



**University of Pittsburgh
Interim Flexible Work Arrangement
Procedure ER 20**

Implementing Executive: Senior Vice Chancellor for Business and Operations
Responsible Unit: Human Resources
Category: Employment Related
Effective Date: July 15, 2021

I. Departmental Opt Out

The University acknowledges that there are departments for whom the Interim Flexible Work Arrangement Policy (the “Policy”) cannot, as a practical matter, apply (*i.e.*, where the nature of the duties performed by a department cannot be performed remotely *and* cannot be performed outside the employees’ normal work schedule). In such instances, a Supervisor may request that their department be excused from application of this Policy (the “Opt Out”).

In order to request an Opt Out, the Supervisor must consult with Employee & Labor Relations by [submitting a request through the service desk](#) communicating why application of the Policy is not possible in their department. Specifically, the Supervisor must document: (1) why the employees in the Supervisor’s department cannot perform their job duties remotely; and (2) why the employees in the Supervisor’s department cannot perform their job duties in a manner that deviates from their normal work schedule.

Employee & Labor Relations shall review the Supervisor’s Opt Out Request. If Employee & Labor Relations disagrees with the Supervisor’s assertion that application of this Policy is not possible, Employee & Labor Relations must communicate denial of the Supervisor’s Opt Out Request to the Supervisor in writing. If, however, Employee & Labor Relations agrees with the Supervisor that application of the Policy to a department is not possible, Employee & Labor Relations will grant preliminary approval of the Opt Out request, and Employee & Labor Relations will provide an Opt Out form to the Supervisor to be prepared and submitted to the Responsibility Center Head or their designate for review.

If the RC Head or their designate disagrees with the Supervisor’s assertion that application of this Policy is not possible, the RC Head or their designate must communicate denial of the Supervisor’s Opt Out Request to the Supervisor in writing. In this event, the decision of the RC Head or their designate is final. If, however, the RC Head or their designate agrees with the Supervisor that application of the Policy to the department is not possible, the RC Head or their designate will grant approval of the Opt Out request. The RC Head or their designate will submit the Opt Out form to Employee & Labor Relations for final approval.

ERLR shall review the status of each department who has been granted the Opt Out on an annual basis.

Note that, even in the event that a department has been granted Opt Out status, the University shall nonetheless comply with federal, state, and local laws, including but not limited to the Americans with Disabilities Act (“ADA”). This means that when an employee requests a Flexible Work Arrangement for health-related reasons, the employee must be directed to Disability Resources and Services (“DRS”), even in situations where the employee’s department has been granted an Opt Out.

II. University-directed Flexible Work Arrangements

A Supervisor may desire to put an employee and/or group of employees on a Flexible Work Arrangement (i.e., an arrangement whereby the employee’s work location and/or work hours are modified). In such circumstances, Supervisors are encouraged to use the Supervisor Checklist at Attachment A.

The first step in this process is for the Supervisor to complete the form at Attachment B (the Flexible Work Arrangement Supervisor Request Form), which includes the following information: (1) the full name and job title of the employee(s) whom the Supervisor desires to place on a Flexible Work Arrangement; (2) the nature and anticipated duration of the Flexible Work Arrangement; and (3) the basis for requesting the Flexible Work Arrangement. If a Supervisor is requesting that some, but not all, of the Supervisor’s subordinates be placed on a Flexible Work Arrangement, the Supervisor must also include the reasons for placing the employee(s) into dual work modalities (e.g., why Employee A will be working remotely, while Employee B will be required to work on-campus).

The Supervisor shall submit this Request to the Supervisor’s RC Head or their designate, who shall, in turn, review the request. The RC Head or their designate is responsible for ensuring: (1) that legitimate, business-related reasons for placing the employee(s) on a Flexible Work Arrangement have been articulated by the Supervisor and are supported by facts; and (2) that, in the event some but not all of the Supervisor’s subordinates will be on a Flexible Work Arrangement, the Supervisor has articulated legitimate, business-related reasons for each employee’s work modality. In conducting this review, the RC Head or their designate shall pay particular attention to, and take care to avoid, the appearance of discrimination (e.g., do all of the employees being directed to work from home share a legally protected characteristic, such as age, race, religion, or gender?). The RC Head or their designate should contact ERLR if assistance is needed in determining an employee’s demographic information. The RC Head or their designate has the ability to reject and/or modify the Supervisor’s request at the RC Head’s or their designate’s discretion.

Once a Supervisor’s Request for a Flexible Work Arrangement has been reviewed and approved by the Supervisor’s RC Head or their designate, the Supervisor shall create a Flexible Work Arrangement Agreement for the impacted employee(s) using the form at Attachment D. The Supervisor will then meet with the impacted employee(s) to review the terms of the Flexible Work Arrangement Agreement. The employee and Supervisor must sign the Flexible Work

Arrangement Agreement. Upon signature completion by the employee and Supervisor, the form will be automatically forwarded to ERLR who will, in turn, work with Payroll/Risk Management to alert the employee to any tax consequences associated with the arrangement, etc.

If an employee articulates a health-related reason why the employee cannot accept the Flexible Work Arrangement, the employee should be directed to DRS for further consideration. In that event, the employee shall be permitted to remain working without the Flexible Work Arrangement pending the DRS process. At the conclusion of the DRS process, DRS will notify the Supervisor whether and to what extent the employee can be placed on a Flexible Work Arrangement.

Supervisors are encouraged to work cooperatively with employees who voice objection to a Flexible Work Arrangement for reasons that are not related to an employee's health. However, Supervisors are able to require an employee to accept a Flexible Work Arrangement over the employee's objection, except in the case where the employee's objection is health-related.

In the event that a Supervisor wishes to rescind and/or modify the Flexible Work Agreement prior to its expiration, and/or extend the duration of the Flexible Work Agreement, the Supervisor must obtain written approval from the Supervisor's RC Head or their designate.

Employees who refuse to operate in a Flexible Work Arrangement as directed by the University and/or who fail to abide by the terms of their Flexible Work Arrangement Agreement may be subject to discipline, up to and including separation from employment.

III. Employee-requested Flexible Work Arrangements

Employees may request a Flexible Work Arrangement for any reason, including health-related reasons. If an employee wishes to request a Flexible Work Arrangement for a health-related reason, the employee should be directed to DRS. DRS will notify the Supervisor of the status of the employee's request upon the completion of the DRS process.

If an employee wishes to request a Flexible Work Arrangement for a non-health related reason, the employee should be directed to complete the Flexible Work Arrangement Employee Request Form at Attachment C. The Supervisor should utilize the Supervisor Checklist (Attachment A) in reviewing the employee's Request.

Upon review of the employee's Request, the Supervisor shall submit a recommendation to grant/deny/modify to the Supervisor's RC Head or their designate for final approval. In the event the Supervisor is recommending that the employee's Request be denied and/or modified, the Supervisor must submit a legitimate, business-related reason for the denial/modification to the RC Head or their designate in writing.

Notwithstanding the recommendation of the Supervisor, the RC Head or their designate may grant, deny, and/or modify the employee's Request. In reviewing the employee's Request and Supervisor's recommendation, the RC Head or their designate shall consider the University's

business-related needs and the employee's ability to fulfill those needs within the proposed Flexible Work Arrangement.

The RC Head or their designate shall communicate final approval/denial/modification of the employee's Request to the Supervisor in writing. In the event of a denial, the Supervisor shall communicate that decision to the impacted employee in writing with a brief explanation as to the basis for the denial (e.g., the University has determined that you are not able to perform the essential functions of your job while working remotely). In the event the employee's Request is granted, in whole or in part, the Supervisor shall create a Flexible Work Arrangement Agreement (Attachment D) and shall present that Agreement (reflecting the terms of the employee's Flexible Work Arrangement) to the employee. The employee and Supervisor must sign the Flexible Work Arrangement Agreement. Upon signature completion by the employee and Supervisor, the form will be automatically forwarded to ERLR who will, in turn, work with Payroll/Risk Management to alert the employee to any tax consequences associated with the arrangement, etc.

The University reserves the right to rescind and/or modify an employee's Flexible Work Arrangement based upon the University's needs, the employee's behavior, the employee's job performance, and/or compliance with any applicable laws/restrictions.

IV. Standards applicable to all employees operating in a Flexible Work Arrangement

Supervisors shall review the following standards applicable to employees operating in Flexible Work Arrangements and effectively communicate these standards and requirements to the impacted employee(s) upon delivery of the employee's Flexible Work Arrangement Agreement.

A. *Confidentiality and Data Security.* All employees operating in a Flexible Work Arrangement are required to comply with all applicable University and departmental policies and procedures, including but not limited to the safeguarding of confidential information. All employees operating in a Flexible Work Arrangement must complete security awareness online training and be familiar with the disclosure of sensitive data and University Workstation Security Standards. Employees accessing data that has been classified as "[high risk](#)" must use a University-owned and managed device.

B. *Designated Work Area.* All employees operating in a Flexible Work Arrangement must maintain an approved Designated Work Area (most typically in the employee's home). The employee must certify that this Designated Work Area is free of safety hazards and must agree to maintain equipment/supplies in a safe and appropriate manner within this area.

In the event that an employee wishes to change the Designated Work Area, the employee must obtain prior written approval from their supervisor. For example, if an employee's Designated Work Area is at their home, the employee cannot work remotely in another location (ex. working in another state) without the prior written approval of their Supervisor.

For additional information, please [refer to the Ergonomics section of the Environmental Health and Safety website](#).

C. *Workers' Compensation Reporting.* All employees operating in a Flexible Work Arrangement must report any work-related injuries to their Supervisor immediately, but no later than 24 hours after such injury, using the standard injury reporting process.

D. *Appropriate Child/Dependent Care Arrangements.* All employees operating in a Flexible Work Arrangement are expected to make appropriate child and dependent care arrangements as needed so as to ensure that child/dependent care responsibilities do not interfere with the employee's work and safety obligations.

E. *Change in Employee's Work Hours.* All employees operating in a Flexible Work Arrangement must obtain prior written approval in order to change the employee's work hours from previously agreed upon with the University. This includes, but is not limited to, the employee obtaining prior written approval in order to work overtime hours.

F. *Equipment and Supplies.* The University may provide certain equipment to an employee operating in a Flexible Work Arrangement, such as a computer, hardware, and software deemed necessary to perform the employee's job. Any equipment provided to the employee is the sole and exclusive property of the University and is subject to the same business use restrictions as would apply on-site at the University. Equipment, supplies, and other property provided by the University are provided exclusively for use by the employee for work-related purposes. These equipment/supplies provided by the University may not be used by any person other than the employee (including household members). Any equipment/supplies provided by the University must be promptly returned to the University upon the conclusion of the Flexible Work Arrangement, the employee's separation of employment, and/or the University's request.

V. Consultation with Employee and Labor Relations and DRS

As set forth above, if an employee references a health-related reason why the employee cannot accept a Flexible Work Arrangement and/or a health-related basis for requesting a Flexible Work Arrangement (including modifications to an existing arrangement), the employee must be directed to DRS. Once an employee has been directed to DRS, no further action may be taken by the Supervisor and/or RC Head or their designate with respect to the employee until the Supervisor/RC Head is notified by DRS.

In the event a Supervisor and/or RC Head or their designate is concerned regarding the appearance of discrimination based upon the implementation of a Flexible Work Arrangement, the Supervisor/RC Head must contact ERLR for guidance.

As set forth above, Supervisors must promptly send all completed and signed Flexible Work Arrangement Agreements to ERLR.

VI. Contact Information

This Policy is posted under Employment Relations Policies on the Office of Policy Development and Management's website and can be found at: <https://www.policy.pitt.edu>.

For specific questions related to this Policy, please contact Office of Human Resources.

Contact information can be found at: <https://www.hr.pitt.edu/contact-ohr>.

Attachment A

Supervisor Checklist for Implementing a Flexible Work Arrangement:

https://www.hr.pitt.edu/sites/default/files/FlexibleWorkArrangement_SupervisorChecklist.pdf

Attachment B

Supervisor Request Form:

<https://na2.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=8a983d49-640b-4b61-a557-e99fc376d0c3&env=na2&acct=5f235d73-8911-4785-9715-399671fb99eb&v=2>

Attachment C

Employee Request Form:

<https://na2.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=d1208822-0a8b-4db2-aca0-fff3e557db4f&env=na2&acct=5f235d73-8911-4785-9715-399671fb99eb&v=2>

Attachment D

Flexible Work Arrangement Agreement:

<https://na2.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=f376ec08-e4ff-4bc0-ab27-a5ed06a38524&env=na2&acct=5f235d73-8911-4785-9715-399671fb99eb&v=2>