

## **SUNY Workplace Flexibility Policy**

### **-Telecommuting-**

#### **Overview**

SUNY's policy is to support telecommuting where it is reasonable to do so based on the University's mission, operational and program needs. The ability to provide employees with telecommuting options can be an important recruitment and retention tool. Providing telecommuting options can also serve as a means for advancing sustainability goals. These guidelines are the basis for a telecommuting program that is beneficial to University operations, employees, and students.

This program's purpose is to support implementation of telecommuting programs, where desired, establish guidelines designed to clearly articulate employee and campus expectations, and provide an additional vehicle for employee development while offering campus management the flexibility to operate a successful telecommuting program and plan for future workforce needs.

Every application will be considered on an individual basis.

#### **Definitions**

Telecommuting -- An alternate work arrangement that allows employees to conduct some of their work away from the official work site. Under the Telecommuting Program, employees will be expected to have a regular in-person presence at the official work location. Employees should not expect to be approved to telecommute on a full-time or near full-time basis. The number of days and which days an individual employee may be allowed to telecommute is determined by management based on operational need. Campuses should give consideration to the employee's suggestion of which and how many days to telecommute per pay period. However, the maximum allowable days per pay period that may be approved for telecommuting is 5 (five) workdays and in no event will an employee telecommute for their full obligation.

Official Work Site -- The employee's SUNY-provided, on-campus, workstation. This is the employee's usual and customary work address.

Alternate Work Site -- A specific location away from the SUNY-provided work site where the employee is authorized to conduct business. This location must meet all criteria set forth in this document and be approved in advance by the telecommuter's immediate supervisor/manager and the campus senior leadership. Any changes in the location of the Alternate Work Site must be approved in advance.

Telecommuting Application -- An application form, furnished by management, and completed by the employee requesting or being assigned to become an approved telecommuter. Each

approved application shall be effective for a specified period, not to extend beyond the effective dates of this program.

Telecommuting Work Plan – A document, part of the telecommuting application, completed by the telecommuter which identifies the specific work to be performed on telecommuting days, consistent with the employee's normal obligation.

Campus Senior Leadership – A single cabinet level (vice presidential level) employee at the campus who has authority over the department/division reviewing/approving telecommuting.

## **Participation**

Telecommuting is not an employee entitlement and is not operationally feasible for all job functions. Determinations as to which job functions are eligible for telecommuting are subject to management discretion, based on operational need.

While each campus is ultimately free to determine where telecommuting is operationally feasible and desirable, the topic of where telecommuting is operationally feasible, as well as other issues regarding implementation of telecommuting, are appropriate topics for the labor/management forum.

Applications may be submitted at any time; there is no specified application period. To request to participate, an interested employee must submit a completed Telecommuting Application to their immediate supervisor/manager. The employee should identify the preferred number of days and which days per week/pay period they wish to telecommute in the application, not to exceed 5 workdays as noted above. The immediate supervisor/manager should review the employee Telecommuting Application, including the specified days per week, to make an *initial* determination whether an employee meets the criteria within seven (7) calendar days. Any possible modification by the supervisor/manager to the number of days or identified days requested by the applicant should be discussed with the employee/applicant prior to processing the application to the Department/Division Leader. The application then will be sent to the Department/Division Leader for review/approval which should be provided within seven (7) calendar days of receipt. Thereafter, the application will be sent to campus senior leadership or their designee for final approval which should be provided within 7 (seven) calendar days of receipt. All responses will be in writing.- If the request for telecommuting is denied, an explanation of the basis for the denial will be provided to the employee.

Once a Telecommuting Application has been approved, participation and start dates may be subject to equipment availability and management discretion. A telecommuting work arrangement shall not commence until it has received written final approval.

An individual's participation in the telecommuting arrangement can be modified, suspended, or cancelled at any time by management with thirty (30) calendar days advance written notice to the employee where feasible and consistent with operational needs. Employees who have had

an arrangement cancelled or suspended may reapply six (6) months from date of cancellation or suspension. An employee may suspend or cancel their participation with thirty (30) calendar days advance written notice to their immediate supervisor/manager unless the immediate supervisor/manager agrees to a shorter period of time.

### **Employee Appeal Process**

If an employee has their telecommuting application disapproved, they may appeal to the Chief Human Resource Officer or their designee in writing within seven (7) calendar days following receipt of the denial. The appeal shall state the reasons for disagreement with management's determination. A decision on the appeal shall be rendered by the Chief Human Resource Officer or their designee(s) within seven (7) calendar days of receipt of the appeal stating the reasons for the decision if denied. Denials of applications for telecommuting under the Telecommuting Program are not grievable under any collective bargaining agreements. Employees who have had an application denied may reapply 6 (six) months from date of the decision on the appeal referenced herein.

### **General Guidelines**

Employees must comply with all NYS, SUNY, campus laws, rules, regulations, policies, and guidance required at the official work site when telecommuting. Failure to abide by all laws, rules, regulations, policies, and guidance may result in exclusion from Telecommuting Program and/or administrative action, including disciplinary action.

Campuses are encouraged to provide orientation on the terms of this telecommuting program to employees and supervisors. Employees must complete such orientation and/or other telecommuting-related training, if one is provided, before any telecommuting is permitted. This includes, but is not limited to, training in the use of any software required for remote access, data security procedures, and any necessary orientation to the process of submitting work plans.

Telecommuters are responsible for submitting telecommuting work plans to their immediate supervisor/manager which identify the specific work to be performed on approved telecommuting days. The work plan originally submitted with the telecommuting application may be modified at a later date by the immediate supervisor/manager, with written notice to the employee. An employee must submit to their immediate supervisor/manager progress reports describing work completed while telecommuting on a periodic basis.

Employee ability to effectively perform work functions in a telecommuting setting should be one factor considered in approval of telecommuting work plans.

Telecommuters will treat telecommuting days like regular workdays and will be expected to maintain their normal work schedule/workday (including overtime when appropriate and authorized in advance) and routine while telecommuting. Managers should make clear expectations for meeting core service to students, partner offices, as well as internal and external constituents while remotely working.

Telecommuters must request time off in advance and submit all leave requests as currently required. All current laws, regulations, contract provisions and standard rules governing employee work schedules apply including, but not limited to, existing call-in procedures.

A telecommuter may be required to report to the official work site on a scheduled telecommuting day to engage in functions which require an in-person presence and cannot be scheduled for an in-office workday.

When telecommuters are required to report to the official work site on a scheduled telecommuting day, there is no expectation that the telecommuter will be granted a substitute telecommuting day in return. However, with flexibility as a key component of the program, with management approval, a scheduled telecommuting day may be changed within the same pay period.

If a telecommuter is required to report to their official work site, they will not be paid or reimbursed for their commute to/from the official work site.

Telecommuters must be available via all required methods of communication throughout the workday. Should a telecommuter not be available through official channels, management may contact the telecommuter via their personal contact information provided in the Work Plan.

Telecommuters may be required to forward their official work site phone to the phone that will be used while telecommuting or have other technical support to ensure phone calls related to work are attended to in a timely fashion.

In-Person meetings at the telecommuter's alternative work site are *prohibited*. This restriction does not preclude a telecommuter from participating in, or being required to participate in, phone or web-based meetings from their alternate work site.

Telecommuters agree that, with job-related cause, SUNY may access the alternate work site following 48 hours' advance notice to the employee unless exigent circumstances require less notice. Such access shall be for the purposes of assessing safety concerns, data security concerns, or to inspect or retrieve campus-issued equipment or records.

Unless otherwise directed, telecommuters will not be excused from work when a directed departure is issued for the official work site. Conversely, if an emergency occurs at the alternate work site and the telecommuter is unable to work at the telecommuting site that day or if the telecommuter is unable to, for any reason, continue working during their scheduled hours, the immediate supervisor/manager may direct the telecommuter to come to the official work site or grant authority to charge accruals.

Employees must safeguard all passwords used in connection with agency/facility/campus service files or programs and ensure sensitive information is protected.

**Supervisor/Campus Considerations:**

- The proposed telecommuting work does not require in-person student/constituent interaction, classroom presence and/or patient care or contact and the work is typically performed away from the end customer (i.e., the student or patient).
- The work can be performed as effectively from a telecommuting location as a campus location.
- The telecommuting arrangement does not necessitate the transfer of work which increases the workload to co-workers on campus.
- The assignments completed in the telecommuting location are consistent with the employee's performance program and scope of responsibilities, or job description based upon civil service title.
- Key performance metrics such as quality of work products, quantity of work produced, response time/turnaround time, level of service, etc., reviewed and assessed consistent with the employee's regular professional obligation or job description.
- The immediate supervisor/manger is accountable for communicating performance expectations, monitoring, and measuring performance, providing ongoing performance feedback, and formally addressing performance issues via established policies and collective bargaining agreements.
- Recognizing that telecommuting arrangements cannot be approached in a one-size fits all manner, supervisors must ensure equity when evaluating the operational need for telecommuting arrangements.
- Telecommuting arrangements must be evaluated, reviewed, documented, and approved by the immediate supervisor/manager, department head/division leader of the area, and senior campus leadership.
- Telecommuting arrangements are reviewed for effectiveness on an ongoing basis and in conjunction with the ongoing assessment of the employee's performance.
- Telecommuting arrangements may be modified or terminated at any time following appropriate notice (as discussed above) by an immediate supervisor/manager in consultation with HR, based on operational needs, performance concerns, or any other non-discriminatory reason.

**Employee Responsibilities**

Telecommuting arrangements simply allow work to be performed in settings other than the traditional on campus worksite. All policies, work rules, performance expectations, professional

obligations and codes of conduct apply as they normally would in a traditional campus setting. Specific employee responsibilities include:

- Employees are actively working towards and are fully focused on business goals and professional obligations during normally scheduled hours of work. Employees are easily accessible throughout the workday, answer phones, and respond to emails and other inquiries in a prompt and timely manner.
- Employees meet or exceed all performance goals and expectations as outlined in performance program and/or in alignment with special projects and other duties as assigned.
- Employees ensure effective and productive communication with their immediate supervisor/manager, team members and all other constituents or campus partners. Employees' behavior is professional, courteous, service oriented and aligned with codes of conduct, campus values, etc.
- Employees return to campus for onsite meetings, teambuilding activities, trainings etc., as required.
- Employees submit requests for scheduled time off (vacations, holidays, etc.) in accordance with established policies and/or contracts and charge appropriate time off benefits.
- Employees notify immediate supervisor/manager of unanticipated full day or partial day absences or lateness in accordance with established policies and/or contracts and charge appropriate time off benefits.
- Telecommuting should not be considered as a substitute for child or elder care nor should a campus mandate or monitor such arrangements. Employees are expected to make such arrangements for child or elder care so as not to adversely impact telecommuting workflow and productivity.
- Employees who have childcare obligations, family care obligations and/or any other obligations that would prevent them from focusing their full time and attention on work, must follow all leave and/or time off policies as needed.
- While NYS Workers Compensation through the State Insurance Fund covers the employee working from a flexible location, it is the employee's responsibility to also ensure that this type of arrangement is permissible under their homeowners or renters insurance policy. Employees must practice safe work habits and do all they can to minimize the risk of work-related injuries.
- Employees understand and acknowledge that telecommuting arrangements are not an entitlement and can be modified or discontinued by management at any time following appropriate notice (as discussed above). Likewise, telecommuting arrangements may be

terminated at any time by an employee following appropriate notice to their immediate supervisor/manager and HR.

- Employees understand and acknowledge that telecommuting arrangements do not change the employee's terms and conditions of employment including an employee's classification, base compensation, or benefits.
- Employees understand and acknowledge that the SUNY campus is not responsible for equipping their telecommuting location(s) and the specific policies of individual campuses related to loaning, borrowing, transporting and/or supporting supplies and equipment will apply.

### **Equipment and Supplies**

The employer will not provide telecommuters durable equipment such as desks, chairs, file cabinets, or other office related furniture. The employer may, at its discretion, provide a laptop or other similar device to telecommuters to facilitate work at the telecommuting worksite; alternatively, employees may be allowed to bring work-assigned equipment to the telecommuting worksite where authorized in advance.

The use of an employee's personal computer to access work-related sites, applications, systems, and other information, will be dependent on the use of appropriate security protocols, which will be deployed at the discretion of, and as directed by, the employer. Examples of security protocols include but are not limited to **Virtual Desktop Infrastructure (VDI), Virtual Private Network (VPN) access, and/or multi-factor authentication. Management will determine which connection mechanism is appropriate based on operational need. Telecommuters using personal devices will receive instruction on how to implement any necessary software, hardware and/or other security processes, all of which must be tested before telecommuting can begin.**

Minimal office supplies may be provided by the employer and should be requested during the telecommuter's in-office work period. Supplies will not be shipped to the alternate work site. Any out-of-pocket expenses incurred for supplies, equipment, food, commuting, etc. will not be reimbursed.

Generally, the telecommuter must have an internet connection with bandwidth that is appropriate for conducting the telecommuter's full professional obligation/job description and SUNY official business without disruption. The telecommuter is responsible to secure and pay for an internet connection. The agency will not reimburse internet costs. In limited instances, telecommuting assignments that do not require an internet connection may be available. Where such assignments meet operating needs, they may be made/approved.

The telecommuter is responsible for having a phone for all work-related calls or having other technical support to ensure phone calls related to work are attended to in a timely fashion.

If assigned work equipment or other work item is lost or stolen, the telecommuter must immediately notify their immediate supervisor/manager and refer to the agency's usage agreement for portable Media and End User Devices and complete all steps outlined within the policy/procedure.

When the Telecommuting Program ends, the employee must return all SUNY-issued devices and equipment, provided to facilitate work at the alternate worksite, if applicable, and any supplies issued on their next workday unless otherwise specified by management.

### **SUNY Policies/Security of Information**

Any SUNY/campus information possessed by the telecommuter cannot be shared with or made available to any other individuals except as appropriate, consistent with their campus work obligation.

Telecommuters must ensure that official records and information are secure and not maintained in a way that would make them available to any other individuals except as appropriate, consistent with their campus work obligation.

Telecommuters and campuses are responsible for adhering to the SUNY Information Security Policy (Document 6900) and all State, university or campus policies, procedures and standards concerning use of computer equipment and the security of data/information while utilizing this telecommuting program. Such policies, procedures and standards can be found in the Policies and Procedures section of the university or campus website.

Unauthorized access to or disclosure of official information or systems must be immediately reported to the telecommuter's immediate supervisor/manager. Such unauthorized access or disclosure, including the release of confidential information or the personally identifiable information of university or campus staff or customers, which happened due to the telecommuter's neglect, will be addressed through administrative actions.

Telecommuters must protect and safeguard files, documents, equipment, and other materials transported back and forth between the official work site and the alternate work site. Telecommuters shall protect official records and documents from unauthorized disclosure or damage and shall comply with all established policies and procedures regarding such matters.

Telecommuters must also take the following specific precautions:

- a. Only take confidential information offsite when authorized in advance by their immediate supervisor/manager.
- b. Avoid transmitting confidential information from work e-mail to personal e-mail addresses or text messaging services (e.g., icloud.com, aol.com, yahoo.com or g-mail.com).
- c. Securely store all hard copy documents or office media so that others cannot access it.

- d. Do not communicate confidential information where others can listen.
- e. Place documents requiring destruction in Confidential/Sensitive destruction bins located at the official work site.

Telecommuters will be required to take appropriate action to protect the items from damage or theft. Loss or theft of equipment must immediately be reported to the telecommuter's immediate supervisor/manager.

Any suspected data breach containing sensitive data must immediately be reported to the telecommuter's supervisor and the and the Chief Information Security Officer, consistent with the SUNY Cyber Incident Reporting requirements. The telecommuter must complete any required documentation of the suspected breach.

Every effort should be made to avoid transferring or storing official data or information on any personal devices. Under no circumstance may the telecommuter allow agency issued equipment to be used by any other person except as appropriate consistent with their campus work obligation.

Telecommuters should log off and secure any computer being utilized to conduct official business when not in use, consistent with campus computer use policies.

Management will not require the production of personal equipment unless legally required and will not access or otherwise use any personal information on an employee's personal device.

### **Program Dates**

This SUNY Telecommuting Program is a pilot that is effective through June 30, 2024, unless extended by SUNY. Where required by exigent operational concerns, SUNY System Administration reserves the right to suspend or terminate this telecommuting program prior to that date. Should the Chancellor or their designee determine that such action is necessary, advance consultation with affected unions and reasonable advance notice to program participants will be provided to the greatest extent allowed by the exigent operational concerns on which the Chancellor's determination is based.

Attachment:

Telecommuting Application and Work Plan

Telecommuting Progress Report