



The State University
of New York


Office of Employee Relations

State University Plaza
Albany, New York 12246

www.suny.edu

MEMORANDUM

To: Chief Human Resource Officers

From: Liesl Zwicklbauer, Esq. 
Associate Vice Chancellor for Employee Relations

Date: August 2, 2021

Re: SUNY Telecommuting Policy

Attached please find our new SUNY Telecommuting Policy for implementation at the campus level.

The COVID-19 pandemic necessitated SUNY campuses to quickly adopt telecommuting programs where practicable based on the nature of the work itself, availability of technology and other relevant factors. Even without the benefit of thoughtful planning for this transition, our campuses have enjoyed many success stories. As we move forward, the ability to provide employees with telecommuting options may prove to be an important recruitment and retention tool. Providing telecommuting options can also serve as a means for reducing campus carbon footprints and advancing sustainability goals.

While it is clear that the majority of SUNY positions require an in-person presence in order to provide the highest level of service possible to the campus community, it is equally clear that there are positions on every campus which include duties that are not customer facing, in whole or in part, and may be performed effectively from a telecommuting location. SUNY's mission "to provide to the people of New York educational services of the highest quality, with the broadest possible access, fully representative of all segments of the population in a complete range of academic, professional and vocational postsecondary programs including such additional activities in pursuit of these objectives as are necessary or customary" will be paramount when considering telecommuting arrangements. To this end, telecommuting arrangements will only be considered when they fully support operational needs and are aligned with providing the highest level of service to the campus community.

The program may be utilized immediately, to re-engage employees and plan for a return to normal operations no later than September 7, 2021. It also serves as a resource in assisting employees return to in-person presence for possible utilization in addressing COVID-19 related concerns such as reasonable accommodations under the Americans with Disabilities Act and the NYS Human Rights Law, or temporary accommodations for issues outside of such laws for things such as child care or elder care. Any employee currently telecommuting over the summer as part of the effort to return to in-person presence, for reasons other than an ADA accommodation, must reapply to be able to telecommute after September 7th.

Thank you to our SUHRA Telecommuting Workgroup and our partners in labor for participating in the development of this program.

SUNY Workplace Flexibility -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. 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. 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 many job functions. Determinations as to which job functions are eligible for telecommuting is 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 7 (seven) 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 Dept/Division Leader. The application then will be sent to the Dept/Division Leader for review/approval which should be provided within 7 (seven) 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 either management with 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 6 (six) months from date of cancellation or suspension. An employee may suspend or cancel their participation with 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 in a job function deemed eligible for telecommuting has their telecommuting application disapproved, they may appeal to the Chief Human Resource Officer or their designee in writing within 7 (seven) 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. An employee may suspend or cancel their participation with 30 calendar days

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.