-exempt position may not work overtime (more than 40 hours in a workweek) without prior authorization from the employee's supervisor.

If an employee is working at the College under a work visa, any conditions related to work location must be satisfied.

IV. **Guidelines**

The following guidelines apply to flexible work arrangements:

- A specific work schedule, including workdays and hours, must be established in advance;
- The employee must be on site as required by the supervisor to attend meetings, training sessions, or similar activities;
- The employee must maintain the normal workload as outlined in their position or as identified by their supervisor;
- An employee who is unable to perform their duties during work hours must use appropriate leave;
- The employee is responsible for the safety and security of all College property and proprietary information; and,
- Employees shall cooperate with their supervisors' efforts to monitor and evaluate the quantity and quality of work.

V. **Approval of Work Locations Outside the State of Arkansas**

Because work conducted from a location outside the State of Arkansas can involve multiple tax and employment considerations, creating possible cost and compliance-related issues for the College, work conducted on more than a very brief and temporary basis from such a remote location is generally prohibited for staff positions, and shall require written justification as well as Cabinet approval. For faculty positions, academic units should make efforts to limit such arrangements. When such arrangements are required for the effective operation of an academic program, the academic unit shall provide written justification for the arrangements, which then are subject to the approval of the Vice Chancellor for Academics.

The above restrictions do not apply to ordinary business or vacation travel, or to employees working at an established remote program site that exists outside the state.

If any work location is approved for outside the State of Arkansas, the employing department or unit shall notify the Director of Human Resources.

An employee who performs work for the University from a location outside the State of Arkansas without first obtaining approval as required by this policy is subject to disciplinary action, up to and including termination.

VI. **Taxes**

Income taxes for employees will generally be withheld as required by the state where the employee is physically located when performing the work associated with the income, which for all but a very small number of specifically authorized employees is within the State of Arkansas. Employees may wish to consult their tax advisor with respect to these and other tax consequences of working remotely, such as deductions for a home office.

VII. **Property, Supplies, and Expenses**

If a remote work arrangement is at the request of the College, and agreed to through the approval process, basic computing equipment should generally be provided by the College. Otherwise, the cost of standard equipment and supplies for the remote work arrangement are the responsibility of the employee.

If a remote work arrangement is a requirement of the position, the College will provide any basic computing equipment needed for the position (such as a laptop). For such positions, the department or unit may also consider reasonable requests for other types of standard equipment and supplies needed to perform job duties successfully.

Equipment provided by the College remains the property of the College and must be accounted for in accordance with campus policies. If equipment is provided for a remote work arrangement the employee's specific remote work location must be clearly identified in Workday. The equipment must be returned to campus upon termination of the flexible work arrangement.

Employees must maintain any equipment charged out to them and must return equipment in the same condition in which it was originally received, minus normal wear and tear. Employees are personally liable for lost, stolen, or damaged equipment. All lost or stolen equipment must be immediately reported to all those required under College policies.

Departments should consider any current and potential remote work needs when making purchasing decisions.

Any computer or information-technology equipment used in the performance of College business must be used in compliance with all applicable College policies, including with respect to computer and network security and data security. In particular, equipment may be required to satisfy minimum security standards established by College Information Services.

The employee must maintain connection to the College's network with sufficient bandwidth as necessary to perform the position's duties.

The College will not be responsible for home maintenance, utilities, or any other operating or incidental costs associated with the use of the home as a remote-work location. The College assumes that most residences have internet service that is sufficient to support remote work and such service will generally not be reimbursed.

When remote work is a requirement of the position, the employee may request reimbursement for additional, authorized expenses specifically incurred in connection with the remote work in accordance with applicable policies.

College resources (regardless of the source of funds) may not be used on any modifications, improvements/upgrades, fixtures, repairs, or installations to property that is not owned or rented by the College (including any personally owned property).

Materials, documents, etc., that the employee transports to and from the College work location to the remote work location or which are stored at the remote work location must be kept confidential and secure. The employee agrees to protect College records from unauthorized disclosure or damage and will comply with College policies and procedures regarding such matters.

VIII. **Insurance and Liability Issues**

No in-person work meetings may be conducted at the remote work location unless specified by the position and approved by the supervisor.

College property such as computers, printers, fax machines and other equipment furnished to an employee are the employee's responsibility while they are not on College premises. It is the employee's responsibility to make sure that the employee's homeowners' or renters' insurance policies cover injuries, property damage, or loss arising out of or relating to business use of the home. Employees should note that some homeowner and some renters' insurance policies do not automatically cover injuries or other claims arising out of, or relating to, the business use of the home. For the employee's protection, employees should have their homeowners or renters' liability policy endorsed to cover bodily injury and property damage or loss (including theft), to all third parties (which would include the University) arising out of or relating to the business use of their home. In addition, employees who live in rented property should be aware that their lease might not permit business use of the premises.

The College will not be liable for damages to an employee's personal or real property while the employee is working at the approved remote work location. The employee is responsible for maintaining his or her remote work location in a safe condition, free from hazards and other dangers to the employee and equipment. Should an employee use privately owned equipment, the employee shall be responsible for equipment repair and maintenance.

The University assumes no liability for injuries occurring in the employee's remote workspace, other than injuries to the employee which meet the requirements for workers' compensation coverage pursuant to Arkansas Code Ann. § 11-9-101 et seq. Compensability of workers' compensation claims is determined by the Public Employee Claims Division of the Arkansas Insurance Department.

IX. **Violations**

Failure to comply with provisions of this policy may result in the termination of the flexible work arrangement and/or disciplinary action, up to and including termination of employment in accordance with College policy.

X. **Requesting a Flexible Work Arrangement; Approval; Documentation**

To request a flexible work arrangement, an employee should first discuss it with their supervisor. The employee then completes a Flexible Work Arrangement Request Form. The request form is reviewed through the employee's supervisory chain to consider whether a flexible work arrangement may be appropriate and, if so, to work through any necessary details of the arrangement. Any flexible work arrangement request is subject to the review and approval of the Cabinet, whose decision is final and not subject to further review or appeal. Any approved flexible work arrangement is subject to all provisions of this policy and shall include standard provisions to be included with the form.

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A copy of all documentation of an approved flexible work arrangement (including the approved Flexible Work Arrangement Request Form), as well as any later revisions to the flexible work arrangement, should be stored in Workday.

In addition, all approved flexible work arrangements shall be reported to Human Resources, which shall maintain a central listing of all employees who have been approved for remote work arrangements, including their department/unit and that unit's regular physical location. All administrative and academic units will annually report on any office vacancies resulting from remote work arrangements.

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