



## 4.8P Flexible Work Procedure

Category: Human Resources

Name of Responsible Office: Human Resources and Organizational Development

Title of Responsible Executive: Vice President, Diversity-Equity-Belonging and Executive Director, MCC  
Downtown Campus

Date Established: June 12, 2023

Date Last Approved: October 7, 2024

### Description of Procedure

#### ***Subsection A. Considerations for Success***

The eligible employee and their supervisor/department head are encouraged to consider the following:

- Is the position and job responsibilities a good fit for a flexible work arrangement?
- What is the impact of the proposed flexible work arrangement on those who depend upon the eligible staff member's services and expertise?
- What is the impact of the proposed flexible work arrangement on the business and operational needs of the department? The division? The College?
- Does the flexible work arrangement necessitate the transfer of work, which increases the workload to co-workers on campus?
- Are there documented performance concerns in the eligible employee's official personnel file that may preclude or impact the proposed flexible work arrangement at this time?
- Is the employee recently promoted or newly hired? If yes, have they successfully completed their probationary period and completed the necessary training in order to independently work on required job assignments?
- Does the eligible employee's most recent performance evaluation support approval of the proposed flexible work arrangement?
- Are there core hours for the department that are not flexible in order to meet the business and operational needs of the department?
- What cost considerations exist, if any?
- What confidentiality or security concerns exist, if any?
- In what ways does the proposed flexible work arrangement advance student success?

#### ***Subsection B. Effect on Paid Time Off***

Accrual and use of paid time off benefits may be affected by a flexible work arrangement. Please consult with your supervisor/department head or Human Resources and Organizational Development if you have questions.

#### **Flextime/Staggered Shift**

The appropriate number of work hours should be deducted for holidays, sick, personal, and vacation (if eligible for vacation) time, regardless of whether the start/end times are flexed.

## Remote Work/Telecommuting

Employee must request time off in advance and submit all leave requests as currently required regardless of whether the requested date off is a day they are scheduled to telecommute or a day they scheduled to work at the official work site. All current laws, regulations, contract provisions and standard rules governing employee work schedules apply including, but not limited to, existing call-in procedures and timekeeping procedures.

The appropriate number of work hours should be deducted for holidays, sick, personal, and vacation (if eligible for vacation) time, regardless of whether the employee is telecommuting or working in the office that day.

### ***Subsection C. Requests for Flexible Work Arrangements: Determinations and Appeals***

Requests must be submitted via the established application processes. The initial determination to approve or deny a request for a flexible work arrangement occurs at the supervisor/department head level, and final determination rests with the respective divisional Vice President or their designee.

The initial determination will be communicated to the employee in writing within a reasonable timeframe following receipt. Thereafter, the divisional Vice President or their designee make a final determination, which will be communicated to the employee. If the request is denied, an explanation will be provided to the employee. For example, impact on business or operational needs, not feasible for employee's core job functions, performance concerns documented in official personnel file, etc.

If a request is denied at the initial determination or the final determination, the employee may appeal to the Executive Director of Human Resources and Organizational Development or their designee in writing. In the appeal, the employee must set forth a specific reason(s) for disagreement with the determination. Appeals will be reviewed by a three-party panel comprised of the Executive Director, Human Resources and Organizational Development or their designee, a representative of the Faculty Association, and a representative of the CSEA. Appeal decisions will be rendered by the Executive Director, Human Resources and Organizational Development or their designee within a reasonable timeframe following receipt of appeal. Appeal decisions will state the reasons for the decision if the appeal is denied. Employees who have had an application denied may reapply six (6) months from the date of the denial on the appeal. Determinations (initial, final, or on appeal) are not grievable under any collective bargaining agreements.

### ***Subsection D. Eligibility***

All full-time employees in roles designated for flexible work arrangements are required to have at least one (1) year of service. Employees who have been promoted to a different role within the College will not be eligible for flexible work arrangement for six (6) months. Exceptions to the timelines defined above will be determined on a case-by-case basis as described below and require prior approval from the supervisor/department head, up through the divisional Vice President.

Employees must be fully trained and performing at a satisfactory level as determined by their latest performance evaluation and/or as determined by the supervisor and/or department head for the area based on current work performance.

Employees understand that modifications or blackout calendar days/weeks may be scheduled by the supervisor and/or department head based on operational needs.

Employees must possess the following skills to ensure success:

- The ability to prioritize and self-direct work
- Excellent communications skills (e.g., follow-up, status updates)
- Time management skills
- Organizational skills

- Technical skills (e.g., mastery of all tools to ensure seamless communication and attendance at virtual meetings and events).

Requests for disability accommodation that involve working from home will not be analyzed under this Policy/Procedure and shall instead be considered under the College's Americans with Disabilities Act and Americans with Disabilities Act Amendments Act Policy, including requests for reasonable accommodation.

### ***Subsection E. Responsibilities***

#### **Supervisory Responsibilities:**

1. The immediate supervisor/department head is accountable for communicating with employees who they grant a flexible work arrangement all performance expectations, and shall monitor and measure performance, as well as provide ongoing performance feedback, and formally address performance issues via established policies and in accordance with the applicable collective bargaining agreement.
2. The immediate supervisor/department head is responsible for evaluating existing flexible work arrangements on a regular basis to ensure they are reviewed, documented, and fully approved prior to considering new requests.
3. The immediate supervisor/department head, up through the divisional Vice President ensures there are no deviations to the remote work/telecommuting arrangements, including no employee being allowed to work more than five (5) days per pay period away from the campus or office location except with prior approval.
4. Leaders shall not grant approval for a flexible work arrangement directly in response to a medical note or an employee's request for a medical accommodation for Family Medical Leave Act (FMLA) leave. This process is handled outside of this procedure and the Office of Human Resources and Organizational Development must be contacted to assist.
5. Ensure granting any flexible work arrangement will not detract from the ability of the employee to successfully perform their job responsibilities. Further, granting should not negatively impact their colleagues' ability to successfully perform their job responsibilities.
6. Any expired flexible work arrangements shall be managed by the direct leader to ensure the employee returns to working on campus until such time a new flexible work arrangement request has been submitted and approved.
7. Collaboration and communication are critical for success. Therefore, each leader that grants flexible work arrangement(s) must ensure they have a plan for continuous communication of expectations and feedback on progress and accomplishments that each employee agrees to prior to the commencement of a flexible work arrangement.

#### **Employee Responsibilities:**

1. Employees must be available during the scheduled workday in the same manner as if on campus and must interface using audio and video capabilities in order to simulate in-person operations.
2. Employees agree to be readily available online (both video and audio) as well as via phone as needed during scheduled work hours. In-person meetings at the remote worker's alternative work site are prohibited. All Zoom or TEAMS meetings conducted by employees must ensure they are visible on camera for meetings unless the meeting is audio only for other participants.
3. Employees are actively working towards and are fully focused on business goals and professional obligations during normally scheduled hours of work.

4. Employees are accessible throughout the workday, answer phones, and respond to emails and other inquiries in a prompt and timely manner.
5. Employees meet or exceed all performance goals and expectations as outlined in the job description and work as directed by their supervisor.
6. Employees return to campus for onsite meetings, team-building activities, training, etc., as required.
7. Employees submit requests for scheduled time off (vacations, sick leave, personal time, etc.) in accordance with established policies and/or contracts and charge appropriate time off.
8. Employee seeking approval for a medical accommodation due to a personal medical restriction shall be handled outside of this policy. Any requests to consider an accommodation shall be sent to the Office of Human Resources and Organizational Development where a determination regarding whether or not the College can reasonably accommodate is evaluated in accordance with College policies and state and federal regulations.
9. Employees are responsible for accurately recording all hours worked on their timesheets/leave reports. Time spent waiting for IT help or connections should be recorded as time worked and reported to the employee's supervisor as soon as possible.
10. Employees notify the immediate supervisor/manager of unanticipated full-day or partial-day absences or lateness in accordance with established policies and/or contracts and charge appropriate time off.
11. Employees who have childcare obligations, family care obligations, and/or any other obligations that would prevent them from focusing their full time and attention on work, must follow all leave and/or time off policies as needed.
12. Employees understand and acknowledge that remote work arrangements do not change the employee's terms and conditions of employment including an employee's classification, base compensation, or benefits.

### ***Subsection F. Modification, Suspension, or Cancellation of a Flexible Work Arrangement***

An employee's participation in a flexible work arrangement can be modified, suspended, or cancelled at any time by the College with advance written notice to the employee where feasible and consistent with business and operational needs.

An employee may suspend or cancel their participation with advance written notice to the supervisor/department head.

Employees who have had a flexible work arrangement cancelled or suspended may reapply six (6) months from the date of cancellation or suspension.

### ***Subsection G. Requirements Specific to Remote Work and Telecommuting***

1. **Telecommuting May Be Requested for Up to Five (5) Days Per Pay Period:** Remote work/telecommuting arrangements may not exceed more than five (5) days per pay period away from the campus or office location. Any previously approved, expired work/telecommuting requires employee to return to working on campus until such time that a new request has been fully approved, unless a temporary remote work arrangement is approved on an interim basis.

Most positions require some degree of in-person, on-campus interactions with students, employees, or members of the public. Therefore, most positions are subject to the five (5) day maximum per pay period. In limited circumstances, certain positions may perform work fully remote. In these circumstances, the job description must be updated in accordance with College policy and applicable collective bargaining agreement. These exceptions require consultation and agreement with the employee, supervisor/department head, divisional Vice President, the Executive Director of Human Resources and Organizational

Development or their designee, and a bargaining unit representative (as applicable). Once approved, the individual is required to resubmit a new request for remote work/telecommuting as a flexible work arrangement under this policy as needs of the College change and/or the approved duration changes or expires. However, fully remote status is not an entitlement and the College reserves management discretion to review these arrangements against business and operational needs to determine if fully remote status remains appropriate.

2. **Maintaining a Regular Work Schedule:** 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.
3. **Reporting to the Official Work Site on a Scheduled Telecommuting Day:** Telecommuters 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 necessitated by operational or program needs. Departments should provide 48 hours' notice where operationally feasible. It is understood that in the case of an unexpected/unplanned absence of a colleague scheduled to work in person on a particular day, it may be necessary to request that a scheduled telecommuter report in person; in such cases, 48 hours' notice may not be feasible. Telecommuters required to report to their official work site on a day scheduled for telecommuting will not be paid or reimbursed for their commute to/from the official work site.
4. **Substituting Scheduled Telecommuting Days:** 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 supervisor/department head approval in advance, a scheduled telecommuting day may be changed within the same pay period.
5. **Maintaining Availability During Regular Workday:** Telecommuters must be available via all College-approved methods of communication throughout the workday. These employees must ensure their desk phones are forwarded to their personal mobile or work with local IT to install software (Jabber) to enable phone calls to be received through computer. Should a telecommuter not be available through official channels, management may contact the telecommuter via their personal contact information.
6. **Prohibition of In Person College-Related Business Meetings at Telecommuting Location:** Telecommuters are prohibited from conducting in person College-related business meetings at the telecommuter's alternate work site.
7. **Accessing Employee's Telecommuting Location in Event of Health or Safety Emergency or Data Security Breach:** In limited circumstances necessitated by a health or safety emergency or a data security breach, MCC may access the alternate work site following 48 hours' advance notice to the telecommuting employee, unless exigent circumstances require less notice. In these limited circumstances, notice of the need to access a telecommuter's alternate work site will be provided to the individual employee and a representative of the employee's bargaining unit, if applicable.
8. **Telecommuting Not a Substitute for Child or Elder Care:** Telecommuting employees should not treat telecommuting as a substitute for child or elder care, nor should the College mandate or monitor such arrangements. Employees, whether telecommuting or working in person, are expected to make such arrangements for child or elder care prior to approval so as not to adversely impact workflow and productivity.
9. **Confirming Potential Implications of Telecommuting on Applicable Homeowners or Renters Insurance Policies:** While NYS Workers Compensation through the State Insurance Fund covers the employee working from an alternate location, it is the employee's responsibility to also ensure that this type of arrangement is permissible under their homeowners or renters insurance policy.

10. **Equipping Employees' Telecommuting Location:** MCC is not responsible for equipping employees' telecommuting location, and the specific College policies of related to loaning, borrowing, transporting and/or supporting supplies and equipment. Minimal office supplies may be provided by the College and should be requested during the telecommuter's in-office work period. Supplies will not be shipped to the alternate work site. Any out-of-pocket expenses incurred for supplies, equipment, food, commuting, etc. will not be reimbursed.
11. **Internet Connectivity Requirements:** Generally, the telecommuter must have an internet connection with bandwidth that is acceptable for conducting the telecommuter's full professional obligation/job description and College official business without disruption, as specified by MCC Computing and Information Technology Services (see MCC Communications & Network Services instructions for [Accessing MCC Systems from Off Campus](#)). The telecommuter is responsible to secure and pay for an internet connection. The College will not reimburse internet costs, mobile phone costs or other utility-related costs. The College will not be responsible for any costs associated with normal wear and tear, upgrades, or other expenses related to personal equipment.
12. **Prohibition of Remote Work Outside New York State:** Remote work locations outside New York State are not authorized by the College due to out-of-state tax and regulatory implications. In limited circumstances, prompted by business or operational needs, the College may approve requests to work remotely outside of New York State, on a short term, temporary basis. Prior to approval, the divisional Vice President must consult with the Executive Director of Human Resources and Organizational Development or their designee and the Controller's Office to evaluate tax and regulatory requirements and costs.
13. **Safeguarding SUNY/MCC-Related Information:** Any SUNY/MCC information possessed by the telecommuter cannot be shared with or made available to any other individuals except as appropriate, consistent with their campus work obligation. Telecommuters must ensure that official records and information are secure and not maintained in a way that would make them available to any other individuals except as appropriate, consistent with their campus work obligation.
14. **Complying with Information Security Requirements:** Telecommuters are responsible for adhering to the [SUNY Information Security Policy \(Document 6900\)](#) and all State, and MCC policies, procedures and standards concerning use of computer equipment and the security of data/information while utilizing this telecommuting program:
- 7.1 MCC Acceptable Use of College Technology Policy
  - 7.2 Password Policy
  - 7.3 Information Technology Security Policy
15. **Reporting Suspected Data Breaches:** Any suspected data breach containing sensitive data must immediately be reported to the telecommuter's supervisor and the Chief Information Security Officer, consistent with the [SUNY Cyber Incident Reporting requirements](#). The telecommuter must complete any required documentation of the suspected breach.

## Related Information

### *College Documents*

- 2.9 Americans with Disabilities Act and Americans with Disabilities Act Amendments Act Policy
- 4.2 MCC Employee and Visitor Conduct Policy
- 4.4 Cyber Security Awareness and Education Policy
- 4.8 Flexible Work Policy

- 7.1 MCC Acceptable Use of College Technology Policy
- 7.2 Password Policy
- 7.3 Information Technology Security
- 7.4 Data Classification Policy
- Remote Work/Telecommuting Request Form: [MCC Flexible Work Schedule Application](#)