

State of Colorado

Flexible Work Arrangements (FWA)

Frequently Asked Questions



What are the most frequent concerns regarding FWA in state government?

The most common concern to address for management is a lack of trust that an employee can be as productive at an alternate office location as at the traditional office. Repeated studies show that the right employee working from an alternate office at least one day a week is more productive, has a better attitude, becomes even more trusted, and is more likely to stay at their job. Cost, information security (electronic and hard copy), and uniform application are also concerns that arise.

Can any employee have an FWA?

FWA are not for everyone and are not an employee benefit or right. For example, jobs that require frequent personal interaction with customers, clients, or the public, such as direct health care providers and law enforcement officers are generally not suitable Flexplace candidates. Certain jobs may be excluded from Flextime eligibility if employee presence is critical during standard work hours, e.g., reception operation or small offices where no alternate coverage is available.

Further, even if a position is, some *employees* may not be well suited for FWA, such as employees that may not be strong communicators, self-motivated or directed, well organized, flexible, independent, focused, or demonstrate adequate performance. The delegated appointing authority is ultimately responsible for approving these arrangements within the organization's business goals and needs.

What are the costs associated with FWA and who should pay?

Not all FWA have a cost associated. If the employee has the tools needed to complete the job tasks available at the alternate office location, then those existing resources may be used at no additional cost to the employee or employer. Some work assignments may have specific requirements, such as computers, telephones, certain software packages, access to email, etc. Determine the cost impact, if any, before implementing FWA and ensure both the employee and employer are aware of who is responsible for the cost or equipment requirements.

It is acceptable for an employer to require an employee to absorb all costs or share costs associated with an alternate office. It is within the employer's discretion to specify who is responsible for any associated costs with maintaining an adequate alternate office and assigning responsibility for furnishing any equipment, such as a desk, computer, printer, Internet connection, etc. Further, technology resources needed for FWA are at the discretion of the department and any IT protocols or policies in place, e.g.

ownership, licensing, repairs. For example, a department may decide to recycle hardware replaced in the office to telecommuters, in order to maintain ownership and control of equipment and minimize any associated risk with the use of personal equipment used for business reasons. Other costs could be associated to required software or hardware, long distance phone calls and telecommunications equipment, regular office supplies, or computer resources to ensure proper access and security requirements are met if an employee is connecting remotely to a department's network or needs access to sensitive or confidential information to do their job. These costs and issues must be determined before FWA implementation and may be grounds to deny an employee from any such arrangement.

What would a flexible work arrangement policy include?

At a minimum, FWA policies will include the following.

1. Define the business need for such arrangements.
2. Position and employee eligibility criteria.
3. Supervisor and employee orientation or training requirements.
4. Applicable dispute resolution processes and options.
5. Outline the business, technology and office requirements for both the employer and the employee.
6. Requirement of an official FWA agreement, which will be signed by the supervisor or appointing authority and employee prior to implementation.
7. Define a periodic evaluation and review process and timeline.

What are the criteria by which an employee is evaluated for FWA?

Departments have the flexibility to decide which criteria or characteristics employees must demonstrate for FWA eligibility; however, assuming the job is suitable for FWA, good FWA candidates typically display the following characteristics.

1. Self-directed
2. Flexibility and creativity in accomplishing job tasks
3. Self-motivated and independent
4. Demonstrated performance at a fully trained and successful level (at a minimum)
5. Focused
6. Well-organized
7. Dependable
8. Good communication skills

What types of job tasks or duties are most suitable for Flexplace?

Typical tasks include:

1. Analysis
2. Auditing
3. Calculation
4. Computer programming
5. Data entry

6. Design
7. Document preparation, i.e., writing and editing
8. Evaluations
9. Reading

For jobs that are identified as appropriate for Flexplace, it is recommended that an additional analysis of the employee in that position be completed, as not all individual employees are best suited for Flexplace, even if the job is. Further, supervisors need to have the skills and abilities to manage Flexplace employees and arrangements.

How would departments conduct FWA assessments or evaluations?

Assessments may be completed by supervisors and managers, human resource professionals, or with the input of a designated committee or employee group. For departments that have several thousand employees and/or limited resources, the effort and commitment needed to conduct comprehensive FWA assessments may be considerable. To mitigate those issues and make the process as efficient as possible, the following are recommended.

- Assume that all employees are considered eligible, until determined they are not.
- Identify jobs and positions that are not suitable, first.
- Require employees to submit a formal FWA request to be considered, and then make the position and employee suitability assessment.
- Set criteria and standards that specify the priority or timeframe for position or employee assessments.
 - Employees who present a formal FWA request may have their position evaluated first.
 - For employee assessments, it can become part of the annual performance management review or included during a performance management check-in for the initial determination or as often as needed, such as part of the on-going evaluation process.
 - Position assessments may become part of the position review or PDQ update processes, similar to FLSA designation status determinations.
 - Employees with extreme commutes may receive a higher priority.
 - Employees designated as “essential” or those included in a department’s COOP or COG plan may receive a higher priority.
- Department policies should include well-defined eligibility and application criteria and timelines.
- Although FWA are not “one size fits all” options and some positions and employees may not be eligible for FWA participation, the criteria and timelines need to be consistently applied to all situations.

How many employees should be on FWA? Is there a statewide expectation or quota?

At this point in time, there is no statewide expectation or quota. The only expectation is that each supervisor is utilizing FWA, wherever appropriate. The State's policy is that each supervisor uses and considers FWA to allow flexibility in the state system through positive solutions to work-life conflicts and promotes individual work-life effectiveness. Each department, office, location, and work unit, may be different and levels of participation in FWA are not mandated or required.

How can I be sure that everyone is treated equally and given the same chance to utilize FWA's?

It is important to apply FWA policies consistently; however, the appointing authority has the discretion to disapprove or discontinue an FWA for any business reason. For example, in most situations not all employees in a work unit could be allowed an FWA that has them out of the office on Fridays. There must be adequate staffing to meet business needs and the employer must ensure that services are continued and transparent to customers, therefore, some employees and job assignments evaluated as eligible for FWA may still be denied flexible arrangements. It is important that a department's FWA policy address eligibility and selection of employees for FWA and employees' realize that FWA are not guaranteed for anyone and may not apply to all employees, even those similarly situated, for a variety of reasons.

Does an employee on an FWA receive more or less pay because of the flexible arrangement?

No. An FWA participant's salary, benefits, status, or eligibility for promotions or transfers does not change. A properly planned FWA should have no impact on an employee's paycheck. In addition, Workers' Compensation, FLSA, FMLA, and other laws apply when working at an alternate office location. For example, the alternate office location should meet all safety standards and is subject to inspection by the employer. Also, work hours should be included in an FWA agreement in order to limit possible exposure to overtime liability for FLSA non-exempt employees (employees eligible for overtime).

Do state employees have the right to FWA?

Flexible work arrangements are a privilege, not an employee right. FWA approval is at the discretion of the appointing authority and dictated by best business practices to meet organizational goals.

What if an employee completes a self assessment with a perfect score and his/her position has been deemed eligible for FWA? Is there some assurance of approval then? The final decision for FWA approval always rests with the appointing authority. Each situation is different and there may a variety of business reasons that influence an appointing authority's decision to deny an FWA. FWA approval is never guaranteed

and if a request is denied, it is advised that the employee discuss the decision with the appointing authority and HR if applicable.

Can an employee who was denied an FWA request file an appeal?

A department's FWA policy should address dispute resolution processes and options. Remember that FWA's are a privilege and not a right, and are approved solely by the appointing authority based on business needs.

How often should an employee work from an alternate office location?

It is recommended that Flexplace arrangements not exceed two days per week. The reason is that studies have shown that telecommuting arrangements where an employee works outside of the regular office for a majority of the week may cause the employee to feel isolated and disconnected from the rest of the unit or organization. Social aspects of the job may be lost and job satisfaction may actually deteriorate in some of these situations. However, unique circumstances may exist where Flexplace arrangements of more than two days per week may be acceptable, such as temporary arrangements where an employee is returning from an injury or where it may provide an opportunity to employ individuals that might not otherwise be available to come to the traditional office site, such as persons with disabilities. It is recommended that Flexplace agreements of more than two days per week are approved by an executive director or college president

I am a supervisor, how do I know that an employee is really working when they are "working from home"?

The results or outcome of the employee's work is the answer. To be an effective FWA supervisor, the focus needs to be on work product quality, outcomes, and timeliness. Manage by objectives achieved, results, and outcomes rather than "face time" or physical presence in the office. Ideally, supervisors of employees who telework delegate work easily, are well organized, communicate openly and frequently, and trust their employees. If a supervisor of teleworkers is not comfortable with this style of management, FWA options will not be successful without further managerial training and education. FWA's rely on supervisor and employee collaboration. If one of the partners is not willing or able, FWA cannot succeed.