INTRODUCTION
In recognition of the diversity of organizational needs, Carnegie Mellon University offers flexible work arrangements for eligible employees (faculty and staff) in situations where the business needs of the college/division can be equally or better met while allowing the employee to balance professional and personal responsibilities. Flexible work arrangements, which are intended to support productivity and increase engagement, are available at the discretion of the employee’s supervisor and can be modified or discontinued by the university at any time.

Because much of the work of the university is best completed through personal interaction between faculty, staff, students, colleagues, and visitors, employees are assumed to conduct their work on-site and during regularly scheduled work hours, unless otherwise arranged through a flexible work arrangement—either during the recruitment process (new employees) or post hire with their supervisor (existing employees).

At CMU, a flexible work arrangement (FWA) is the organizing of work such that the work location or work schedule meets the university’s needs while balancing the employee’s work and personal needs. FWAs can address the scheduling of work hours and/or the place where the work is done. CMU offers four types of flexible work arrangements; however, not all types of flexible work are suitable for all positions:

1. **Flexible Schedule**: A schedule that allows the employee to adjust their start and end times, within certain limits, but does not alter the total number of hours worked in a workweek.
2. **Compressed Schedule**: A schedule in which the number of hours expected to be worked each week are accomplished in less than the standard number of workdays. The most common form of compressed schedule accommodates the standard number of hours in a four-day workweek.
3. **Remote Work**: An arrangement in which the employee works away from an assigned CMU office or workspace (i.e., CMU campus, satellite office, etc.). Generally, the location of a remote worker is outside the geographical vicinity of the CMU worksite, and the employee is not expected to travel regularly to the CMU office or workspace. Approval for remote work is location-specific (based on city and state). Separate approval is required for employees who wish to work from multiple cities/states or for employees who wish to change the city/state from which remote work is performed.
4. **Telecommuting**: An arrangement that allows the employee to have an alternative work location (usually their home) and not commute to a CMU office or workspace for part of all of the workweek. A telecommuting employee is generally within geographic proximity to a CMU worksite and can be expected to engage in meetings and activities on site.

Any consideration of a flexible work arrangement must include the business needs of the department. Also, due to the cost and risk associated with determining and ensuring compliance with the employment and tax laws of various domestic jurisdictions, Carnegie Mellon limits remote work to those jurisdictions where CMU is registered to do business and process payroll (as defined within these guidelines). Additional participation criteria are discussed in the Participation Criteria section below.

This document establishes Carnegie Mellon’s guidelines for requesting and approving flexible work arrangements for employees in positions based in the United States. To highlight key process differences, this document also outlines request and approval procedures for standard remote work and telecommuting arrangements and addresses the following exceptions to these procedures:
Flexible Work Arrangement Guidelines for Faculty and Staff

- Arrangements during the COVID transition period
- Arrangements for periods not exceeding 30 days in the aggregate during any calendar year
- Current employees with existing, non-COVID-related arrangements

Included in the procedures for standard remote work/telecommuting arrangements is information on the following:

- Jurisdictions where remote work/telecommuting is permitted and any relevant requirements
- Approvals required for other remote work/telecommuting requests

Please discuss with your direct supervisor or contact your HR business partner if you have questions.

Scope

These guidelines apply to Carnegie Mellon faculty and staff in positions based in the United States.

The Procedures section is broken down into schedule-related and location-related arrangements. The section outlines the procedures for requesting and approving standard remote work/telecommuting arrangements, as well as procedural exceptions for arrangements during the COVID transition, arrangements for periods not exceeding 30 days in the aggregate during any calendar year, and existing arrangements for current employees for reasons other than COVID.

GUIDELINES

FWAs are intended to mutually benefit the employee and the university by providing flexibility for the employee while supporting CMU’s business needs.

1. FWAs can be implemented, modified, or discontinued at the discretion of the immediate supervisor in consultation with the director, department head, or vice president/dean.
2. FWAs that are on-going or long-term arrangements must be approved and documented. However, occasional use flexibility is available to accommodate ad-hoc or infrequent business or personal needs.
3. Employees with flexible work arrangements may request modification or discontinuation of their arrangement at any time, but changes must be approved by the employee’s supervisor.
Participation Criteria

Supervisors are encouraged to consider FWAs where practicable. The arrangement should ensure that the business needs of the team, department, and university will continue to be met successfully. Any consideration of an FWA should include evaluation of the following criteria:

- The position and the department/unit
  - Job duties
  - Task interdependence
  - Type of customer service provided
  - Operational needs of the department/unit
  - Equipment needs
  - Funding source
    - Does the funding source permit remote work?
    - If so, are some locations disallowed (e.g., non-U.S. locations)?
- The employee’s job performance.
  - Has the employee successfully completed the provisional period?
  - Has the employee demonstrated satisfactory job performance (as measured in documented performance evaluations)?
  - Is the employee on a performance improvement plan (PIP)?
- The impact of the arrangement on the organization.
  - Has the individual demonstrated evidence that an FWA will not adversely affect their ability to meet the needs of the organization?
  - Will an FWA decrease the individual’s ability to serve customer needs, increase the workload of other employees, or require an increased budget to cover the arrangement?
- Emergency considerations due to temporary and extraordinary circumstances.
- Disability, medical, religious, or pregnancy-related (Pittsburgh only) need.
  - Requests for an FWA due to one of the above factors must be requested through Disability Services.

Equipment and Services

Carnegie Mellon University provides a university-issued computing device that is required for work purposes. The provision of equipment or services (e.g., internet service) beyond the university-issued equipment is at the discretion and approval of the applicable director, department head or vice president/dean.

If the employee separates from employment, university-provided equipment must be returned within the timeframe that is agreed upon at the time notice is given.

Employees in remote work or telecommuting arrangements are required to ensure that computer(s) and/or computing devices and information are maintained securely. Employees are also expected to comply with Information Security Office (ISO) guidance for securing data, accounts and university-issued equipment.
California-Based Employees

For California-based remote work or telecommuting arrangements, in compliance with California law, the university will reimburse the employee for all business expenses (equipment and services) needed to fulfill their day-to-day responsibilities. The university will not reimburse employees for expenditures that are solely for personal use.

Nonexempt Employees and Recording Time

Nonexempt employees are subject to the overtime and record-keeping provisions of the Fair Labor Standards Act (FLSA), as well as any state-specific wage and hour regulations. Time worked must be consistently and accurately reported in the Workday system. Nonexempt employees must adhere to the guidance on requesting the approval of overtime hours established by the university and the employee’s supervisor.

Workers Compensation

Employees in flexible work arrangements, whose work occurs in an alternative work location (remote work or telecommuting), are covered by applicable workers compensation laws. Workers’ compensation applies only to work-related injuries in the alternative work location.

To ensure the university is in compliance with applicable worker’s compensation laws, employees approved for remote work may not change the city or state from which they work remotely without advance approval from the supervisor and the Office of Human Resources. Approval for remote work from a particular city and state does not mean that remote work will automatically be approved for a different city and state.

Requests and Approvals

Requests for flexible schedules and compressed schedules are evaluated and approved on a case-by-case basis by the employee’s supervisor. Approved requests are forwarded to the department’s HR business partner to review and upload to the employee’s Workday employment record.

Requests for remote work arrangements and telecommuting are evaluated and approved on a case-by-case basis by the department head, VP/dean, and the Office of Human Resources (OHR).

Ongoing and long-term flexible work arrangements between an employee and their supervisor must be documented using an approved request form. Occasional use flexibility does not need to be documented via the request form. As FWAs are based on the employee’s current role and are between the employee and their supervisor, if the employee transfers to a different role or there is a supervisory change, the employee should request and obtain approval from the new supervisor for a flexible work arrangement.

Expectations for Approved Remote Work and Telecommuting Arrangements

Employees with an approved RWA or telecommuting arrangement are expected to work their normally scheduled hours unless otherwise agreed to by your supervisor. The following are additional expectations:

- Use PTO or other current leave options and follow the normal process for reporting off work if illness or other issues prevent you from working remotely.
• Conduct your work with the same professional, technical, and ethical standards as you do when working on-site. All policies and procedures of Carnegie Mellon University remain in effect, including expectations for performance and productivity.
• Be in regular communication with your supervisor and respond in a timely manner on all applicable communication channels (email, phone, etc.) during your normal work hours.
• Ensure that you maintain your computer, and the information you have access to, securely. You also will need to comply with all Information Security Office directives related to patching, virus scanning and software updating as needed.
  o Computing Services Tech Resources
• Nonexempt employees:
  o Must continue to accurately track time worked in Workday.
  o May not work overtime hours without written pre-approval from your supervisor.

If a supervisor comes to believe that the employee’s work under the arrangement is not meeting expectations, the supervisor can adjust the approved arrangement up to and including requiring the employee to transition to on-site work.

PROCEDURES FOR FWA REQUESTS AND APPROVAL

Flexible Schedules and Compressed Schedules

The following process applies for flexible schedule and compressed schedule requests.

1. The employee completes the Flexible Work Arrangement Request Form—Schedule (Faculty and Staff) and submits it to their supervisor.
   Note: Alternatively, the supervisor can complete the form to document an agreed-upon arrangement.
2. The supervisor reviews the request and either approves or denies the request. If an unsatisfactory request can be modified to the satisfaction of the supervisor, the supervisor notes modifications on the form and has the employee initial the changes.
   Note: No additional approval is required for schedule-related FWAs.
3. If approved, the supervisor forwards the request form to the department’s HR business partner.
4. The HR business partner reviews the form for accuracy and compliance with the FWA guidelines and then uploads the form to the employee’s Workday employment record. If necessary, the HR business partner contacts the supervisor to discuss the details of the arrangement and any adjustments that might be required.

Nonstandard Remote Work and Telecommuting Arrangements

• COVID Transition Period

Through the end of the COVID transition period (currently, December 31, 2022), employees who are working remotely/telecommuting in the U.S. due to the pandemic may be approved by their supervisor to continue to do so for their own convenience, within the parameters established by their department, but only if (i) in the case of remote work arrangements, the remote work occurs in PA, CA, NY, VA or DC, and (ii) in the case of telecommuting arrangements, the employee’s primary work location is in AZ, CA, CO, MD, MA, NJ, NY, PA, TX, VA, or DC and the
telecommuting occurs within that same state (i.e., the employee’s home/residence is within the same state as the employee’s primary work location) or the telecommuting otherwise meets one of the approved exceptions for telecommuting across state lines as specified later in these guidelines. Supervisors have the authority to approve remote work and telecommuting arrangements meeting the foregoing requirements, and no further approval is required. For clarity, the request and approval process for standard remote work/telecommuting arrangements outlined below is NOT required for current or ongoing arrangements meeting the foregoing requirements in response to the COVID pandemic. Following the end of the COVID transition period though, employees must work with their supervisors to execute an RWA or telecommuting arrangement for arrangements that meet the foregoing requirements, unless they had an existing non-COVID-related arrangement established prior to the pandemic.

- **Arrangements that do not Exceed 30 Days in the Aggregate in One Calendar Year**

Employees may be approved to work remotely or telecommute for their own convenience from any U.S. location, provided such remote work/telecommuting does not exceed 30 days in the aggregate in any one calendar year. Supervisors have the authority to approve such arrangements, and no further approval is required.

Example: An employee working while visiting family out of town.

- **Current Employees with Existing Non-COVID-Related Arrangements**

Any current employee who, prior to COVID, was authorized to work remotely or telecommute may continue to do so from the authorized jurisdiction, provided they have executed the HR-approved Remote Work Agreement and their work/home location is properly entered and correct in Workday.

**Standard Remote Work/Telecommuting Arrangements**

Except as indicated above, employees may be approved to telecommute/work remotely only from those jurisdictions where CMU is registered to do business and processes payroll (Arizona, California, Colorado, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Texas, Virginia, and Washington D.C.). Approval constitutes authorization through the defined request and approval process outlined in these guidelines.

**RWA Requests (where the university is registered to do business)**

**Remote Work in PA, CA, NY, VA, and DC**

Remote work in these states may be approved by the employee’s supervisor subject to the guidelines established by OHR for approving such arrangements.

**Remote Work in AZ, CO, MD, MA, NJ and TX**

Remote work in these states is **limited to critical need**. Critical need must be demonstrated to the satisfaction of a committee composed of the vice president for finance and chief financial officer, associate VP and chief human resources officer, and provost (or their designees) with advice from the Office of General Counsel (OGC).
The factors considered in determining critical need include, but are not limited to:

- The department’s written explanation of the unique qualifications of the remote work candidate, and the business case for hiring or authorizing the individual to work remotely in the particular state; and
- A comparison of the candidate’s qualifications to the qualifications of other candidates who are available to work on-site as well as a review of the recruiting process for the position, including the length of the recruiting process and outreach/advertising efforts to expand the pool of potentially qualified applicants; provided, however, that this requirement is not applicable if the prospective employee is being hired or assigned to support a customer in that state.

**Remote Work Arrangements for Approved Remote Work**

Employees approved to work remotely must 1) execute a Remote Work Arrangement using the HR-approved Remote Work Arrangement template and 2) be assigned a work location in Workday at the remote site/location. The assigned work location will be either a satellite office location, customer site, or the employee’s home address. The remote work arrangement must identify whether the remote work is for the convenience of the employee or at the employer’s request (since benefits differ if the remote work is due to employer necessity) and include language that specifies whether travel/commuting is reimbursable/not reimbursable. (Commuting costs are not reimbursable or are reimbursable on a taxable basis as these expenses are considered personal commuting expense).

**Telecommuting Requests (where the university is registered to do business)**

**In-State Telecommuting in AZ, CA, CO, MD, MA, NJ, NY, PA, TX, VA, and DC**

If an employee’s primary work location is in one of these states, the employee may be approved to telecommute on a regular or periodic basis by their supervisor, if the employee’s home/residence is within that same state.

**Telecommuting across States Lines**

Telecommuting across state lines generally is not permitted except where tax reciprocity rules would allow and CMU’s compliance obligations can be met, including the following limited circumstances:

If the employee’s primary work location is in:

a. **Virginia**

   The employee can also telecommute/work from home on a periodic basis if their home/residence is in DC, but only if the employee
   
   (i) does not maintain a residence (such as an apartment) in Virginia, and
   
   (ii) completes and submits to CMU the appropriate payroll forms to have DC income tax withheld from their wages, and
   
   (iii) receives only wage or salary income in Virginia (i.e., does not have other sources of income from Virginia).

   The employee can also telecommute/work from home on a periodic basis if their home/residence is in Maryland, but only if the employee
(i) does not maintain a residence or abode (such as an apartment) in Virginia, and
(ii) completes and submits to CMU the appropriate payroll forms to have Maryland state and local income tax withheld from all of their wages, and
(iii) receives only wage or salary income in Virginia (i.e., does not have other sources of income from Virginia), and
(iv) is present in Virginia (i.e., is working at the employee’s primary work location in Virginia) for 183 days or less during the calendar year.

b. Washington, D.C.

The employee can also telecommute/work from home on a periodic basis if their home/residence is in Virginia, if the employee:

(i) does not maintain a residence (such as an apartment) in DC, and
(ii) completes and submits to CMU the appropriate payroll forms to have Virginia income tax withheld from their wages.

The employee can also telecommute/work from home on a periodic basis if their home/residence is in Maryland, but only if the employee:

(i) does not maintain a residence or abode (such as an apartment) in DC, and
(ii) completes and submits to CMU the appropriate payroll forms to have Maryland state and local income tax withheld from all of their wages, and
(iii) is present in DC (i.e., is working at the employee’s primary work location in DC) for 183 days or less during the calendar year.

Except as indicated in category a. or b. above, an employee cannot otherwise telecommute if their home is in a state other than their primary work location, even if CMU is registered to do business in the state where their home is located (e.g., cannot be a Pittsburgh-based employee and work from home if the employee’s home is in Maryland).

Request and Approval Process – RWA and Telecommuting

The employee’s supervisor completes the Flexible Work Arrangement Request Form-Remote U.S. Locations to initiate a request or revise a previous arrangement on behalf of the employee.

All requests must follow these guidelines and must be fully approved before being implemented. Neither the final terms nor the status of the proposed agreement for the request (including a candidate’s offer letter, if applicable) should be discussed with the candidate/employee before approval is obtained.

Once completed, the request requires approval from the following:

- For academic units: department head/dean
- For administrative units: vice president

To submit your request, please complete the form and email it to your HR business partner.
Please Note: The request and approval process should NOT be used and is NOT required for employees who are working remotely/telecommuting in the U.S. due to the pandemic and whose arrangements meet the requirements specified in the COVID Transition Period section of these guidelines. Arrangements meeting the requirements specified in the COVID Transition Period section of these guidelines may be approved by their supervisor within the parameters established by their department, and no further approvals are required. Similarly, the request and approval process should NOT be used and is not required for employees who are working remotely or telecommuting for their own convenience from any U.S. location, provided such remote work/telecommuting does not exceed 30 days in the aggregate in any one calendar year and is approved by the employee’s supervisor, as specified in the Arrangements that do not Exceed 30 Days in the Aggregate in One Calendar Year section of these guidelines.

Exception Process (Including Exceptions for Remote Work in Jurisdictions Where the University is NOT Registered to Do Business)

Exceptions to the above to allow remote work or telecommuting, including to allow remote work or telecommuting from a jurisdiction in which the university is not registered to do business may be granted in two circumstances:

1. Where OGC, OHR and Payroll determine that the proposed telecommuting/remote work arrangement presents a nominal or negligible compliance risk to the university due to the short duration or limited commitment of the proposed arrangement or similar circumstances; or

2. In rare and exceptional cases, where the hiring department/unit demonstrates critical need to the satisfaction of a committee composed of the vice president for finance and chief financial officer, associate VP and chief human resources officer, and provost (or their designees), with advice from OGC. The committee’s determination will be dependent on a review of the compliance matters and obligations associated with employing an employee in the particular state, and a subsequent determination that CMU has the ability to meet the legal, regulatory, tax, and other obligations attendant to employing someone in the state without undue cost/burden.

In most cases, preparation for the review requires significant time, personnel resources and financial resources be devoted to research the legal, regulatory, tax and other obligations related to the remote jurisdiction. In general, reviews are completed within three weeks of the request being submitted to the committee, but additional time may be needed, depending on the requirements of the particular jurisdiction. The requesting department may be asked to contribute to the costs of the review prior to the committee undertaking the review.

The factors considered by the committee in determining critical need for exceptions include, but are not limited to:

- A review of the recruiting process for the position, including the availability of alternate candidates who are able to work on-site or remotely from a jurisdiction where CMU is registered to do business and process payroll, the number of qualified applicants for the position, the length of the recruiting process, and outreach/advertising efforts to expand the pool of potentially qualified applicants;
- The department’s written explanation of the unique qualifications of the remote work candidate, as compared to other qualified candidates who are available to work on-site or
remotely from a jurisdiction where CMU is registered to do business and able to process payroll; The department’s written explanation of why it is unable to recruit a qualified candidate who is able to work in a jurisdiction where CMU is registered to do business and process payroll; The expenses the university will incur related to internal and external legal, tax, payroll, human resources, benefits, insurance, information technology and other compliance obligations required to establish and maintain appropriate compliance programs in the remote jurisdiction at issue.

RELATED RESOURCES

The following resources are available online:

- Flexible Working Hours for CMU Staff
- HR Guidance for Transitioning Staff to On-Campus Work
- HR Guidelines on Remote Work
- Flexible Work Arrangement Request Form—Remote U.S. Locations
- Flexible Work Arrangement Request Form—Schedule
- Staff Handbook [pdf] (refer to flexible work)

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1 Based on 2020 Census data, the combined population of AZ, CA, CO, MD, MA, NJ, NY, PA, TX, VA, and DC is approximately 146.6 million or 44.2% of the population of the United States. Departments should explain why a qualified candidate is not available to work within these jurisdictions.