

New York University

UNIVERSITY POLICIES

Title: Telecommuting Policy – New York
Effective Date: January 2, 2020
Supersedes: N/A
Issuing Authority: Executive Vice President
Responsible Officer: Human Resources

Statement of Policy

This Policy establishes guidelines for Telecommuting Arrangements for covered employees of New York University in New York (hereinafter, “NYU” or “the University”). As detailed below, Telecommuting Arrangements are not a right or entitlement of employment – they are discretionary and subject to operational needs. Telecommuting Arrangements can be rescinded at any time with appropriate notice. There is no appeals process when a Telecommuting Arrangement has been denied or rescinded.

Nothing in this Policy requires any school, department, or unit to offer Telecommuting Arrangements. However, if a school, department, or unit decides to offer Telecommuting Arrangements, it must adhere to this Policy and notify covered employees that they can apply for Telecommuting Arrangements pursuant to this Policy. Telecommuting approved on a one-off or otherwise irregular basis is not a Telecommuting Arrangement as defined under this Policy (see below), and therefore does not trigger the aforementioned requirements.

Telecommuting Arrangements require the initial and ongoing approval of the employee’s supervisor, together with the designated approver(s) determined by the school, department, or unit. Each school, department, or unit must consult with, and receive approval from, its Human Resources (HR) department regarding who will serve as a designated approver(s). Designated approvers may include, but are not necessarily limited to, the Department/Unit Head and/or Human Resources Officer/Business Partner (“HRO”). HR departments may reserve the right to designate the appropriate HRO as an approver.

To Whom the Policy Applies

Except as provided below, this Policy applies to full-time Administrators and Professionals in good standing, who have completed at least one (1) year of employment with the University, and whose job duties and responsibilities are suitable for Telecommuting Arrangements (hereinafter, “covered employees”). **Requests for exceptions to the one-year of employment requirement must be made to, and approved by, the AVP, Employee Relations. Requests will only be granted under exceptional circumstances and are unlikely to be granted when the covered employee is on probation.*

- This Policy does **not** apply to employees covered by a collective bargaining agreement (“CBA”). Such employees should refer to the applicable CBA.

- 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 telecommuting arrangements for full-time Administrators and Professionals.

Definitions

Telecommuting Arrangement means working from home or from a remote location one or more full days per week on a regular basis. This definition does **not** include telecommuting approved on a one-off or otherwise irregular basis, or any other arrangement excluded under this Policy. While on a Telecommuting 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.

Telecommuting Arrangement Request Form details the terms and conditions of the covered employee's Telecommuting Arrangement.

Policy and Procedures

Overview

The covered employee's supervisor, together with the designated approver(s) determined by the school or unit, have the authority to approve a Telecommuting Arrangement. (Approval from the AVP, Employee Relations also is required for full-time Telecommuting Arrangements and/or from the AVP, Talent, Learning, and Organizational Development for Telecommuting Arrangements from a work location outside of New York State.) As set forth below, circumstances may exist where the expectations or responsibilities of the role are not suitable for a Telecommuting Arrangement.

If a Telecommuting Arrangement is approved, it is subject to an initial trial period during the first two months, and should be evaluated at least annually thereafter (or sooner as necessary and appropriate). Circumstances may change causing the Telecommuting Arrangement to change or be discontinued. It shall be the responsibility of the covered employee's supervisor to consider, assess, and evaluate the implications of the request for and management of a Telecommuting Arrangement. Nothing in this Policy is intended to alter a covered employee's responsibilities, which are determined by the covered employee's supervisor. While on a Telecommuting Arrangement, covered employees must continue to comply with all applicable University policies and conduct rules, and are expected to perform their responsibilities as they otherwise would under a standard working arrangement.

How to Request a Telecommuting Arrangement

To make a request for a Telecommuting Arrangement, the covered employee shall complete the Telecommuting Arrangement Request Form and submit it to their supervisor. The supervisor, together with the designated approver(s), will make a determination, in accordance with the guidelines set forth herein, and respond to the covered employee accordingly. Approved request forms are to be filed with the appropriate HRO, and the details of the Telecommuting Arrangement should be communicated to appropriate colleagues. **Already existing Telecommuting Arrangements should be documented with a Telecommuting Arrangement Request Form, and are otherwise subject to review, change, and discontinuance consistent with the parameters set forth herein.*

Guidelines for Approval of a Telecommuting Arrangement

The success of a Telecommuting Arrangement 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. A Telecommuting Arrangement is not a right of employment. It is established at the discretion of the employee's supervisor and the designated approver(s), and may be subject to change at such discretion.

When requesting a Telecommuting Arrangement, a covered employee should consider their own needs together with those of the department or unit. Any employee who requests a Telecommuting Arrangement should ensure that their work can be performed in a manner consistent with standards that would be true if they were reporting to an assigned work location. When considering a covered employee's request for a Telecommuting Arrangement, 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):

- Does the covered employee meet the minimum requirements?
 - The covered employee is a full-time Administrator or Professional
 - The covered employee is in good standing in their current position
 - The covered employee is capable of self-motivation
 - The level of supervision required of the covered employee will still be possible under the proposed arrangement

- 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 face-to-face contact can be maintained

- Questions about the covered employee and their ability to perform the job under a Telecommuting 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 Telecommuting 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 Telecommuting Arrangements previously granted to other covered employees impacted the supervisor's ability to grant the current request?
 - 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?

Initial Approval of a Telecommuting Arrangement

The covered employee's supervisor, together with the designated approver(s) determined by the school or unit, will decide whether to approve the Telecommuting Arrangement. Approval will be granted on a case-by-case basis, taking into account the considerations of the current needs and limitations of the department or unit, and the covered employee.

As noted above, each school, department, or unit must consult with, and receive approval from, its HR department regarding who will serve as a designated approver(s). Designated approvers may include, but are not necessarily limited to, the Department/Unit Head and/or the appropriate HRO. HR departments may reserve the right to designate the appropriate HRO as an approver.

As also noted above, requests for full-time Telecommuting Arrangements must first be approved by

the AVP, Employee Relations, and requests for Telecommuting Arrangements from a work location outside of New York State must first be approved by the AVP, Talent, Learning, and Organizational Development. ***No full-time Telecommuting Arrangements and/or Telecommuting Arrangements from a work location outside of New York State may commence unless and until such approval is provided.***

Management and Continued Approval of Telecommuting Arrangements

The covered employee's supervisor should be prepared to manage the performance of a covered employee on the Telecommuting Arrangement. The first two months of the Telecommuting Arrangement are a trial period. At that point (or sooner if deemed necessary), the supervisor should conduct an evaluation of the Telecommuting Arrangement and meet with the covered employee to discuss the status of the arrangement:

- 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, together with the designated approver(s), will decide whether to continue the Telecommuting Arrangement. Continued approval of the Telecommuting Arrangement will be granted on a case-by-case basis, taking into account the considerations of the current needs and limitations of the department or unit, and the covered employee. If the Telecommuting 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 Telecommuting Arrangement is discontinued, the covered employee's supervisor should provide the employee with appropriate notice (e.g., 30 days).

While on a Telecommuting Arrangement, covered employees must continue to comply with all applicable University policies and conduct rules, and 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 telecommute should avoid conflicting commitments that would distract from their work such as engaging in non-work related activity during telecommuting hours. Telecommuting Arrangements are 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 Telecommuting – 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 ensuring that their telework 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.

The NYU Virtual Private Network (VPN) is a user managed service; therefore, users are responsible for paying their associated Internet Service Provider (ISP) fees.

Equipment Failure

Whether personally owned or NYU provided, if equipment relied upon as a condition for telecommuting is not operational on a scheduled telecommute 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 While Telecommuting

Should a covered employee suffer an occupational injury while telecommuting, please follow the University's Workers' Compensation Policy and Procedure.