

New York University

UNIVERSITY POLICIES

Title: Hybrid/Remote Work Policy - New York
Effective Date: August 1, 2022
Supersedes: Telecommuting Policy
Issuing Authority: Executive Vice President
Responsible Officer: Human Resources

Statement of Policy

This Policy establishes guidelines for Hybrid/Remote Work for covered employees of New York University in New York (hereinafter, “NYU” or “the University”) and supersedes the Telecommuting Policy.

The university recognizes that flexibility in determining where administrative work is performed can have a positive effect on employee retention and recruitment. The Hybrid/Remote Policy seeks to provide a clear framework to guide decision making at the school and unit level. There are several factors that influence the final classification of a job within the hybrid/remote framework, but job duties are the primary factor that should be taken into account. As detailed in the Policy, Hybrid/Remote Work is first and foremost, subject to the university’s operational needs, and as such is not a right or entitlement to employment. In keeping with the framework as outlined, Hybrid/Remote Work options can be modified or rescinded with appropriate notice. It should be noted that the employee’s supervisor will continue to have the authority to require temporary changes to work schedules of employees based on seasonal and other short-term operational needs. There is no appeals process when Hybrid/Remote Work has been denied or rescinded. However, to ensure matters related to equity are considered, concerns may be raised through the employee’s supervisor, Human Resources Officer or Human Resources Business Partner who, in consultation with University Human Resources will review and respond to the employee.

Schools and Units are expected to adhere to the policy as outlined herein.

To Whom the Policy Applies

Except as provided below, this Policy applies to full-time Administrators and Professionals, employees covered under the collective bargaining agreements between the University and Locals 153 and 3882, and Non Exempt, Non Union employees. In addition to the aforementioned categories, employees who participate in hybrid/remote work must be (i.) in good standing and (ii.), in a job whose job duties and responsibilities are suitable for Hybrid/Remote Work (hereinafter, “covered employees”).

- This Policy does **not** apply to employees covered by any collective bargaining agreements not expressly listed above. Nothing in this Policy supersedes any applicable collective bargaining agreements.
- Faculty are **not** covered under this Policy, and should consult with the appropriate chairperson or dean and/or refer to the Faculty Handbook for any applicable policies.

- Professional Research Staff also are **not** covered under this Policy.

This Policy does **not** apply to requests for, or management of, workplace accommodation(s) under the Americans with Disabilities Act (ADA) or under any other applicable federal, state, or local law or regulation. Employees seeking such workplace accommodation(s) should contact the University's Office of Equal Opportunity (OEO). Notwithstanding the foregoing, this Policy otherwise supersedes any policies or guidelines issued by any school, department or unit (except University Human Resources and OEO) regarding Hybrid/Remote Work for covered employees.

Definitions

Hybrid/Remote Work means working from home or from a remote location one or more full days per week on a regular basis consistent with the Hybrid/Remote Classification Structure outlined below. While working pursuant to an approved Hybrid/Remote Work arrangement, covered employees are expected to work the same general hours that they were originally hired to work, and to perform their responsibilities as they otherwise would at a University work site.

Policy and Procedures

Hybrid/Remote Classification Structure

Job duties are the primary consideration in establishing the appropriate classification of hybrid/remote designation for any job. The Hybrid/Remote classification framework includes three categories as outlined below:

- 1) **Fully On-Site:** Job duties are highly local in nature and require on-site presence to be performed. Not eligible for hybrid or remote classification.
- 2) **Hybrid Eligible** (on-site 60-80% of the time, assigned work space):

Job duties are conducive to being performed either in person, or remotely at least part of the time.

- 3) **Mostly Remote** (Occasional onsite presence; remote more than 60% of time, no assigned desk):
 - Generally, for the limited instances in which job duties require minimal in-person interactions.
 - The school or unit, in consultation with the appropriate NYU space planning and real estate offices, have received approval to reduce their space allocation which necessitates the classification of some or all jobs within the unit as Mostly Remote.
 - All positions classified as Mostly Remote require advance review and approval by University Human Resources as outlined below.
 - Employees in Mostly Remote positions are responsible for commuting costs to their departmental office locations- any expenses associated with travel to their departmental office locations are generally not reimbursable.

General Considerations for Hybrid/Remote Work Approval

Factors other than job duties may impact the availability of Hybrid/Remote Work options as noted below. In addition, employees are expected to reside within commuting distance to their assigned NYU work location unless otherwise approved through University Human Resources. Factors that may impact the availability of Hybrid/Remote Work options are:

- Operational Needs (hybrid or remote arrangements can be modified with advance notice to the employee, generally 30 days (less notice may be provided if the need is not foreseeable).
- Departmental Staffing
- Employee Probation
- Employee Performance

Guidelines for Approval of Hybrid/Remote Work

In most instances, each school or unit, in consultation with UHR will determine the appropriate classification for administrative and clerical positions.

Positions Classified as Mostly Remote or Positions Performed From Another State Outside of the NYC Tri State Area

The Hybrid/Remote Work Arrangement Request Form should be completed by the supervisor or unit head for any position in which the unit seeks a Mostly Remote classification and/or when the position will be performed from another state outside of the NYC Tri State area. Please note that clerical positions are generally excluded from consideration as Mostly Remote or Out-of-State due to the nature of the work performed and level of supervision required. These two categories require approval from the Office of Employee Relations (OER) in consultation with Global Compensation and/or Talent, Learning & Organizational Development (TLOD), as necessary and appropriate.

Other Considerations

The success of Hybrid, Remote arrangements can depend on several factors, such as current job performance and attendance, the ability to work independently, the nature of the work to be performed, consideration of the impact such arrangement will have on others, and strong communication skills.

Hybrid/Remote Work is not a right of employment. It is established at the discretion of the employee's supervisor in consultation with their Department Head and Human Resources Department and may be subject to change at such discretion.

When considering the appropriate Hybrid/Remote Work classification for a covered employee, supervisors should assess the impact of such an arrangement on the department or unit and, in making such a determination, consider the following as applicable (which is not an exhaustive list of factors to be considered):

- Is the covered employee in good standing?
- Will the covered employee be able to meet the minimum requirements of their position?
 - Productivity and progress metrics are still measurable under the proposed arrangement
 - Quality of service to internal and external clients can be sustained
 - Any required person to person interaction can be maintained

- Questions about the covered employee and their ability to perform the job with a Hybrid/Remote Work arrangement
 - Is the covered employee highly independent and disciplined, requiring minimum supervision?
 - Does the job contain tasks that can be done from an alternate work location?
 - Are there issues that may affect operations in the workplace or ability to do the work off-site, such as access to necessary information or support for work tasks?
 - Is the covered employee's proposed alternative work in a location that allows for adequate privacy and security?
 - Will the covered employee have the technology, equipment and secure system access to perform all responsibilities and to maintain the effectiveness of communications?
 - Will there be the ability to maintain a two-way flow of communication between supervisor and covered employee, and covered employee and their colleagues?
 - How will the performance of the covered employee on a Hybrid/Remote Work arrangement be measured?
 - Will the supervisor be able to assess the covered employee's productivity and the quality of their work results?
 - Will the covered employee's job satisfaction and morale be sustained or improved?

- Questions about scheduling, as applicable
 - Will there be adequate team coverage in the workplace, especially during peak service or demand times?
 - Has the supervisor taken into account intermittent job demands that may make it necessary for specific workers to be in the workplace at certain times, for certain tasks, meetings, events, or projects?

- Other considerations, as applicable
 - How have any Hybrid/Remote Work arrangements previously approved for other covered employees impacted the supervisor's ability to approve the current arrangement?
 - Is the supervisor able to ensure that all covered employees, regardless of work location, are fulfilling their work responsibilities?
 - Will the supervisor be able to maintain a collegial environment with opportunities for department or unit members to have shared hours and constructive interactions?
 - Will the overall work group's performance, job satisfaction, and morale be sustained or improved?

Management and Continued Approval of Hybrid/Remote Work

The covered employee's supervisor should be prepared to manage the performance of a covered employee with a Hybrid/Remote Work arrangement by assessing the following criteria:

- Are expectations clearly understood?
- Have turnaround times been adversely impacted?
- Is productivity being maintained?
- Are the department's or unit's needs still being met?

- Are there benefits that can be identified?
- Are there adjustments to the arrangement that might be desired by either party?

The covered employee's supervisor in consultation with their Department Head and Human Resources Department will decide whether to continue a Hybrid/Remote Work arrangement. Continued approval of the Hybrid/Remote Work arrangement will take into account the considerations of the current needs and limitations of the department or unit, and the covered employee. If the Hybrid/Remote Work arrangement is continued, it should be evaluated at least annually thereafter (or sooner as necessary and appropriate), and is otherwise subject to the same standards of continued approval set forth herein.

If the Hybrid/Work arrangement is modified or discontinued, the covered employee's supervisor should provide the employee with appropriate notice. When the change is foreseeable, 30 days advance notice is recommended. When the change is not foreseeable, supervisors should provide as much notice as is practical for the circumstances. Changes in the assigned days an employee is on-site may be made to take immediate effect when urgent and time-sensitive university matters require it. Employees are expected to be able to report into their assigned work location on any given day if necessary.

While on a Hybrid/Remote arrangement, covered employees must continue to comply with all applicable University policies and conduct rules including but not limited to [NYU's Data and Systems Security Policy](#), [Policy on Responsible Use of NYU Computers and Data](#), and [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#). Covered employees are expected to perform their responsibilities as they otherwise would under a standard working arrangement. There may be exceptional times where a covered employee will be required to work in the office (e.g., for an important meeting or during peak service periods). Appropriate notice will be provided under such circumstances.

Consistent with the expectations that would exist onsite, employees who are approved for a Hybrid/Remote arrangement should avoid conflicting commitments that would distract from their work such as engaging in non-work related activity during work hours. Hybrid/Remote Work is not to be used for purposes of taking leave or time off from work. Requests for leave or time off (e.g., to bond with a newborn child or care for a family member with an illness) should be made under the appropriate policy.

Equipment Required for Hybrid/Remote Work – Employee Provided

Please take note that the University will not provide the covered employee with any computer equipment, telephone, or web access other than what the covered employee already has received or is eligible to receive for purposes of work. The covered employee is responsible for all costs associated with maintaining their own internet access.

The covered employee is responsible for ensuring that their hybrid/remote work location is equipped with the equipment they will need to fully carry out assigned duties. NYU is not responsible for servicing and maintaining equipment that is not NYU's property, and shall not be responsible for costs associated with normal wear, maintenance, upkeep, repair or replacement of personal equipment that supports the employee's ability to telecommute.

Equipment Failure

Whether personally owned or NYU provided, if equipment relied upon as a condition for Hybrid/Remote Work is not operational on a scheduled remote day, the covered employee will be required to either report to the office work location or make a request for time off under the appropriate University policy.

Occupational Injuries with Hybrid/Remote Work

Should a covered employee suffer an occupational injury while under a Hybrid/Remote Work Schedule, please follow the University's [Workers' Compensation Policy and Procedure](#).