Remote Work Policy

Policy Statement

The purpose of this policy is to establish the authority for the President and Cabinet to provide flexibility to managers and non-faculty employees in performing work for Manhattanville College at an alternative worksite, if it is in the best interests of the College and is in service to the students of Manhattanville College.

Entities Affected by the Policy

Staff members.

Policy Background

No comprehensive policy addressing this issue previously existed.

Procedures & Policy Provisions

The President, Provost, and Cabinet members will have the option of establishing a telecommuting arrangement for positions and/or job functions designated as eligible to perform work at an alternative worksite other than on Manhattanville’s campus. Employees must be in a permanent status and the position must be eligible for telecommuting to participate in a telecommuting arrangement. An employee does not have a right to
telecommute, and a telecommuting agreement does not change the nature of the employment relationship or the terms and conditions of employment. Telecommuting arrangements may be rescinded at any time. Employees who telecommute are subject to the same College regulations, policies, or procedures as other College employees in the same classification. The President maintains the authority to limit the number of days per week eligible for remote arrangements. This policy does not authorize fully remote staff positions at the College.

PROCEDURES

A. The President and Cabinet members have the authority and responsibility to:

1. assess what job functions can be accomplished remotely for positions where a request for remote work is received, and set clear guidelines regarding the expected work product to be accomplished during the remote work;
2. approve or disapprove eligible employee requests for telecommuting under their direction and evaluate the need for College-owned devices, equipment or services in consultation with the Chief Information Officer, or designee.
3. require and approve or disapprove a written telecommuting arrangement between the employee and the College, which incorporates specific terms and conditions of the telecommuting arrangement to include, without limitation, location, work hours, duration, expenses to be paid by the employee and College, equipment and services to be provided by the College and the employee, and termination. (See attached Agreement).
4. approve or disapprove time, attendance, and leave, to include overtime and compensatory leave for employees who participate in an approved telecommuting arrangement in accordance with College regulations, policies and/or procedures regarding time, attendance and leave.
5. rescind the telecommuting agreement with the employee and direct said employee to return to the physical location of the College campus.

B. Time, Attendance, and Leave:

1. Supervisors and telecommuting employees shall adhere to all College regulations, policies and procedures regarding time, attendance and leave.
2. Time, attendance and leave shall be recorded as if the telecommuting employee were performing work at the physical location of the College’s campus.
3. Telecommuting employees shall obtain supervisory approval prior to taking leave or working overtime in accordance with College regulations, policies and/or procedures.
4. Departments that have employees working remotely must schedule the remote work in such a way that on-campus requests can be addressed in a timely manner.
C. Equipment, Services, and Costs:

1) Any telecommuting arrangement that requires the expenditure of College funds for equipment, services or reimbursements must be pre-approved by the area Vice President or Cabinet member prior to incurring the expense.

2) Maintenance of Equipment: Equipment provided by the College must be protected against damage, unauthorized use and theft. College-owned equipment and devices must be serviced and maintained by the College.

3) Costs:
   a) The College shall not be responsible for operating costs, home maintenance, home improvement or renovations, or any other incidental costs (e.g. utilities and security) associated with the use of the approved alternative worksite (e.g. employee's residence), or employee-owned equipment used in telecommuting.
   b) The employee does not waive the right to be reimbursed for pre-approved expenses incurred while conducting official business for the College.

D. Denials and Appeals

1) When denying an employee request for remote work for performance-based reasons, supervisors and/or Vice Presidents must cite the performance concerns discussed in an employee’s annual review or provide documentation to Human Resources of employee’s recent job performance concerns.

2) A previously-approved request for remote work may be subsequently terminated or suspended for performance reasons, or because the employee’s job responsibilities change and are no longer conducive to remote work.

3) Employees who are denied a remote work request may appeal the denial to Human Resources for review by the Director of Human Resources or designee.

POLICY PROVISIONS

A. Liability:

1) The College shall not be liable for damages to the employee’s personal property resulting from participation in telecommuting. The employee agrees to hold the College harmless against any and all claims, excluding workers' compensation claims.

2) The telecommuting employee shall be financially responsible for College-owned equipment that is stolen, damaged and/or destroyed during the telecommuting arrangement. Such financial responsibility shall include the repair and/or replacement, as directed by the College.
B. Workers’ Compensation:

The employee is covered by workers’ compensation if injured in the course of performing official College duties at the approved alternative worksite. Worker’s compensation does not cover activities that occur at the alternative worksite not related to official College duties.

C. Verification of Safety:

In requesting and executing the telecommuting agreement, the employee certifies that the approved alternative worksite provides a work space that is free of safety and fire hazards. The employee agrees to hold harmless the College from injury that occurs due to undisclosed safety hazards at the alternative worksite.

D. Information Security and Records:

The telecommuting employee shall apply safeguards approved and mandated by the College to protect College records and information, including, but not limited to, student education records that are protected by the Family Educational Rights and Privacy Act (FERPA), electronic or otherwise, from unauthorized disclosure, dissemination or damage. All records, papers and correspondence must be maintained and safeguarded for their return to the College.

E. Job Performance and Location:

1) Job performance will be based on established standards in accordance with the performance procedures outlined in College regulations, policies and/or procedures.
2) The telecommuting employee shall perform any and all College business at the physical location of the College’s main or branch campuses or the approved alternative worksite only.

F. Annual Performance Evaluations:

1) Supervisors shall perform and provide an annual performance evaluation of the specific performance expectations of the telecommuting employee. Supervisors shall annually evaluate the telecommuting employee based on established standards in accordance with evaluation procedures outlined in College regulations, policies and/or procedures.
2) Employees must at least “achieve” or “meet” all satisfactory performance standard ratings in order to participate and remain in the telecommuting program.
3) Employees shall not telecommute while on a performance improvement plan (PIP).

G. Policy not Applicable:

1) This policy does not apply to job duties performed while in travel status and does not
apply to the performance of job duties that, by their nature, are performed routinely away from the official worksite.

2) This policy does not apply to vendors/contractors or vendors’/contractors' employees.

3) This policy does not apply to those employees away from the worksite while on workers' compensation leave.

4) This policy does not apply to employees who are on paid time off or Family Medical Leave.

5) This policy does not apply to employees who are on administrative leave.

H. Exemptions:

1) The President may authorize fully remote positions on an as-needed basis upon the request of a Cabinet member.

2) The President may authorize remote arrangements that fall outside of this policy or current remote work limits in an offer of employment to candidate for an open position.

I. Ineligible Positions:

It is the responsibility of each Vice President to designate positions as not eligible for remote work in the applicable job descriptions if the responsibilities of a position cannot be conducted remotely. Positions not designated as such will be considered eligible for remote work.

J. Taxation:

It is the sole responsibility of individual employees who conduct remote work outside of New York State to address any state taxation issues that arise from a remote work arrangement. The employee agrees to hold the College harmless and agrees that the College is not responsible for making appropriate state taxation arrangements.

K. Tracking Measures of Telecommuting Program:

The College may establish and track performance measures of the telecommuting program. Such measures may include, but need not be limited to, those that evaluate financial impacts on the College resulting from the telecommuting program.
**Definitions**

**Adverse Impact** – A negative impact to the College due to an employee’s physical absence from the official worksite. This would include, but is not limited to, the following:

1. A reduction of the work unit’s productivity. Examples include:
   a) An employee’s or work unit’s inability or reduced ability to perform required tasks.
   b) An employee’s or work unit’s failure to meet performance goals.
   c) A measurable reduced level of work unit teamwork and communications.
   d) Physical or technological barriers to productivity at an alternative worksite.
   e) Inability of work unit to effectively distribute and complete essential tasks.

2. A reduced level of services provided to the College’s customers. Examples include, but are not limited to, the following:
   a) Inability to appropriately staff campus-based offices.
   b) An employee’s or work unit’s inability or reduced ability to provide essential services, products, and support to the College’s customers.

3. An increase in the cost of College operations. Examples include, but are not limited to, the following:
   a) The cost of authorized overtime to carry out unit operations.
   b) Not enough resources to provide ongoing communications, data security, or other College equipment and resources needed to perform tasks at the alternative worksite.

**Alternative Worksite** – The participating employee’s approved telecommuting location.

**College-managed Device** – A device not owned by the College, but which the College ensures the hardware and software used is in compliance with College standards.

**College-owned Device** – A computing, telecommunication, or storage device, including associated hardware and software licenses, purchased with College funds and used for official purposes only. The College is responsible for the configuration and maintenance of College-owned devices.

**Confidential Information** – Information that is prohibited from disclosure under the provisions of applicable state or federal laws, rules, or regulations; or by College policy.
Eligible Employee – A College employee whose position, job duties, work habits, performance record, and alternative worksite are suitable for participation under this Telecommuting Policy.

Official Worksites – The College’s main or branch campuses where the employee is assigned. An employee may have only one official worksite.

Remote Work – A work arrangement allowing employees to conduct all or some of their work away from the official worksite during their contracted work hours on a regular basis.

Remote Work Agreement – The agreement between an employee approved to work at an alternative worksite and the College that provides the terms and conditions of the employee’s participation in the Remote Work Policy.

Violations of the Policy

Penalties for Non-Compliance

a) Immediate termination of the telecommuting agreement; and the return of the employee to the official worksite of the College’s main or branch campus, and/or
b) Imposition of appropriate disciplinary action, up to and including dismissal from College employment.

Interpreting and Implementing Authority

General Counsel & Chief Compliance Officer – evaluates and interprets policy provisions in support of Human Resources and in the best interest of the College.

Director of Human Resources – Maintains records of remote work agreements, handles appeal requests, and advises employees and supervisors on remote work questions.

Relevant Links

Remote Work Request Form
Supervisor’s Guide to Remote Work

Policy Adoption Review and Approval
Recommendation of Remote Work Task Force on July 7, 2021
Recommended approval by President’s Cabinet on July 27, 2021
Approved by President on July 27, 2021