



Ohio Administrative Code Rule 3341-5-44 Flexible work and remote work.

Effective: April 3, 2023

(A) Policy statement and purpose

Alternative work arrangements such as flexible work and remote work can result in improved productivity, recruitment and retention of skilled staff, and improved employee satisfaction. These arrangements can provide employees with increased versatility in work schedule or location while allowing the University to maintain a progressive and productive work environment.

The University encourages employees and managers to work collaboratively to align expectations for any alternative work arrangements. Alternative work arrangements are a discretionary benefit to eligible employees and should not be viewed as automatic or permanent.

(B) Policy scope

Flexible and remote work may apply to any administrative or classified staff position except those covered by a collective bargaining agreement.

Temporary, non-routine adjustments to a work schedule to address occasional needs do not constitute flexible work or remote work and are not covered by this policy. Such temporary, non-routine adjustments may be made with supervisory permission at management's discretion.

(C) Introduction

(1) Flexible work

Flexible work arrangements, as described in this policy, may include adjustments to work hours. They may also include adjustments to work location for one or two days a week.

(2) Remote work



Arrangements in which an employee regularly works off-campus more than two days a week are considered to be remote work. A remote work arrangement may be for the convenience of the employer or at the approved request of the employee.

(D) Position categories

The University recognizes that not all positions are conducive to flexible work arrangements or remote work and has recognized positions in the following categories:

(1) Onsite position

The job duties cannot physically be performed remotely, or an in-person experience is expected for successful operations. Staff in these positions will not be eligible for remote or hybrid work assignment but may be eligible to request a flexible schedule or compressed work week arrangement if it does not lead to overtime pay.

(2) Hybrid eligible position

Most job duties are required to be performed on campus, but a portion can be performed remotely. At least some work responsibilities can be done offsite without loss of productivity, but some onsite presence is required for in-person collaboration with department and other team members. Some hybrid eligible positions may necessitate flexibility on the part of the employee who, with reasonable notice, may be required to adapt their schedule to meet unit needs.

(3) Remote eligible or remote work position

All job duties can be performed remotely without disruption to other employees or productivity levels. It is expected that employees in these positions are available during customary operating hours for the department/unit.

(E) Flexible work procedures



(1) Flexible work options

Flexible work options may include adjustments to both time and location. Flexibility in time includes the ability to adjust one's work hours. Flexibility in location includes the option of altering the location of one's workplace. These flexible work arrangements may be used separately or combined. They are agreed-upon adjustments to time and/or location for a defined period.

(a) Flexibility in time

Flexibility in time shall not schedule any employee eligible for overtime pay to work more than 40 hours in a week. Any overtime must be approved in advance by the employee's supervisor.

(i) Flexible schedule

Work hours that start and end at times differ from the departments or units customary operating schedule. Examples include: working from 7 a.m. to 4 p.m.; working a "split shift" from 7 a.m. to 11 a.m. and then from 1 p.m. to 5 p.m.; or working from 8 a.m. to 5 p.m. on Tuesday through Saturday.

(ii) Compressed workweek

Work hours that result in increased hours per day with fewer days than the typical workweek (e.g., four 10-hour days instead of five 8-hour days).

(b) Flexibility in location

Employees able to perform a percentage of their work offsite, while working onsite for the remainder of the time, may be eligible for flexibility in location. An employee with an approved flexibility in location arrangement will work on campus on designated days and work remotely on other days. For example, an employee may be approved to work from home for two days a week and to work on campus the other three days.

The number of days in each location will be determined by the University based on the employee's proposal and departmental/unit needs. Employees must work on campus at least three days per week



unless operational needs of the department/unity require otherwise.

(2) Request for flexible work

(a) Proposal submission

A staff member may request a flexible work arrangement by submitting a flexible/remote work form to their immediate supervisor.

A request for a flexible work arrangement cannot be used as the basis for an adverse action against an employee.

(b) Proposal evaluation

The request for a flexible work arrangement must meet the needs, requirements, and constraints of both the department/unit and the employee.

Flexible work arrangements are not to be used for childcare purposes. Employees are expected to arrange for child/dependent care as they would if they were working in the office.

Supervisors should consult with the Office of Human Resources as necessary when considering a flexible work arrangement proposal.

The immediate supervisor will review the proposal with the employee. The department head, after consulting with the immediate supervisor, shall make the final determination regarding the request after considering the following factors:

- (i) The nature of the employee's primary duties and the employee's overall ability to perform them;
- (ii) The volume of work and/or the operational and customer needs of the department;
- (iii) The types of communication (such as meetings, consultations, presentations, and direct interactions with students or others) needed for the employee's successful completion of their duties;



including the effects on collaboration, synergy, and/or dynamics of the department/unit;

(iv) For continuing employees: the employee's demonstrated record of productivity and ability to work with minimal face-to-face daily supervision;

(v) For continuing employees: the employee's record of performance. Individuals who meet or exceed performance standards are typically good candidates for flexible work arrangements. Individuals in corrective action or on a performance improvement plan may not be eligible for flexible work arrangements; and

(vi) Any other factors deemed relevant by the department head and/or immediate supervisor.

(c) Decision

The decision on a proposal will usually be communicated within 30 days of receipt.

The department head is expected to consult with their own supervisor before deciding to approve or disapprove a proposal.

If approved, the proposal (as submitted or as modified by agreement) will be signed by the immediate supervisor, the department head, and the employee.

A department head's disapproval of a proposal will be provided in writing to the employee and based on the factors listed in Section (E)(2)(b).

The Office of Human Resources retains the right to deny or discontinue a proposal that does not comply with local, state, or federal laws or regulations or University rules or policies.

(3) Implementation, renewal, and discontinuance

Flexible work arrangements can be approved for up to one year and will expire at the end of the approved period. An employee may not begin flexible work before full approval has been given. Renewal is possible but not guaranteed. In addition to the factors listed in Section (E)(2)(b), business



operations, employee performance, rotation of flexible work opportunities, and other circumstances will be considered in determining whether to renew the arrangement. The renewal or non-renewal decision will be communicated to the employee in writing (email is permissible) by the department head.

Flexible work arrangements are subject to ongoing review. When operational needs of the department or unit require a change or cancellation to the arrangement, a 14-calendar-day notice will be provided to the employee if feasible. If at any time the flexible work arrangement is not in the best interests of the University, it can be discontinued at the University's discretion.

(F) Remote work procedures

(1) Remote work for the convenience of the employer

The university may assign employees to work remotely on a regular basis. This assignment will be documented in the employee's original or revised offer letter, personnel action form, or equivalent document.

(2) Remote work at the request of the employee

In its discretion, the University may allow an employee in a remote-eligible position to work remotely three or more days a week. For clarity, offsite work for two or fewer days a week is considered flexible work under Section (E)(2) of this policy.

An employee seeking approval to work remotely will make their request directly to their supervisor by submitting a flexible/remote work form. Supervisors will determine whether the position is remote-eligible using the criteria and factors in Section (E)(2)(b) of this policy. the initial decision implementation, and any renewal or discontinuance will be made in accordance with Sections (E)(2)(c) and (E)(3).

If an employee's request to work remotely has been approved, the University in its discretion may cease to provide a dedicated on-campus work area. Instead, the University may elect to provide hoteling space for the employee's use when on campus.



(3) Supervisory reporting

The supervisor or department head approving remote work will ensure that the Office of Human Resources and the Office of the Controller are appropriately informed for tax withholding and tracking purposes.

(G) Other requirements

(1) Travel

Employees traveling on business may or may not be compensated for travel time depending on how the provisions of the Fair Labor Standards Act apply to their work circumstances. An employee working off campus will not be reimbursed for commuting or travel-related costs to or from their designated on-campus location unless those travel related expenses are eligible for reimbursement under an accountable plan and approved in advance by their supervisor.

(2) Information Security

While working offsite, an employee may receive work-related data, documents, or other materials protected by the Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley Act (GLBA), the Health Insurance Portability and Accountability Act (HIPAA), or other state or federal privacy laws or regulations. Those items will be considered "Confidential Information" for purposes of this policy.

The employee will hold all confidential information in strict confidence. The employee will not use or disclose confidential information except as required to perform their job duties.

The employee will protect all confidential information according to commercially reasonable standards and use appropriate administrative, technical, and physical security measures to preserve the confidentiality, integrity and availability of all confidential information. Specific standards and appropriate programs/safeguards will be provided by BGSU.



In the event of an actual or suspected breach of security, the employee will promptly notify their supervisor and information technology services.

(3) Technology and worksite requirements

(a) University laptops

The University will make sure that each employee who enters into an approved arrangement to work offsite has a university-issued laptop as their primary device. Information technology services (ITS) will provide remote support only. If an issue arises where a technician physically needs to work on the device, or if the device is due for exchange and/or upgrade, the employee is responsible for bringing the device back to their campus for ITS service.

If the employee currently has a university-issued laptop as their primary device, then the employee will be required to use that device at both BGSU and their offsite location; an additional laptop device will not be provided for an employee to leave at their offsite location or in their office.

Unless alternate arrangements are approved in writing by ITS and the employee's department, if the employee currently has a university-issued desktop as their primary device, the employee will be required to switch to an equivalent model year laptop as their primary device and return the desktop to ITS at no cost to the employee's department. If ITS must provide a new laptop, the employee's department is responsible for the cost of the upgrade, unless it occurs as part of a planned employee device upgrade program.

The university will provide a VPN connection for the employee to use on their university-issued laptop when working remotely to ensure data privacy and security.

(b) Worksite

An employee who has requested to work remotely is ultimately responsible for ensuring that they can perform their job responsibilities by providing an off-campus worksite that meet the following requirements:



The worksite must have adequate broadband internet access to allow remote work. The employee is responsible, at their own cost, for the purchase, setup and installation, support, and maintenance of internet service at their off-campus location. Employees should have at least fifty Mbps connection from their ISP for software updates and automated backups. Service will degrade below this level.

While working remotely, the employee is responsible for making the changes needed to receive phone calls made to their university extension. Any associated costs are the responsibility of the employee or their department or unit.

The employee or their department or unit is responsible for the purchase, installation, support, and maintenance of any additional accessories needed to work remotely (monitor, printer, keyboard, mouse, etc.)

The employee is responsible for ensuring that they have a safe, secure, ergonomic, and functional remote work environment.

Due to the dynamic nature of information technology, additional requirements may arise. Please visit the ITS website to review current considerations for worksite requirements.

If the remote work assignment is for the convenience of the employer, the foregoing requirements and responsibilities may be revisited to ascertain how the university can best facilitate remote functionality.

(H) Exceptions

(1) Off-site work temporarily required by the university

The university may temporarily require employees to work offsite in response to a university-declared emergency or other operational or educational needs without regard to this policy. Any such requirement, and the reasons for it, will be communicated to the affected employees.

(2) Faculty



Except for those faculty whose appointment requires on-location work for specified hours, it is an accepted practice for faculty to carry out their work with varied schedules on campus and elsewhere. Thus, Sections (E) and (F) of this policy will not apply to faculty. For the avoidance of doubt, teaching courses assigned for delivery in an online or remote mode, or taking approved faculty improvement leave, will not necessitate a formal request for flexible or remote work. If an alternative work location is a negotiated term of faculty employment, this will be documented in the original or revised appointment letter or addendum. The department chair will ensure that the Office of Human Resources and the Office of the Controller are appropriately informed for tax withholding and tracking purposes.

(3) Accommodations

An employee with a documented disability may request flexible or remote work as a reasonable accommodation to enable an employee to perform their essential job functions. Those requests will be handled by Accessibility Services in accordance with its usual procedures.

In such cases, Sections (E) and (F) of this policy will not apply.

(I) Tax consequences

Employees are responsible for all tax consequences that may occur because of off-campus work, whether flexible work or remote, and are encouraged to consult with a professional tax advisor.

(J) Equity impact statement

The policy has been assessed for adverse differential impact on members of one or more protected groups.