



UNION OF RUTGERS ADMINISTRATORS  
AMERICAN FEDERATION OF TEACHERS

# WHAT THE FLEX? URA-AFT STAFF TOOLKIT

KNOW YOUR RIGHTS  
GET SUPPORT  
FIGHT BACK



- Understand the new FlexWork@RU Pilot Program
- Make decisions with supervisors
- Navigate expectations and requirements
- Organize your building

# Table of Contents

|  |    |
|--|----|
| What the Flex?.....  | 1  |
| FlexWork@RU Background.....  | 2  |
| Navigating FlexWork@RU: The University's Timeline.....                     | 3  |
| Department Heads on the Hot Seat: Questions To Ask Decision-Makers.....    | 5  |
| URA-AFT Contract vs. FlexWork@RU .....                                     | 9  |
| Article 59 - Telecommuting Checklist for Exempt URA-AFT Staff.....         | 10 |
| Organize Your Building to Fight for the Work Arrangements You Deserve..... | 11 |
| Additional Resources.....  | 13 |

# What the Flex?

The roll out of Rutgers Management's FlexWork@RU initiative is a mess. Management has not negotiated this policy with the affected unions and so what's supposed to be a "flexible work arrangement" is more accurately, a top-down directive on our work arrangements for the next year. Across Rutgers University staff are seeing Management not even follow the conditions of its own program. What the Flex!?

Use this What the Flex? URA-AFT Staff Toolkit to help you navigate this pilot program, learn about the process and all the options you have to ensure your voice is heard when making decisions about "flexible work arrangements."

Review the **Table of Contents** and click on the links to take you to the sections that are most important to you.

**In solidarity,**

URA-AFT Local 1766 Organizing, Bargaining & Communications Committees

# FlexWork@RU Background

On June 23rd, Senior Vice President Human Resources Vivian Fernández said, “We will be discussing with our labor union partners any mandatorily negotiable items in this amended Policy prior to September 1 and during the one-year relaxation period.”

URA is ready to negotiate and has already provided several proposals on telework and alternate work arrangements which place mutual agreement as a key tenet of any work agreement and recognize that members across Rutgers have differing responsibilities and duties. **To ensure our members have a voice and access to an equitable implementation, we need lasting, enforceable contract language that includes:**

- Member input into department implementation of telecommuting and flexible work
- A consistent and transparent process to evaluate member eligibility for telecommuting and any work arrangement
- A timely appeal process
- Recognition and compensation of essential workers who cannot telecommute or flex hours

Management is giving false information about our existing URA-AFT rights. URA already has a Telecommuting provision for overtime Exempt staff in Article 59-Telecommuting. This policy, and those agreements will remain in effect **status quo ante** until our next Collective Bargaining Agreement.

# Navigating FlexWork@RU: The University's Timeline

Rutgers has provided a timeline for applying for FlexWork@RU. While we continue to negotiate a permanent solution to telework, it is important to be familiar with this timeline to ensure that you have a flexible work agreement in place by August 15th for a September 1st implementation. The University's timeline does not acknowledge Article 59 - Telecommuting which exempt URA-AFT staff can apply for at any time nor that FlexWork@RU flexible work arrangements can be changed and/or re-initiated throughout the pilot year.

## Timeline for Employees

**ASAP:** Become familiar with all materials that pertain to the FlexWork@RU pilot program so that you may ask questions, advocate and be involved in discussions to ensure the timely completion of any paperwork required by Department Heads & supervisors.

**ASAP:** Ensure that your supervisor has discussed and collaboratively completed with your input the Department Needs Assessment and Team Agreement. You will need to indicate in the application process that this has been completed.

**ASAP:** Review the FlexWork@RU Program Application System User Guide prior to applying through the online portal.

**No Later Than August 15th:** Enter your FWA application into the FlexWork@RU System via the online portal. Department Heads must review applications prior to September 1, 2022.

**After September 1st:** It is possible to apply for FlexWork or Article 59 after this date but be aware that without applying prior to August 15th, you will be expected to report in-person all 5 days starting September 1st. For URA-AFT updates, please check our website at <https://www.ura-aft.org/>. University information on the FlexWork@RU Pilot Program can be found on the Future of Work page.

# Timeline for Department Heads & Supervisors

**ASAP:** Department Heads & Supervisors use the Supervisor Toolkit (Department Needs Assessment and Team Agreement, Feasibility Assessment, and Decision Tree) to discuss service needs, position suitability and flexible work arrangements in conversations with staff.

- Supervisors and their teams must complete a Department Needs Assessment and Team Agreement prior to employees submitting their flexible work arrangement through the FlexWork@RU Application System.
- Once the Department Needs Assessment and Team Agreement is complete, employees can apply via the FlexWork@RU Pilot Application System. Supervisors should review the FlexWork@RU Pilot Application System Guide prior to ensure that employees they supervise have all the necessary information.
- Department Heads must review applications prior to September 1, 2022.

## General Notes

- Only flexible work arrangements lasting 4 consecutive weeks or more should be entered into the FlexWork@RU System. Those flexible work arrangements lasting fewer than 4 consecutive weeks should not be submitted.
- Department Head approval is required for flex workday schedules, compressed workweeks, and hybrid arrangements involving 1-2 days working remote.
- Cabinet Officer approval is required for flexible work arrangements involving 3-4 days working remote. Camden's Cabinet Officers can be found [here](#). New Brunswick's Cabinet Officers can be found [here](#). Newark's Leadership Team (aka, Cabinet) can be found [here](#).
- University Human Resources approval is required for fully remote and/or out-of-state arrangements.

# Department Heads on the Hot Seat

## Questions to Ask Decision-Makers

As URA-AFT members, we attended FOW town halls to provide feedback and have sent over 2,000 letters from our Extend & Expand Telecommuting Petition. It's important that Department Heads are held accountable for the implementation of the FlexWork@RU pilot program as intended and designed by the Future of Work Task Force as we continue to negotiate a contract for permanent, legally binding telework and alternate work arrangements. We need to be prepared to ask the hard questions!

We encourage you to review these questions and ask the ones that are applicable to your context openly in staff meetings or in all-staff communications. Private conversations aren't as helpful as colleagues do not have access to the information you receive and there is less accountability for Department Heads. Additional background/context can be found in the red boxes below the questions.

***1. The process of how flexible work arrangements for staff have been determined is a concern in our building. Can you provide more details about how each employee's suitability for a flexible work arrangement was determined?***

While Department Heads have ultimate approval authority, all evidence throughout FlexWork@RU documents points to a collaborative process that engages supervisors and employees themselves, even allowing employees to request a flexible work arrangement type, while utilizing a number of resources provided to determine suitability for flexible work arrangements. And yet, this collaborative process is not happening in many buildings/units. Instead, Department Heads have made one-size-fits-all decisions that do not engage staff in the many resources that have been provided by the FOW Task Force to determine suitability for flexible work arrangements. (60.3.22, H. Process)

***2. When applying through the portal, incomplete forms are subject to denial and may cause delays in the review process. Selecting “no” to this question (Did you meet with your supervisor and/or department to complete the Department Needs Assessment?) will connect you to additional information to ensure that these steps have been completed prior to submitting the application. How should we answer this if our direct supervisor has not completed the Department Needs Assessment with us?***

When completing the Flexible Work Arrangements Application online, Question 2 states, Did you meet with your supervisor and/or department to complete the Department Needs Assessment? (System Guide, page 7) In many units or teams, conversations have focused on scheduling, not on the discussion and completion of the Department Needs Assessment which would inform decision-making re: various flexible work arrangements for members. We must insist that these conversations happen directly with our supervisors using the following tools to determine suitability: FWA Guidelines for Determining Eligibility; FWA Decision Tree, and Feasibility Assessment, Department Needs Assessment and Team Agreement.

The Department Needs Assessment and Team Agreement is not required to be uploaded to the portal when you apply. However, it is a key tool that provides opportunities for staff to be in conversation with supervisors and focus on service needs and the possible flexible work arrangements that are suitable for each position/role. It is our recommendation that URA-Staff insist that this tool be used to initiate and support these conversations and that completion of this form is an outgrowth of these conversations.

This is an important step in ensuring staff are involved in decision-making using tools provided by the Future of Work Task Force.



***3. The revised Flexible Work Arrangements for Regularly Appointed Staff policy (60.3.22) states that 'an employee may initiate a request for a flexible work arrangement with their supervisor.' What is the process in our building once an employee has made this request of their supervisor?***

In several cases when employees have initiated a flexible work arrangement recommended by the FOW Task Force within their building/unit, it appears that they have been told that it cannot be considered because it does not align to the already established one-size-fits-all implementation plan decided by the Department Head(s). Additionally, in some cases, employees have been given arbitrary stipulations about scheduling without evidence of service delivery needs or the needs of the individual employee or employee's position. URA-AFT is fighting for mutual agreement in any flexible work arrangement.

***4. Despite recommendations by the FOW Task Force to expand flexible work arrangement options during this year's pilot to include Ad Hoc, Compressed Workweek, Flex Workday, Hybrid, and Fully Remote, these options have not been offered to staff in our building? Why is this?***

***5. Is there a reason that the various resources (FWA Guidelines for Determining Eligibility, FWA Decision Tree, Feasibility Assessment, Department Needs Assessment and Team Agreement) are not being used in our building to determine eligibility for various flexible work arrangements for all staff?***

The Future of Work Task Force recommended the expansion of the flexible work arrangement options be made available to employees: Ad Hoc, Compressed Workweek, Flex Workday, Hybrid, and Fully Remote. Suitability for remote work is based upon the operational and service delivery needs of the department, the individual employee, and the employee's position. (60.3.22 Section II, A & B)

*6. Did the team involved in the decision-making related to FlexWork@RU implementation review job descriptions and use the FWA Guidelines and Decision Tree to help determine which positions may be eligible for flexible work arrangements?*

URA-AFT staff should discuss with their supervisors if this process was used to determine whether or not their position is eligible for flexible work arrangements. According to the 6-Step Process laid out by the FlexWork@RU Pilot program, this includes looking at employees CARFs and using all the various resources provided to determine suitability (FWA Guidelines for Determining Eligibility; FWA Decision Tree, Feasibility Assessment, Department Needs Assessment and Team Agreement).

*7. During one of the FlexWork@RU information sessions, a question related to employee CARFs being outdated was asked. Vivian Fernandez said that CARFs, if outdated, should be updated as part of this process. Have CARFs, if needed, been updated as part of this process?*

# tl;dr

***“Is our office correctly following all the processes for FlexWork?”***



# URA Contract v. FlexWork@RU

The FlexWork@RU policy doesn't give employees the flexibility, control or trust that they deserve.

We trust our members and we're fighting for a better deal !

|                                | Flex Work Pilot Policy 60.3.22   | Current URA Contract (Article 59)  | 2022 URA Contract Proposals  |
|--------------------------------|--|--|--|
| Who is eligible?               | All staff for one year   | Exempt (NL) employees only.  | All staff  |
| Essential personnel            | No provision for essential personnel.  | No provision for essential personnel.  | 6 hazard leave days granted at the beginning of each fiscal year.                              |
| Basis for eligibility          | Operational & service delivery needs of the department, the individual employee, and position. | Based on individual employees, their positions, and the needs of department. | Joint collaborative process that includes job duties, responsibilities, and operational needs. |
| Duration                       | One-year pilot.  | 2018- status quo ante  | Effective upon new CBA thru 2026 and thereafter  |
| Decision-maker                 | Department Heads and Cabinet Officers.   | Employee's direct and second-level supervisors.                              | Employee and direct supervisor; requests cannot be unreasonably denied.                        |
| Standard # of days in-person   | 3-4 in-person with 1 - 2 remote, or compressed workweek.                                       | Based on suitability   | 2 in-person, 3 remote or compressed workweek.  |
| Exception process              | Requires Cabinet Officer approval (3 - 4 day remote) and even UHR (fully remote)               | Requires approval of direct supervisor without appeal option.                | Requires approval of direct supervisor with appeal option.                                     |
| Discontinuance                 | Can be discontinued at any time for any reason.  | Can be discontinued at any time for any reason.                              | Requires reasonable operational need to discontinue.   |
| Employer Discontinuance Notice | 14 calendar day notice.  | 30 calendar day notice.  | 30 calendar day written notice.  |
| Discontinuance Appeal Process  | No appeal.   | No appeal.   | 14-day appeal.   |
| Alternate location             | One predetermined site within a commutable distance to campus including NJ, NY, PA, or DE.     | One predetermined site.  | Location which provides access to tools necessary for telework                                 |
| Eligible to grieve             | No.  | No.  | Yes.   |

We are fighting for a better deal than a one year pilot.

Join the fight @ [ura-aft.org/whattheflex](http://ura-aft.org/whattheflex)

# Article 59 - Telecommuting

Overtime Exempt members should use Article 59 to apply for a hybrid or fully remote work arrangement. If you are an exempt employee and seek a hybrid or fully remote flexible work arrangement, use this Telecommuting - Article 59 checklist below to support you through the application process. If you are told that you may not use this process, reach out immediately to [union@ura-aft.org](mailto:union@ura-aft.org)

Exempt URA-represented employees who have completed their probationary periods are eligible to be considered for telecommuting. If you are eligible and wish to request a telecommuting agreement, please use the checklist to guide you through the process and ensure you have completed the necessary required forms.

## Employee

- Review Rutgers UHR Telecommuting Information
- Review Rutgers UHR Telecommuting Guidelines
- Review Article 59 of the URA-AFT Contract Agreement (pages 47 - 50)
- Review the Acceptable Use Policy for Information Technology Resources Form
- Complete the Safety Self-Audit Telecommuting Policy Form
- Complete the Request to Telecommute Form
- Communicate your intent to request to telecommute and send all completed forms to your supervisor.

## Supervisor

- Complete the Feasibility Assessment Telecommuting Policy Form
- Send all completed forms to Building HR representative

## Building HR Representative

- Receive required forms and complete Telecommuting Agreement

# Organize Your Building for the Work Arrangements You Deserve

## Is FlexWork@RU working for you?

Has your Department Head followed the 6-Step Process laid out by the University? Have you reviewed your CARF/Job Description with your supervisor to determine your suitability for the expanded flexible work arrangements?

If not, you and your colleagues can organize to apply pressure to Management to follow the process and use the tools that the University has provided. Use the steps and resources to get started.



Emergency Workplace Organizing  
@organizeworkers

...

Think of organizing your workplace as a performance review for your boss.

**Step 1: Learn from your colleagues.** You have concerns, but do your colleagues have the same concerns or new concerns? Always start with understanding the concerns of your colleagues by holding a building meeting. Your concern is likely not isolated and to make a change in your building you will need a group of colleagues working together. Email [JSanchez@ura-aft.org](mailto:JSanchez@ura-aft.org) to be connected to a member of the URA-AFT Organizing Committee and plan a building meeting.

**Step 2: Clearly articulate your concerns using evidence.** This should include experiences from staff in your building, specific policies or practices recommended by the Future of Work Task Force that are not currently being implemented.

**Step 3: Determine who is responsible in your building for decision-making and the implementation of FlexWork@RU.** Usually this is the Dean and/ or a designated Department Head. This is who needs to be the target of any action.

**Step 4: In collaboration with your colleagues, decide on what actions you are willing to take to address the concerns. These actions usually include:**

- Education (providing information to your colleagues and the broader unit about what should be happening and what you deserve)
- Communicating the concerns to decision-makers in a public way (staff meetings, all-staff communications)
- Collecting signatures on a letter to your department decision-maker (Sample here that can be modified to meet the needs of your building). Make sure you have at least more than half of URA represented employees in your department on board before you send it.
- Building solidarity with other staff in your department who this decision affects
- Inviting faculty to support your efforts.

**Step 5: Know Your Rights!** As a union member, know your contract, know your Weingarten Rights, understand that you are protected from workplace retaliation due to union activity. Encourage members to immediately report to your Building Representative/Steward or Campus VP any adverse action against employees that you believe is due to supporting or engaging in union activities.

**Step 6: Discuss with members what positive outcomes they are seeking but also discuss how they anticipate Management might respond.** Expect a variety of responses and have a plan for how to address them together. Union members should always be ready to stand together and support one another and brainstorm next steps.

**Step 7: Take action and continue to meet with members to check in,** review what has worked/didn't work, and collectively brainstorm ideas for next steps. Multiple and sustained actions are often needed so having this conversation is really important. One action rarely results in the intended outcomes we want.

**All actions need significant support from members and allies to be effective.**

**Be mindful that refusal to obey an employer's lawful and reasonable orders could result in disciplinary action.**

Check out additional resources below from *Secrets of a Successful Organizer* from media and organizing project Labor Notes.

***Lesson 1: Attitude Adjustment***

How the Boss Keeps Us Disorganized  
What's the Real Problem  
Aim for the Bullseye  
Exercise: Draw Your Own Bullseye Your  
Legal Rights in the Union  
Your Legal Rights On the Job

***Lesson 2: One-on-One Conversations***

How to Be a Good Listener  
An Organizing Conversation  
A.H.U.Y.  
Exercise: Write Your Own Organizing  
Conversation  
Exercise: Practice the Organizing  
Conversation

***Lesson 3: Map Your Workplace and Its Leaders***

Help Leaders Learn  
Qualities of a Good Organizer Exercise:  
Map Your Workplace Exercise: Map  
Your Workplace Part 2 Exercise: Map  
Your Workplace Part 3 Exercise: Make a  
Chart Too

***Lesson 4: Choosing an Issue***

A Good Organizing Issue  
Why Grievances Are Not Enough  
Exercise: Evaluate an Organizing Issue

***Lesson 5: An Escalating Campaign***

Powerful Ways to Act  
Turn Up the Heat: Action Thermometer  
Checklist: Choose Tactics That Fit  
Exercise: Arrange These Tactics on a  
Thermometer  
Make Sure Every Job Gets Done

***Lesson 6: Expect the Unexpected***

To React or Not to React  
Answering Tough Questions  
Exercise: Practice Answering Tough Questions  
When You're Called into the Office

***Lesson 7: Always Be Organizing***

Exercise: Sketch Out a Member Network  
What a Leaflet Can Do  
Why Make a Newsletter?  
Portrait of a Well-Organized Workplace  
Exercise: Give Your Workplace a Checkup

***Lesson 8: Putting It All Together***

Case Study #1: A Union School  
Exercise: Case Study #1 Discussion Questions  
Case Study #2: An Injury to One Is an Injury to  
All  
Exercise: Case Study #2 Discussion Questions  
Organizing Essentials



Build worker power at  
Rutgers. Join Your Union!