

# UNIVERSITY POLICY FOR HUMAN RESOURCE

## Policy No. UPHR-9

### WORK SCHEDULES AND EMPLOYMENT INNOVATIONS

#### 1 General:

- 1.1 Scope: A policy discouraging certain changes in work schedules and promoting innovative ways to utilize the institutions' classified employees.
- 1.2 Statutory References: W. Va. Code §18B-7-9.
- 1.3 Passage Date: July 25, 2005
- 1.4 Effective Date: Upon passage.
- 1.5 Background: This policy is required under W. Va. Code §18B-7-9. This policy was previously numbered as MUBOG Policy No. 31.

#### 2 Involuntary Work Schedule Changes:

- 2.1 It is the policy of Marshall University (hereinafter the University) and Marshall Community & Technical College (hereinafter the College) to discourage temporary, nonemergency changes in an employee's work schedule. The goal of this policy is to provide to the extent possible a week-to-week work schedule that is uniform from one week to the next, and which conforms as closely as possible to the typical University or College work week as set forth in the Classified Staff Handbook. If any employee feels that the current or a planned future modified work schedule for himself/herself or for an individual he/she supervises violates the principles of this policy, he/she is asked to confer with the Director, Human Resource Services, who will investigate the matter and bring a recommendation about whether or not such modified work schedule should be rescinded or prevented from being implemented. Nothing in this policy shall bar the employee from having the above conversation directly with his/her own supervisor. Due consideration will be given to issues related to job evaluation including the possible solicitation of a revised Position Information Questionnaire (PIQ) if needed.

#### 3 Employment Innovations:

- 3.1 It is the policy of the University and the College to encourage flexibility in employee work scheduling by allowing under certain circumstances either (a) modified work schedules, including possible four-day work weeks for full-time employees; (b) job sharing involving one employee having two or more part-time appointments in two or more programs, colleges, offices, or departments; and (c) job sharing involving two or more employees having part-time appointments in a setting that was formerly one full-time employment position.
- 3.2 Modified Work Schedules: An employee may suggest a modified work schedule for himself/herself, or a supervisor may suggest a modified work schedule for an employee. A modified work schedule may entail changes in the normal starting and ending times of employment maintaining the same number of work days per week that prevailed before

the work schedule was modified or may involve a four-day work week in lieu of a five-day workweek.

- 3.2.1 In order for such a modified work schedule to be approved it must be documented (a) that the same quality and/or quantity of production in the department can be achieved with the modified work schedule that was achievable before the modified work schedule would be implemented and (b) that the ability of the department to meet and serve its public or clients will not be adversely affected by the modified work schedule. No modified work schedule may be established (a) that will cause the employee to work more than their appointed FTE hours in any week or (b) that will by its structure or application routinely incur overtime costs in the case of a Fair Labor Standards Act non-exempt employee. Nothing in this policy shall prevent the accruing of overtime by a non-exempt employee that would not be repeated from week to week.
- 3.2.2 Any proposal for a modified work schedule must be made in writing, approved by the responsible Vice President, and tendered to the President. The President or his/her designee will review the proposed modified work schedule and either approve or disapprove it in writing. There is no right of appeal from the President's decision on a modified work schedule. A right to a modified work schedule does not exist. Approved modified work schedules shall continue indefinitely until/unless the employee, the immediate supervisor, or a higher-level supervisor shall request the cessation of the modified work schedule. The decision to place the affected employee back in the standard work schedule that prevailed before the modified work schedule was implemented or in a work schedule that is consistent with the provisions of the Classified Staff Handbook rests with the employing department.
- 3.3 Job Sharing: The opportunity for job sharing can develop in several ways: (a) It may be a situation where one employee has two or more part-time appointments in two or more departments or colleges; or (b) job sharing may involve two or more employees who have part-time appointments in a setting that was formerly one full-time employment position.
  - 3.3.1 One Employee, Two or More Part-Time Appointments: This scenario might arise in a situation where a department or college does not have the budgetary funds to support a full-time employment position or does not have full-time duties for an individual in such a position. If a department or college feels such a situation may exist and has been unsuccessful in obtaining additional funding, it is asked to contact the Director, Human Resource Services, who will maintain information about departments that have made a similar requests or otherwise indicated that sufficient funds are not available to support a full-time position or indicated that work to be performed may not require a full-time employee. The Director, Human Resource Services, will provide a broker function to share information between these departments or colleges and attempt to facilitate the creation of an appointment sharing situation. As long as the employee involved in a two or more part-time appointment situation is in regular status and works at least 20 hours per week, he/she is eligible for employment benefits. Some benefits such as annual leave and sick leave are provided proportionally to the percentage time at which employed. Other benefits are provided at a constant level once the employment appointment is set for the required number of hours per week. The total of both appointments for one individual shall not be set at

less than 20 hours per week or more than 37.5 hours per week unless the affected employee agrees voluntarily in writing to such arrangement. Departments may wish to make arrangements regarding the possible restoration to full-time of any part-time positions that become vacant.

- 3.3.2 One “Position” Shared by Two or More Employees: This scenario might arise in a situation where two or more employees indicate an interest in or a need for less than full-time employment. Such requests can arise from a variety of circumstances and will typically come from a current or prospective employee. If an applicant for employment or a current employee feels that he/she cannot or does not wish to work full-time, they are asked to contact the Director, Human Resource Services, who will (with the permission of the employee in case of a current employee) discuss the situation with the employing department or college and evaluate the possibilities for establishing two or more employment appointments that will share one “position.” Under the salary budget rules one regular-status position can be occupied by only one employee. Therefore, position-sharing arrangements such as contemplated in this section will actually require that the employing department or college work with the Budget Office to convert the former single position to two or more part-time positions that may add up to a percentage time equal to the original position.
- 3.3.3 Benefits: The information in this section applies to both paragraphs 3.3.1 and 3.3.2 above. A full-time position at the University or College is based on a 37.5 hour work week. If such a full-time position is split into two or more part-time positions, no more than one of the part-time positions may be set at 20 hours per week, the minimum necessary for a position to be considered benefits eligible. Therefore, a situation can develop where one part-time employee receives benefits while the other does not. If a department or college seeks to provide employment benefits to both employees, it will be necessary that the two positions be set at 20 hours per week (or 6.67 percent greater than the former 37.5 hour position). This requires the allocation of additional financial resources over and above what was previously allocated to the position for both the salary and the cost of the benefits. The decision to do this rests with the Budget Office.