



## Flexible Work Procedure

Category: Human Resources

Name of Responsible Office: Human Resources

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

Date Established:

Date Last Approved:

### Description of Procedure

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

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

1. Are the position and job responsibilities a good fit for a flexible work arrangement?
2. What is the impact of the proposed flexible work arrangement on those who depend upon the eligible staff member's services and expertise?
3. What is the impact of the proposed flexible work arrangement on the business and operational needs of the department? The division? The College?
4. Does the flexible work arrangement necessitate the transfer of work, which increases the workload to co-workers on campus?
5. Are there documented performance concerns in the eligible employee's official personnel file that may preclude the proposed flexible work arrangement at this time?
6. Does the eligible employee's most recent performance evaluation support approval of the proposed flexible work arrangement?
7. Are there core hours for the department that are not flexible in order to meet the business and operational needs of the department?
8. What cost considerations exist, if any?
9. What confidentiality or security concerns exist, if any?
10. 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 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 seven (7) calendar days of receipt. Thereafter, the divisional Vice President or their designee make a final determination, which will be communicated to the employee within seven (7) calendar days of receipt. 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 within seven (7) calendar days of receipt of denial. 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 seven (7) calendar days of 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. 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 30 calendar days' advance written notice to the employee where feasible and consistent with business and operational needs.

An employee may suspend or cancel their participation with 30 calendar days' advance written notice to the supervisor/department head, unless a shorter time period is mutually agreed upon.

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

### *Subsection E. Requirements Specific 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.

**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 Schedule 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. 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 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 apply. 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. In limited instances, telecommuting assignments that do not require an internet connection may be available. Where such assignments meet operating needs, they may be made/approved.
12. **Prohibition of Remote Work Outside New York State:**  
Remote work locations outside New York State are generally prohibited 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 New York State. Prior to approval, the divisional Vice President must consult with Human Resources 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 \(PDF\)](#)
  - [7.2 Password Policy \(PDF\)](#)
  - [7.3 Information Technology Security Policy \(PDF\)](#)

**15. Reporting Suspected Data Breaches:**

Any suspected data breach containing sensitive data must immediately be reported to the telecommuter's supervisor and the 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*

[4.2 MCC Employee and Visitor Conduct Policy \(PDF\)](#)

[4.4 Cyber Security Awareness and Education Policy \(PDF\)](#)

[7.1 MCC Acceptable Use of College Technology Policy \(PDF\)](#)

[7.2 Password Policy \(PDF\)](#)

[7.3 Information Technology Security \(PDF\)](#)

[7.4 Data Classification Policy \(PDF\)](#)

Remote Work/Telecommuting Request Form [[Add link once finalized](#)]