



Telework Handbook

The Office of Human Resources

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I. BACKGROUND

The SUNY Westchester Community College Telework Program is a flexible work options where eligible employees are allowed to perform their duties at an alternate work site during an agreed-upon portion of their workweek. SUNY WCC allows the use of telework where it is a viable work option.

Telework is not a universal employee benefit or entitlement, but a management option and alternative method of meeting the work needs of the College. This handbook creates no employee rights in relation to telework. Management decisions regarding teleworking are not subject to appeal. Supervisors and employees must understand that adherence to the procedures in this handbook are an essential requirement of the telework program. Westchester Community College retains the right to make telework available and to terminate a telework arrangement.

Telework does not suit every job, function, employee, or employer, but it has the potential to benefit the employee, employer and the community in many ways – a win-win-win proposition that helps provide the employer a distinct competitive edge. Employees are not required to telework and have the right to refuse to telework if the option is made available to them. Employees who do choose to telework have the right to cease teleworking and return to an office with reasonable notice.

Currently, this protocol applies to all College Management Confidential Administrators, Professional Staff, and Classified Staff. It does not apply to Department Chairpersons and/or teaching faculty.

This protocol also does not automatically apply to employees seeking accommodations under the Family and Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA). Please contact the college's Office of Human Resources Benefits Manager: benefitsinfo@sunywcc.edu directly for further instructions regarding accommodation requests.

II. PURPOSE

The main goal of the SUNY WCC Telework Program is to provide flexible options for the employer and employees to ensure suitable availability of staff for various college operations and functions as it works to fulfill its mission.

This handbook describes the Telework Program for SUNY Westchester Community College and the guidelines and rules under which it will operate. It provides a general framework for teleworkers and does not attempt to address the special conditions and needs of all individuals.

Laws, Regulations, Policies & Procedures

Whether or not specifically articulated in these procedures, employees working remotely are subject to the same federal, state, and local laws, SUNY and college policies and procedures applicable to employees at the regular college worksite. The employee remains obligated to comply with all college policies, protocols, and standard practices.

III. RESPONSIBILITIES

Supervisors

Supervisors of teleworkers will be required to determine if proposals for their employees to telework are likely to contribute to the College's objectives, while maintaining or improving program efficiency and productivity. Working in conjunction with the Office of Human Resources, each College department will decide if the position and nature of work for any given employee is suitable for teleworking. It is expected that supervisors will recommend an employee's participation in the program only as appropriate.

Additionally, they will:

- Assign appropriate work to be performed at the alternate work site
- Ensure that employees who remain in the office are not burdened by being required to handle the teleworker's regular assignments
- Provide specific, measurable, and attainable performance expectations for the teleworker – define assignments, corresponding deadlines, and the quality of work expected
- Inform employees that failure to comply with procedures may be the cause for terminating participation in the telework program

Employees

Employees participating in the program will:

- Work with their supervisor to come to agreement on, and observe the terms and conditions in the telework agreement
- Obtain Department Supervisor and Dean/Division Head approval prior to the start of telework.
- Abide by the provisions in the Westchester Community College Telework Handbook
- Adhere to all applicable laws, rules, regulations, policies, and procedures to ensure the security and confidentiality of official documents and records
- Use College equipment only for official purposes
- Observe departmental policies for requesting leave
- Establish & maintain an acceptable & safe remote office
- Establish, operate, and maintain the remote office, equipment, devices, and services associated with the telework arrangement.
- Comply with tax laws (the College is not responsible for substantiating a teleworker's claim of tax deductions for operation of a home office used to perform College work. Employees should seek advice from a tax advisor concerning home office deductions)

Human Resources

Human Resources will:

- Ensure all participants, employees, and supervisors, are aware of their responsibilities.
- Maintain a centralized record of all employees in the program, including copies of all telework agreement forms.
- Assist all employees in understanding the procedures in the Telework Handbook
- Maintain and update the Westchester Community College Telework Handbook as needed
- Assist departments with work analyses to see if an employee's job can be restructured so telework is feasible and reasonable, when necessary
- Resolve any questions or problems regarding participation in the program
- Partnering with Institutional Research, surveys will add to the assessment and periodic but no less than annual evaluations of the program to help troubleshoot and amend the program, as needed.

Information Technology

Information Technology will determine, with information supplied by the employee and the department, the appropriate equipment needs for each telework arrangement on a case-by-case basis. Information Technology and Human Resources will serve as resources in this area.

Arrangements for the configuration of equipment must be coordinated with the Information Technology in a timely manner to ensure the equipment is ready when telework is expected to begin. For security purposes, only College-owned computer equipment will be approved for use in the Telework Program. Information Technology will maintain and provide support for equipment supplied by the College. SUNY Westchester Community College accepts no responsibility for damage or repairs to employee-owned equipment.

Information Technology must be contacted immediately if the teleworker is having problems with College-owned computer equipment. If necessary, arrangements must be made to bring equipment into the main office for repairs. If repairs take some time, the teleworker will have to suspend telework until such time as repairs are completed.

IV. ELIGIBILITY, APPROVAL & TERMINATION

Telework is a management option and not an entitlement - working at an alternate site is not an employee right - and participation will be subject to meeting certain eligibility and selection criteria to determine if the employee and their position are suitable for telework. Selection of employees shall not be arbitrary or based on seniority, but shall be based on specific, work-related criteria established by the College.

Participation in the program is voluntary and subject to the prior written approval of the supervisor of the employee's department and the Vice President or designee. All approvals must be completed prior to the start of the employee's telework schedule and must include the execution of a telework agreement between the College and the employee. The telework agreement will include such topics as: (a) work hours; (b) amount and form of communication with office; (c) equipment and supplies to be provided by the College; and (c) work assignments appropriate for telework.

The functions and tasks to be completed while teleworking need not comprise the employee's entire job. Depending on the job, some functions must be performed in the office, while some lend themselves to telework. Employees may be able to reorganize their work to accumulate tasks that can be performed on telework days, if this does not adversely impact departmental operations.

The telework agreement between the employee and the College will be reviewed and discussed at least every six months. If a teleworker is assigned a new supervisor, the Director of Human Resources will ensure that the new supervisor is provided information about the program. Moreover, a new supervisor can rescind a telework agreement.

Approval Process

Teleworkers need to be good performers who are self-motivated and able to develop regular routines and set deadlines for completion of work. Employees interested in participating in the program must first complete the Telework Agreement. Once complete, it should be submitted to the Supervisor of the Department, who will review the information to determine if a telework proposal is feasible and justified. Telework Agreements approved by the Department Supervisor should be forwarded to the Vice President or designee for final review and approval. The Vice President or designee will forward the final forms with their signatures to the Director of Human Resources.

Termination of Participation in the Program

Because participation in the program is voluntary, the employee may discontinue participation in the program, for any reason, with two (2) weeks written notice to their supervisor, unless it was a condition of employment or a requirement of the job description. The supervisor will notify the Director of Human Resources, by email, and make arrangements for the employee to begin working at an assigned College location.

Management may terminate an individual employee's participation at any time for any reason, upon providing two (2) weeks written notice to the affected employee. The requirement for prior written notification and explanation may be waived in the event of an emergency. Management retains the right to

suspend or terminate an employee's telework participation if it no longer benefits the Department to have the employee work at an approved remote worksite.

V. MANAGEMENT ISSUES

Work Schedules

Days a teleworker works may vary, depending upon the individual arrangements between the teleworker and their supervisor and VP/designee. Telework schedules must identify the days and times the employee will work in each work setting and will be included in the Telework Agreement. The agreed upon schedule must comply with legal requirements and College policy for time and attendance.

An employee must forgo telework if needed in the office on a regularly scheduled telework day. The employee may be called into the office when necessary to meet operational needs. The supervisor should provide reasonable notice whenever possible. However, the employee may be required to report to the office without advance notice, as needed.

During the agreed upon work schedule, the employee agrees to be accessible for communication by phone, e-mail, etc., within a reasonable period.

At least four (4) days per week must occur onsite at your college workstation each week during telework; exceptions may be appropriate in certain extenuating instances.

Employees are responsible for requesting, in advance, approval to work more than their normal hours, unless they are exempt from the overtime requirements of the FLSA. An employee who works overtime without advance supervisory approval may be removed from the telework program.

The policies for requesting annual leave, sick leave, or other absences from duty remain unchanged. Employees are responsible for requesting leave and receiving approval for leave in advance from their supervisor.

Certification and Control of Time and Attendance

Proper monitoring and certification of employee work time is critical to the success of the telework program. College policy governing certification of time and attendance requires departments with employees working at an approved remote worksite to provide reasonable assurance that they are working when scheduled. Reasonable assurance may include occasional supervisor telephone calls, emails, MS Teams, and Zoom meetings by the supervisor to determine the reasonableness of work output for the time spent.

Fair Labor Standards Act (FLSA)

The existing rules governing overtime as they appear in the Agreement by and between SUNY Westchester Community College and the Civil Service Employees Association, Inc., and other collective bargaining agreements, also apply to telework arrangements. Refer to language in the appropriate contract.

A remote work arrangement is not an employee right or formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the College and its students. As such, the denial of an

employee's request for a remote work arrangement is not grievable under any collective bargaining agreements.

Worker's Compensation

WCC will be responsible for any work-related injuries to the employee under the existing rules governing worker's compensation benefits as they appear in the Agreement between Westchester Community College and the Civil Service Employees Association, Inc., and other collective bargaining agreements, will also apply to telework arrangements. Please refer to the language in the appropriate contract. It is the employee's responsibility to notify their supervisor immediately of all injuries sustained on the job in accordance with the College's Worker's Compensation procedures. Be advised, however, that injuries to a third party, which includes family members, are not covered.

Telework employees are covered by the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness, if injured while performing official duties at the official or alternate duty station. Any accident or injury occurring at the alternate duty station must be brought to the immediate attention of the supervisor. Because an employment-related accident sustained by an employee participating in the telework program could occur outside of the premises of the official duty station, the supervisor must investigate all reports immediately following notification. Employees are protected when they work within their approved remote worksite and not when they are in the kitchen, yard or other areas of the house or property.

Pay Issues

Regular, recurring telework may occur part time, such as one or two days a week, alternating weeks, or parts of a workday. There will be no change in pay grade or core compensation and benefits package for teleworkers – teleworking is just another way to accomplish the same functions the employee performs in the office.

Teleworkers, just as with in-office employees, must have overtime approved in advance by the employee's department. The overtime provisions of the Fair Labor Standards Act (FLSA) apply to non-exempt employees without regard to the physical location of where the work is performed. State and local laws on hours of work, minimum wage, and related employment and compensation matters may also necessitate strict time accounting.

The core content of any job must not be affected by whether it is performed by an employee who is working in the office or teleworking. Should this be the case, the employee's position may be reclassified, which may result in an upgrade or a downgrade.

VI. RECORDS MANAGEMENT

Teleworkers, like all College employees, are expected to adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security. All employees of the College are required to comply with the following guidelines on record or duplicate record use when working at telework locations. Compliance with these telework policies will protect the department and the employee in the event of litigation or government investigation.

- When working on college-owned equipment, ensure equipment and records are secure from family members and others
- Any official records removed for telework assignment remain the property of SUNY Westchester Community College. Additionally, any official record that is generated from telework assignments becomes the property of the College
- Where possible, departments should create electronic records or physical copies of original documents for teleworkers to use to avoid loss. DO NOT remove originals, make copies.
- The employee is responsible for the care of each record in their possession at the telework location to ensure that the information is not disclosed to anyone except those who have authorized access to the information in order to perform their duties. Appropriate administrative, technical, and physical safeguards must be taken to ensure the safety, security, and confidentiality of all records always.
- At the conclusion of the approved charge out time, the telework assignment, or upon termination of employment, the employee must return all official records to their supervisor.
- When duplicate copies/records/electronic file storage devices are used at telework locations, and are no longer needed by the employee, they must be returned to the supervisor so they can be secured, protected and/or destroyed as needed. If any information should be added to or changed in this duplicate record, it must be added to or changed in the official record. If an employee has a duplicate record at an approved remote worksite and there is no longer an administrative need to retain the record, the employee must return the record to their department.

In addition, all teleworkers must:

- Use College information assets only for authorized purposes, and ensure that confidential information is not disclosed to any unauthorized person
- Back up critical information on a regular basis to ensure the information can be recovered if the primary source is damaged or destroyed
- Use passwords on all systems containing confidential information and keep those passwords secure
- Return materials (paper documents, electronic file storage devices, etc.) containing all confidential information to the College for proper handling or disposal, if necessary
- Adhere to copyright law by not copying or sharing any College owned software.

All College employees are required to safeguard the College's equipment and any proprietary information kept at an alternate work site. This applies to all employees at all locations, including airplanes and hotels during business travel, not just teleworkers.

VII. FACILITIES

Remote Office Space

It is important for all employees to maintain a healthy, safe and ergonomically sound work environment while working in the office or at an approved remote worksite location. The opportunity to participate in a remote telework program is offered with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained.

Telework employees are responsible for ensuring their remote site complies with health and safety requirements and for certifying as part of the Telework Agreement. The teleworker will be expected to designate a workspace in their approved remote worksite for the performance of the telework duties that allows for working in an office setting and ensuring that the equipment necessary to perform the work is in the designated area. The College will not be responsible for costs associated with the initial set up of the employee's remote office such as furniture or lighting, or repairs for modification to the approved remote worksite space. Any office supplies purchased by the employee will not be reimbursed.

The Telework Agreement will list an inventory of all College property to protect the items from damage or theft. Employees will be responsible for the repair and/or replacement of any College-owned equipment that is damaged, lost or stolen due to gross negligence. Upon termination of employment or participation in the program, all College property will be returned to SUNY Westchester Community College.

The teleworker is required to meet the following conditions:

- Ensure that the approved remote worksite is a safe place to work
- Keep personal disruptions such as non-business telephone calls and visitors to a minimum
- Ensure the protection of Proprietary College information accessible from their approved remote worksite. Steps include, but are not limited to the use of locked facilities, disk boxes and desks and other steps appropriate for the job and environment
- Make advance arrangements for dependent care to ensure a productive work environment (telework is not a substitute for daycare or other personal obligations)
- Obtain pre-approval from the supervisor for use of vacation time, personal days, or sick leave to attend to family or home matters during home office hours
- Ensure work area is free of obstructions to eliminate trip and fall hazards
- Ensure work area has proper lighting, ventilation and furniture.
- Set up the approved remote work site in an ergonomically correct fashion

Miscellaneous Expenses

The following are examples of expenses that will not be reimbursed by the College. This list is not necessarily all-inclusive. The College will not reimburse costs associated with copying work-related materials, fax charges, express mail, etc. Employees participating in telework should complete these duties in their college office facility, using College equipment, services, and materials. Advance supervisory approval for emergency expenditures while working at an alternate work site must be requested by the employee and will be granted only on a case-by-case basis.

The College will not pay for general operating expenses in a remote office such as: an Internet Service Provider, taxes, furniture, homeowner/renter insurance, utilities, privately owned equipment and incidental items and supplies. Specifically, incremental home utility costs associated with telework (such as electricity, internet, phone service) *will not* be paid by the College. The College will not pay for travel expenses when the teleworker must come to the office. Teleworkers are responsible for their own means of getting to and from the office for regularly scheduled days in the office or if they are called into the office on a telework day.

VIII. EQUIPMENT

College-owned Equipment

College-owned property may be used by employees in their private residences for official business only. Strict adherence to regulations concerning the safeguarding and removal of all equipment is essential. Prior approval must be obtained before any property is removed from the College, and an inventory checklist must be completed for all equipment placed in an employee's home. Upon termination of employment or participation in the program, all College property must be returned to Westchester Community College.

IX. OTHER ISSUES

Liability

The security of college property in your approved remote worksite is as important as it is in the office. Employees are expected to take reasonable precautions to protect the equipment from theft, damage or misuse. You are expected to contact your supervisor when the College's equipment is stolen, lost, and/or damaged.

Westchester Community College will provide self-insurance coverage for all College-owned Information Technology equipment utilized by the employee that is properly inventoried. Teleworkers that are provided with laptop computers increase the College's exposure to theft of expensive equipment and perhaps sensitive information. Theft of laptops from the seats of cars, in airports, hotels and other public facilities is a serious problem. If you are assigned a laptop, please use extreme caution to always safeguard it.

Tax Benefits

Employees who have questions about possible tax implications regarding telework and the home office should consult their tax advisor or the Internal Revenue Service for information on tax laws and interpretations. Employees are also responsible for ensuring that their approved remote work site is in accordance with any local tax and/or zoning regulations.

Miscellaneous

SUNY Westchester Community College is not responsible for any injuries to family members, visitors or others in the employee's home or for damages to the teleworker's personal or real property. Teleworkers who permit third parties to enter their remote work areas should consider carrying insurance that covers third party injuries arising out of or relating to the use of the home under a telework program. These employees should consult their personal insurance carriers for advice.

X. DEFINITIONS

Telework – Also known as telecommuting, is defined as a mutually agreed-upon work option between the employer and the employee where the employee works at an approved remote worksite on specified days and/or hours, and at the College work site the remainder of the time, retaining flexibility as necessary to meet the needs of the work unit.

College Work Site – This is the employee's officially assigned workstation at a WCC facility.

Telework Site – The telework site is an approved remote worksite alternative to the official duty station and will be identified in the Telework Agreement.

Remote Access – Remote access is defined as an employee's ability to access the appropriate computer server from the employee's telework site to retrieve and store computer files, read and respond to e-mail, attend meetings and other appropriate applications.

Telework Agreement – The Telework Agreement is signed by the College and employees and specifies the terms and conditions of telework.