COVID-19 Provisional Policies for Phase 1 of Return to Regular Operations: Flexible Work Arrangements
(Staff and Union-Represented)

Overview

Einstein requires that all departments observe and maintain adequate on-site staffing during regular business hours. In response to the coronavirus pandemic (“COVID-19”), each department is required to develop a written staffing plan addressing steps to be taken to reduce density in the workplace by at least fifty percent (50%), subject to review and approval by human resources. A department’s staffing plan should include, where appropriate, an employee’s request for an alternate schedule to accommodate a special need. A special need includes, without limitation, the following:

- Dependent childcare obligations;
- Caregiver/Familial obligations;
- Membership in a vulnerable population;
- Transportation challenges;
- Other personal reasons.

This provisional policy does not apply to request for, or management of, workplace accommodation(s) under the Americans with Disabilities Act (“ADA”) or under any other applicable federal, state or local law. Employees seeking such workplace accommodation(s) should complete the disability accommodation forms and submit to human resources for review.

Elements to accomplish a reduction in workplace density include: adjusting work hours or staggering shifts; compressed work schedules; reduced scheduling or furlough; and, where appropriate, telecommuting (“Flexible Scheduling”). Any scheduling adjustment is discretionary and subject to operational needs and should be considered on a short-term basis only and is not intended to permanently change an employee’s terms of employment or work obligations.

We recognize that Flexible Scheduling is not possible for all work areas because of the specific requirements of that workplace and that supervisors will not be able to approve a flexible schedule in response to an employee’s request. This provisional policy covers changes to work schedules that are regular and recurring (short-term basis) and not sporadic which can be managed within the scope of a supervisor’s discretion.

This provisional policy does not apply to those departments and positions already outlined in the Essential Personnel Policy. Employees within these departments should speak directly with their supervisor with any scheduling questions or concerns.

Definitions

As defined by this provisional policy:

*Telecommuting* means working from home or other remote location one or more full days per week on a regular basis.

*Flextime* allows employees to start and end work during some range of hours outside of the regularly scheduled workday. For example, a work schedule of 7 am to 3 pm instead of the traditional 9 am to 5 pm work day. Flextime arrangements do not reduce the normal workload obligation (7 or 7.5 hours per day).

*Compressed work schedules* allow employees to work all their hours in fewer than five (5) days per week.
Common examples of this are schedules allowing employees to work 37.5 hours in four (4) days per week for an extra day off per week, or 75 hours in nine (9) days every two weeks for an extra day off every two weeks.

*Reduced scheduling* allows an employee to reduce the number of hours she or he works in a week in order to have extra time to take care of personal or family needs (full time to part time).

*Furlough* is a temporary, reduction in days or hours worked with the expectation of returning to regular employment when workloads also return to normal levels. It is not a separation or termination of employment.

**Factors**

**Telecommuting**

Supervisors should consider the following factors in determining whether an employee can perform their role remotely on a full or part-time basis, beginning June 1, 2020 until further notice. Telecommuting may also be accomplished on a rotational basis among department staff.

- **Performance**
  - The employee is in good standing in their current position
  - The employee is capable of self-motivation, independence and self-discipline
  - The employee communicates well with their supervisor, colleague(s) and client(s)
  - The level of supervision required will still be possible under the proposed arrangement

- **Job responsibilities and duties**
  - The employee’s job contains tasks that can be done from a remote location
  - The employee will be able to meet the requirements of their position and fulfill their departmental/work responsibilities
  - Quality of service can be sustained
  - Productivity and progress metrics have been established and are still measurable under the proposed arrangement

- **Technology, Confidentiality and Security**
  - The employee has the necessary technology, equipment and secure system access to perform all responsibilities and maintain effective communication
  - The proposed location allows for adequate security and privacy

**Flextime, Compressed Work Schedules, Reduced Scheduling or Furlough**

Supervisors considering Flexible Schedules should examine staffing needs for their areas to determine if the workplace needs to be fully staffed for the entire period of the regularly scheduled workday. Supervisors must assure that there is adequate on-site staffing during normal business hours. Any request which results in a department having to engage in replacement or temporary employee(s) should be denied.

**Procedure**

Employee (if requesting an alternate schedule):
- Complete a COVID-19 Temporary Flexible Work Arrangement Form to request alternate schedule.
- If the request is approved, you will receive a written copy of the schedule change.
- Notify your supervisor of any change in circumstances that may require a change or termination of the
flexible work arrangement.

Departments:
- Develop a written staffing plan and submit to human resources for review and approval.
- Where an employee submits a COVID-19 Temporary Flexible Work Arrangement request form, supervisors should review the request and consult with their department head, dean and vice president for human resources. Where appropriate and in tandem with the department’s operational needs and staffing plan, the request should be approved as proposed or on a modified basis. Supervisors are required to communicate their decision to the employee in a timely manner, including rejection or any proposed modification(s).
- Circumstances may change causing the temporary flexible work arrangement to change or discontinue at any time. It is the responsibility of the employee’s supervisor to manage, assess and review this arrangement on a regular basis to determine if it should continue.

Payroll
Employees and supervisors should refer to Einstein’s COVID-19 Provisional Policies for Phase 1 of Reopening: Time and Attendance Guidelines, Effective June 1, 2020.

Additional Information

Please contact Robert Cancellieri, Director, Employee Relations with any questions.

This provisional policy may be changed, modified or discontinued at any time by Einstein.