

Guidance Regarding Flexible Work for Staff

Issued: May 24, 2021

The University of California (UC) seeks to be an employer of choice that provides a work environment that attracts and supports a diverse set of talented employees. The University can advance its goals, promote efficiency and help employees balance work and personal responsibilities through the use of flexible work. Workplace flexibility can increase productivity and performance, enhance employee recruitment and retention, provide relief of space constraints and promote environmental sustainability.

Shared Responsibility for Flexible Work

Fostering a collaborative, successful flexible work culture requires intentional effort by both employees and managers. Managers should encourage their teams to practice self-awareness and assume positive intent. In addition, managers should adhere to the University flexible work principles of fairness and equity when assigning work, scheduling meetings, and setting standards for communication (office hours, standing check-ins, availability for meetings, etc.) among team members. Principles of community and teamwork should be maintained with flexible work, as they would in person.

Employees must continue to comply with all University policies and procedures when performing work pursuant to a flexible work arrangement. Noncompliance with policies and procedures may result in rescission of the flexible work agreement and/or corrective action.

Eligibility

Eligibility for a flexible work arrangement is determined by an employee's job duties. Flexible work agreements should include the percentage of time that a job may be performed remotely. If there are elements of the position that must be performed in person, those should be clearly outlined in the flexible work agreement. Not all employees and positions are suitable for flexible work; however, each new or modified flexible work arrangement must be evaluated objectively and fairly to ensure an equitable process.

Decisions about which positions are eligible for flexible work should be based on operational and business needs and made without bias or favoritism. It is recommended that all jobs in a department be evaluated for flexible work eligibility in the same timeframe to avoid disparate treatment.

Flexible Work Agreements

Flexible work is most likely to be successful when there is a clear understanding and agreement between the employee and manager of what is expected and how responsibilities are divided. Flexible work agreements must serve the best interests of the University's operational and business needs.

The flexible work agreement must be written and must be signed and dated by the employee, the manager and the department head or designee. A copy should be provided to the employee and the original agreement should be kept in the employee's personnel file in accordance with local procedures.

Flexible work agreements should be as specific as possible and may include the following:

- Days and hours the employee is expected to be working
- Expectations regarding availability of the employee, communication with the manager and adequate means of communication
- Methods of contact

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- Expectations regarding travel to the job location with reasonable notice based on business and operational needs
- A statement that the employee agrees to maintain a safe and healthy work environment, and that the employee agrees to hold the University harmless for injury to others at the non-University worksite
- A statement that the employee agrees to provide a secure location for University-owned equipment and materials, and will not use, or allow others to use, such equipment for purposes other than University business; and that the University is entitled to reasonable access to its equipment and materials
- A statement that the employee must ensure that any University records in their possession are available to the department when requested
- A statement that management retains the right to modify the agreement on a temporary basis as a result of business necessity, or as a result of an employee request supported by the manager
- Reimbursable expenses, if any
- An inventoried list of all equipment including serial numbers or other identifying characteristics (e.g. model numbers) the employee is using in their remote work location

Evolving work groups and projects may also force changes in the original flexible work arrangements, regardless of how successful they may be. Flexible work agreements are subject to ongoing review by managers and employees and may be modified or rescinded with reasonable notice in accordance with local procedures. Examples of situations that may require an amendment or rescission of an approved flexible work agreement include but are not limited to:

- Business needs are no longer being met
- Job or job requirements change
- Current coverage or staffing needs change

The process used to revise or end a work arrangement should be as careful as the process to initiate it. If an employee does not agree with the terms or conditions of their flexible work arrangement, managers should attempt to resolve the matter informally with the employee. If needed, managers should consult with their supervisor or division leader in addition to their local HR office. If an informal resolution cannot be reached, managers should inform the employee in writing that the employee may be able to file a complaint in accordance with the employee's applicable complaint process. Policy covered employees may be eligible to file a complaint pursuant to [Personnel Policy for Staff Members 70 \(Complaint Resolution\)](#) if the complaint alleges that a management action adversely affected the employees existing terms and conditions of employment in a material way. Represented employees may be eligible to file a grievance pursuant to the applicable [collective bargaining agreement \(CBA\)](#).

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Human Resources Considerations

Compensation

An employee's salary must be within the salary range or salary step structure that is assigned to the job title based on the associated position's duties and responsibilities, even for fully remote employees whose services are performed away from the job location in California or in another state. Levels for individual contributor, supervisory and management roles within each distinct functional area are defined consistently across occupations and with the labor market for comparable jobs. [PPSM 30 \(Compensation\)](#), CBAs, and applicable local procedures govern staff compensation.

The number of hours an employee works should not be affected by the employee's flexible work schedule. Hours of work are described in PPSM 30 for policy-covered employees and in the applicable CBAs for represented employees. For compensation purposes:

- The workweek for a full-time exempt employee is generally considered to be 40 hours, although greater emphasis is placed on meeting the responsibilities assigned to the position rather than working a specified number of hours.
- The regular number of hours worked by a full-time, non-exempt employee is 40 hours in a workweek, except Police Sergeants, Hospital employees, and Firefighters may have an alternate number of hours in their established work periods. Work beyond the regular number of hours in a week is subject to overtime.

Recruitment

The University recognizes that a diverse workforce is essential to serving the needs of our communities and to ensuring that our institution continues to demonstrate excellence. Hiring a diverse and talented workforce occurs through recruitment practices that are fair and consistent and that comply with all applicable laws and regulations as well as University policies and collective bargaining agreements.

Onboarding

For all employees, locations should ensure their onboarding experience is an inclusive experience which introduces and integrates them into the organization's culture and vision, provides them with the tools and resources they need to be successful as well as an understanding of expectations. In addition, during the onboarding process, there should be regular manager check-ins during the first 90 days to assess a new employee's progress. Discussions between an employee and hiring manager should determine what additional information the employee needs, address any training gaps and continue discussions about performance expectations. A new employee should be paired up with a department colleague who can provide support as needed, especially in remote working situations.

Performance Expectations

Whether an employee works fully at a UC location or is a hybrid-remote or remote worker, their first responsibility is to ensure they are completing their assigned job duties. Managers and employees should set clear expectations up front and allow for additional check-ins for new employees, or to accommodate individual employee needs. Performance expectations for an employee remain the same

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regardless of their work location. An employee's performance will be evaluated in accordance with University policies and local procedures.

Professional Development

Whether an employee works fully at a UC location or is a hybrid-remote or remote worker, professional development opportunities (management, leadership or other professional development) should be provided by the location's learning and development or human resource team. Opportunities should be offered in a variety of delivery options (in-person instructor led, virtual instructor led, online learning) to accommodate multiple working situations.

Succession and Retention

Whether an employee works fully at a UC location or is a hybrid-remote or remote worker, there will be equitable consideration for internal job opportunities when the employee's career interests align with the organization's staffing needs. Managers will keep all employees apprised of the key roles and skills that are needed to meet UC's future needs while providing ongoing discussion, guidance, and feedback needed to promote internal mobility.

Health and Welfare Benefits

Employees who live or relocate outside of a benefit plan's coverage area may have limited benefits and provider options. If employees have questions about specific insurance options when they move outside of their plan's coverage area or out of state, they should be directed to their local Benefits Office.

Employees are responsible for updating their personal information in UCPATH. Employees who move out of their plan's coverage area have the opportunity to select a new plan that will offer in-network care. If employees have specific questions about updating their personal information or changing their benefit plan, they should contact UCPATH.

Disability Management

Requests for disability accommodation should be handled in accordance with [PPSM 81 \(Reasonable Accommodation\)](#) or the applicable CBA. This includes situations where an employee with a disability requests a flexible work arrangement as a reasonable accommodation. It also includes situations where a remote employee with a disability or a hybrid remote employee with a disability may need a reasonable accommodation in order to perform the essential functions of their position.

Other Flexible Work Considerations

Space Allocation

If an employee chooses to work onsite at a UC location, a workspace will be made available to them. Examples of a workspace include, but are not limited to, offices, cubicles and shared workspaces or a combination thereof. Locations are not obligated to provide the employee a workspace of their choosing. Workspace arrangements are subject to change based on operational needs.

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Ergonomics

The University is responsible for ensuring that that work assigned to the employee can be performed safely offsite and for providing the employee with ergonomic equipment in accordance with local procedures. When performing work for the University, the employee is responsible for maintaining a safe and secure work environment and for arranging the remote worksite in an ergonomically sound manner. Managers should direct the employee to Environment Health and Safety for assistance in setting up an ergonomically correct non-University worksite and may provide telecommuting employees with information on a safe and ergonomically sound work environment.

Workers' Compensation

Work-related injuries incurred in the non-University worksite should be reported promptly to the manager. Such reports of injuries will be handled in the same manner as reports of injuries in the normal workplace.

Employees working in California should address any questions to the Workers' Compensation manager at their location. Workers' compensation laws vary by state. Employees working outside California should address any questions to the Workers' Compensation manager at their location or to Systemwide Risk Services.

Payroll and Tax

The University is registered in all 44 states that impose an income tax. To ensure appropriate tax withholding, current UC employees who relocate outside California must change their address and withholding information in UCPath to the state in which the employee's services are performed (not the UC job location).

Tax withholding for fully remote UC employees who reside and work outside California is based upon the state where the employee's services are performed. Employees should be aware of California tax residency rules and work with their outside tax adviser to ensure that they do not also have a California tax liability if they have not completely severed their residency in California.

Departments should be aware that there are some jurisdictions, such as the City of Seattle, that have a payroll expense tax that is imposed on the employer but not the employee.

Technology Needs

The University will provide employees with standard IT equipment needed to perform their job duties. Additional equipment may be provided for accommodation needs. The employee is responsible for supplying any additional equipment needed for their workspace not provided by the University. Any University-owned equipment must be properly returned prior to separating from University employment. The employee is responsible for working with the appropriate department to arrange timely return of equipment.

The University provides a wide range of tools that aid effective and productive teamwork, including but not limited to virtual private network (VPN) software, single sign on (SSO) & two-factor authentication, email and calendar, soft phone dialer, video and audio conferencing, electronic document storage, and

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other corporate technology tools such as financial, collaboration and productivity applications. The employee and the unit are responsible for maintaining the compliance of the device and associated programs.

Reimbursable Expenses for Remote Work

Remote and hybrid-remote employees who are working outside of the job location at their own convenience are not on travel status as defined in [Business and Finance Bulletin G-28, Travel Regulations](#), as “the period during which a traveler is traveling on official University business outside the vicinity of their headquarters or residence.” If an employee must travel to their job location that is considered a non-reimbursable commuting expense.

Reimbursement for work-related travel should be made from the employee’s job location, not from where the employee’s services are performed (for remote employees, the employee’s home or other work location).

Expenses related to work needs, such as internet connectivity or phone usage, are governed by [Business and Finance Bulletin G-46: Guidelines for the Purchase of Cell Phones and Other Electronic Devices](#). Only business-related equipment that can be returned to the office at the end of the remote work arrangement should be reimbursed. If any item needs to be installed, charges related to the installation are the responsibility of the employee. Locations should evaluate on a case-by-case basis where reimbursement is necessary for employees with specific needs not already met with existing resources.

Employees should work with their departments for regular office supply needs. Such supplies may be shipped to remote employees if needed.

Employee Resources

An employee’s mental health is as important as their physical health. Managers should inform employees of available resources on well-being and self-care, including mindfulness practices and their local employee assistance program.