# Telecommuting Program Pilot Guidelines

1. **Policy Statement**

The New York State Agency Telecommuting Program, which has been developed in the Labor/Management Forum, is intended to provide the following benefits:

* 1. Increase employee productivity, efficiency, performance and morale.
  2. Provide flexibility to managers and employees while maintaining/increasing productivity.
  3. Attract and retain high caliber employees.
  4. Increase resilience during an emergency event.
  5. Contribute to a cleaner environment.
  6. Maintain or increase job satisfaction.
  7. Provide an opportunity to increase control and flexibility over work/life balance.
  8. Reduce distraction.
  9. Reduce transportation costs and travel time.

The Agency’s policy is to support telecommuting to the widest extent practicable where it is reasonable to do so based on the agency’s mission, operational and program needs. These guidelines are the basis for a telecommuting program that is beneficial to agency operations, employees and customers. Every application will be considered on an individual basis, using objective selection criteria that will be consistently applied.

The Agency has determined, in the Labor/Management Forum, that the following program areas are eligible for telecommuting. In determining where telecommuting is programmatically feasible, Agency has considered any prior telecommuting experience of the Agency, including, but not limited to telecommuting that occurred pursuant to the Statewide Telecommuting Program which began in March 2020 as a result of the COVID-19 Pandemic. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Attach Additional Sheets if Needed)\_\_\_\_\_

Individual application will also consider an prior telecommuting experience by the applicant in the past, including but not limited to, that which occurred as a result of the COVID-19 pandemic

Employees represented by PEF are covered by the Memorandum of Agreement (MOA) on Telecommuting set forth in Appendix III of the PEF/State Agreement. Management reserves the right to approve, disapprove or suspend any individual’s participation in this program, consistent with the MOA

# How it Works –Agency Telecommuting Program

* 1. Take mandatory trainings.
  2. Apply for telecommuting program.
  3. If approved, take Technology Training.
  4. If denied, the employee may appeal pursuant to Section IV.
  5. Supervisor takes Telecommuting Training.
  6. Submit work plan.

# Definitions

**Telecommuting** is an alternate work arrangement that allows employees to conduct all or some of their work away from the official work site.

**Telecommuters** – Employees who have been approved to participate in the Telecommuting Program.

**Official Work Site** – This is the employee's official Agency office. This is also known as the official workstation or the usual and customary work address.

**Alternate Work Site** – A location away from the official work site where the employee is authorized to conduct business. This location must meet all criteria set forth in this policy.

**Set Schedule** – Approved hours and days worked in a pay period.

**Telecommuting Application** – A document completed by the employee requesting to become an approved telecommuter.

**Telecommuting Work Plan** – A document completed by the telecommuters required by each telecommuter’s job functions. The work plan provides important information about the employee’s telecommuting program, including hours to be worked, work to be performed, and how it will be assigned and managed. Multiple telecommuting days may be included on a single work plan. The work plan must be submitted by the telecommuter to the supervisor/manager.

**Operational Protocols** A document wherein divisions or units provide specific operational deviations from the guidelines.

# Application Process

The following steps must be completed to participate:

* 1. The telecommuter must take the Agency Telecommuting Training prior to applying for the Telecommuting Program. The employee must submit a telecommuting application to their supervisor/manager.
  2. The supervisor/manager will review the application to determine if it meets the criteria.
  3. The supervisor/manager will forward the application to the Division Director (or designee).
  4. The Division Director (or designee) approves/disapproves the application. A copy will be sent to the supervisor/manager and the employee. The

application will be forwarded to Personnel for inclusion in the employee’s Personal History Folder.

* 1. If denied the employee will be notified in writing of the reason for the denial. The employee may appeal the decision in writing to the Telecommuting Appeal Board, which will be composed of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

## Employee Appeal Process

1. If an employee’s application is disapproved, the employee may request a review by the Telecommuting Appeal Board within five business days of the applicant’s receipt of the disapproval of the application. Requests for review should be sent to\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In subject line reference “Telecommuting Appeal”.
2. If the review results in approval of the application, a copy of the approved application will be sent to the (or designee) for distribution.
3. If the review results in the application not being approved, the employee will be notified in writing. The employee may submit a new application six months after the date of the appeal denial or earlier as determined by the supervisor/manager.

# Work Plan Use and Review

The work plan provides important information about each telecommuting program, including hours to be worked and work to be performed.

* 1. Work plans must be submitted to the supervisor/manager for each pay period or for smaller increments of time depending on the specifics of the employee’s job duties...
  2. Supervisors/managers must return a copy of the approved/disapproved work plan to the telecommuter.

# Guidelines for Participation

The following are general guidelines for the employees participating in the telecommuting program.

* 1. Employee participation is voluntary.
  2. Agency will utilize objective selection criteria in determining applications for telecommuting, which will be consistently applied. Generally, open application of volunteers in all suitable job titles will be permitted.
  3. Agency, to the greatest extent possible, will allow flexibility in the employee’s choice of which and how many days to telecommute per pay period or pay week.
  4. Employees must comply with all NYS laws and rules during this program that they would abide by at the official work site.
  5. All assigned duties will be performed in a manner consistent with applicable Agency rules, policies, practices, collective bargaining agreements, and ethical standards.
  6. Telecommuting is not an employee entitlement. Full discretion to either approve or disapprove an application for telecommuting rests solely within the Agency.
  7. Telecommuting is not operationally feasible for all job functions. The Agency ultimately determines, in the Labor/Management forum, which job functions are eligible to participate in this program.
  8. Division Director (or designee) will review all applications on an individual basis and notify the employee of approval or the reason why the application was denied. Employees have the right to appeal denials to the Telecommuting Appeal Board.
  9. Once a telecommuting application has been approved, participation and start dates may be subject to equipment availability.
  10. Seniority may be used as a factor in the approval of telecommuting days.
  11. Official work site coverage will be among the considerations made by management when making telecommuting decisions.
  12. Telecommuters will treat telecommuting days like regular workdays and will be expected to maintain a regular work routine while telecommuting.
  13. Managers may require telecommuters to have a set telecommuting schedule.
  14. The approved set schedule is determined by management based on operational needs and specified on the telecommuting work plan while also allowing for flexibility in employee’s choice of which and how many days to telecommute per week..
  15. Any request for a change in an approved set schedule or telecommuting day must be submitted to the supervisor/manager in advance.
  16. A telecommuter is required to report to the official work site upon management’s request upon 24 hours notice or in the event of an emergency. A telecommuter may instead request to charge accruals.
  17. If the alternate work site becomes unavailable, management may require a telecommuter to immediately report to the official work site. A telecommuter may request to charge accruals.
  18. Telecommuters must be available via all specified methods of communication throughout the workday. Should a telecommuter not be available through official channels the Agency will contact the telecommuter via their personal contact information, provided in the work plan.
  19. Telecommuters may be required to forward their official work site phone to the phone that will be used while telecommuting.
  20. Work-related in-person meetings in the telecommuter’s alternative work site are prohibited. This restriction does not preclude a telecommuter from participating in phone or web-based meetings from the alternative work site.
  21. A designated representative in each division will administer the telecommuting program, with oversight by Personnel.
  22. Management may require an employee to submit a new telecommuting application if they leave their current position or program area or if their functions significantly change.
  23. The same attendance rules and call-in procedures apply when telecommuting.
  24. Employees must safeguard all passwords used in connection with Agency files or programs and ensure case and customer information is protected.
  25. Probationary employees may be allowed to telecommute with supervisory/managerial approval.
  26. Telecommuters must comply with all Program reporting requirements by completing reports accurately, timely and fully. Failure to do so may result in removal from the Program upon two weeks notice.
  27. A Telecommuting Application is for a period no less than six months and not to exceed one year from the date the application was approved. Telecommuters must re-apply at the end of the term to continue.
  28. Division and or units within a division may have operational protocols that pre- empt those stated in these guidelines. Telecommuters are responsible for reviewing operational protocols, specific to their division or units if applicable.

# Eligibility

Agency employees may be eligible for the Telecommuting Program if the employee meets ALL of the following criteria:

* 1. Must be deemed to have satisfactory performance; lack of an unsatisfactory rating is deemed satisfactory;
  2. Have workflow tasks, which do not require a continued presence at the job location;
  3. Work performance can be quantified and/or evaluated (e.g., number of cases closed per day, number of telephone calls answered, or customers assisted, completed percentage of power point project, continued work on caseload or long term projects);
  4. Employees productivity will not decrease when performing tasks at the alternate work site;
  5. Additional work will not be generated for co-workers due to the employee telecommuting;
  6. Permissible resources can be easily transported between the employee’s official work site and the alternate work site; and,
  7. Will not violate any confidentiality agreement that may prohibit records or information from being removed from the Agency official worksite.

## The ideal telecommuter:

1. Works independently and requires minimal supervision.
2. Is self-motivated, reliable and retains a satisfactory level of productivity and job knowledge.
3. Is well organized and has strong time management skills.

# Training

Employees are required to take the Agency’s Telecommuting Overview Training prior to applying for the telecommuting program.

Supervisors/managers of employees approved to telecommute must also attend Supervisor’s Telecommuting Training before approving the first telecommuting day. Approved telecommuters are required to take the approved Telecommuting Technology Training prior to the first telecommuting day.

The union(s) must be offered an opportunity to review training curriculum and may attend during general presentations.

# Work Hours

Telecommuters will work their approved workday (including overtime when appropriate and authorized). Telecommuters must request time off in advance and submit all leave requests as currently required. All current laws, regulations, contract provisions and standard work rules apply.

When telecommuters are required by management 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, at the discretion of the supervisor, 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 reimbursed for travel.

Unless otherwise directed by the Agency, 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 supervisor/manager may direct the telecommuter to come to the official work site or grant appropriate charge to leave accruals.

# Equipment and Supplies

The Agency may provide telecommuters the necessary equipment and software, within reason, to telecommute. The Agency will not provide desks, chairs, file cabinets or other office-related furniture. The use of an employee’s personal computer (for example, desktop, laptop, tablet, etc.,) **is strictly prohibited, unless using technology approved by the Agency such as VDI.**

## Telecommuters using personal devices must request, receive and test the VDI or other applications and/or RSA token prior to telecommuting.

Minimal office supplies may be provided by the Agency and should be requested during the telecommuter’s in-office work period as supplies will not be shipped to the alternate work site. Out-of-pocket expenses will not be reimbursed.

The telecommuter is responsible to secure and pay for an internet connection. The Agency will not reimburse internet costs. The telecommuter must have an internet connection with bandwidth that is appropriate for conducting official business without disruption.

At management’s discretion, long distance telephone calls for official work purposes, that are limited in duration, may be reimbursed with appropriate receipts. However, if the telecommuter has been issued an Agency cell phone, that device must be used for telephone calls.

If assigned equipment or any component thereof is lost or stolen, the telecommuter must immediately notify their supervisor/manager, and comply with relevant policies. The supervisor/manager may, in this instance, require telecommuters to report to the official work site or charge leave accruals.

When the telecommuting agreement ends, the employee must return all equipment and supplies issued on their next workday, unless otherwise specified by management.

# Alternate Work Site

The telecommuter is responsible for arranging a dedicated private workspace at the alternate work site. The workspace must have:

* 1. Equipment and supplies appropriate to conduct official business.
  2. Appropriate means of communication to complete the job duties.
  3. Appropriate security measures to maintain confidential information that the telecommuter will have access to as part of their job duties.
  4. A safe work environment, free from hazards that might present a danger.
  5. A professional decorum free from distraction, disruptive noises and unprofessional background sounds.

Telecommuters shall not invite third parties into their alternate work sites for purposes of conducting State business.

The Agency is not liable for conditions at the alternate work site which are found to violate local, state or federal ordinances.

An employee is considered to be acting within the course and scope of employment when engaged in job-related activities, therefore Workers’ Compensation benefits will apply to injuries arising out of, and in the course of employment, regardless if the injury occurred on, or off, Agency premises. If an injury occurs while an employee is performing their duties at the alternate work site under a telecommuting agreement, they are to follow established reporting procedures to report the injury and for filing a Workers’ Compensation claim. The telecommuter must notify the supervisor/manager immediately. The telecommuter will complete the online, [Unusual Incident Report](http://dol0a1fptsprod2/MRcgi/MRhomepage.pl?USER=usfrw3&amp%3BPROJECTID=37&amp%3BMRP=GHJrcM24B&amp%3BOPTION=none&amp%3BWRITECACHE=1&amp%3BFIRST_TIME_IN_FP=1&amp%3BFIRST_TIME_IN_PROJ=1), and call the Accident Reporting System (ARS) at (888) 800-0029 to report the work related injury. All claims for work-related injuries at the alternate work site shall be subject to review and acceptance by the Worker’s Compensation Board and the State Insurance Fund.

# Agency Policies/Security of Information

Any Agency information possessed by the telecommuter cannot be shared with or made available to any other unauthorized individuals.

Telecommuters must ensure that Agency records and information are secure and not maintained in a way that would make them readily available to any other individuals. Telecommuters are responsible for adhering to all Agency policies, procedures and standards concerning use of computer equipment and the security of data/information while telecommuting.

Breaches in security must be immediately reported to the telecommuter’s supervisor/manager. A breach of information security, including the release of confidential information or the personally identifiable information of Agency 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 Agency records and documents from unauthorized disclosure or damage and shall comply with all Agency policies and procedures regarding such matters.

Telecommuters must also take the following specific precautions:

* 1. Only take confidential information offsite when authorized by their supervisor.
  2. Do not transmit confidential information from work e-mail to personal e-mail addresses (e.g. aol.com, yahoo.com or g-mail.com).
  3. Securely store all hard copy documents or office media so that others cannot readily access it.
  4. Do not communicate confidential information where others can listen.
  5. Place documents requiring destruction in Agency 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 and sign the Computer Acceptable Use Agreement.

* Loss or theft of equipment must immediately be reported to the telecommuter’s supervisor/manager.
* Any suspected data breach containing sensitive data must immediately be reported to the telecommuter’s supervisor and the telecommuter must complete [Unusual Incident Report](http://dol0a1fptsprod2/MRcgi/MRhomepage.pl?USER=usfrw3&amp%3BPROJECTID=37&amp%3BMRP=2FJz4OaN4&amp%3BOPTION=none&amp%3BWRITECACHE=1&amp%3BFIRST_TIME_IN_FP=1&amp%3BFIRST_TIME_IN_PROJ=1).

Under no circumstance may Agency data or information be transferred to or stored on any personal devices. Under no circumstance may the telecommuter allow their Agency issued work computer to be used by any other person. Telecommuters must log off and secure any computer being utilized to conduct official business when not in use.

# Termination of Individual Telecommuting Agreement

Telecommuting Agreements may be suspended/terminated:

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By the Agency or by the employee with 14 calendar days’ written notice (and specifying the reason for termination if terminated by the Agency), unless there is a mutual agreement on a shorter period, or upon 24 hours notice in the event of a bona fide emergency.

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# Program Dates

This is a pilot program, which will expire on December 31, 2021, unless both PEF and the Agency agree to extend the program. PEF and the Agency will meet in the labor/management forum no less than 60 days prior to expiration of this agreement to assess the program.

Nothing herein relieves the obligation of the Agency to develop a telecommuting policy in the Labor/Management forum within 9 months of ratification of the 2019-2023 PEF/State Agreement. PEF and the Agency may agree that this policy satisfies the above mentioned requirement and that the policy will be continued commencing on January 1, 2022 for a period of one year.