




<b>Policy Name:</b>	Remote and Hybrid Work Policy		
<b>Associated Form(s):</b>	Remote Work Agreement	<b>Policy Number:</b>	2024-1
<b>Reviewed:</b>	Non-Academic Policy Committee	<b>Approved:</b>	October 27, 2023
<b>Approval Authority:</b>	President 	<b>Adopted:</b>	January 8, 2024
<b>Responsible Executive(s):</b>	Vice President of Finance/CFO	<b>Revised:</b>	October 29, 2021
<b>Responsible Office(s):</b>	Human Resources	<b>Contact(s):</b>	Executive Director of Human Resources

## **I. Scope and Purpose**

This Policy applies to all full-time and part-time Mercy University faculty, staff, employees, and prospective employees. This Policy does not apply to applicants who reside out-of-state currently but intend to move to the New York metropolitan area if offered employment. The purpose of this Policy is to seek the balance of remote and in-person on-campus work that best meets the needs of Mercy University and its employees while assuring the fundamental in-person character of the institution is maintained.

## **II. Definitions**

- A. Alternate work locations: approved locations, other than the employee's primary University workplace, where official University business is performed. Alternate work locations may include working onsite from other than the employee's primary campus location. The most common alternate work location is the home of an employee.
- B. Hybrid Work: a work arrangement where the employee requests a hybrid work schedule and if approved, enters into a formal agreement with Mercy University to perform their usual job duties both from a Mercy campus and also an alternate work location. Hybrid work arrangements most commonly are for partial remote work, for example one to two days per week.
- C. Fully Remote Work: a work arrangement where the employee requests a fully remote work schedule and if approved, enters into a formal agreement with Mercy University to perform their usual duties from an alternate work location and are not expected to be physically present at one of Mercy's campuses on any formal schedule or set days.
- D. Out-of-State Employment: where an individual is approved to work hybrid or fully remote in a state other than New York.

## **III. Policy**

Fully remote and hybrid work are voluntary work alternatives that are appropriate for some employees and some jobs but not all employees and all positions. No University employee is entitled to or guaranteed the opportunity to work fully remotely or on a hybrid schedule. Whether a particular employee may be approved for fully remote or hybrid work is a decision made on a case-by-case basis by the employee's department vice president and the Office of Human Resources, taking into consideration an evaluation of the likelihood of the employee succeeding in a remote work arrangement and an evaluation of the supervisor's ability to manage fully remote and/or hybrid workers.

Separate and apart from hybrid work, Mercy University recognizes the rare need to hire an employee who intends to reside and provide their University work outside of New York State. Mercy University also recognizes that sometimes a current employee desires to move outside of the commutable distance for personal reasons and that it may be mutually beneficial for the employee to continue in their duties while residing out-of-state. However, because having employees outside of New York State subjects the University to numerous other laws and imposes additional insurance and payroll requirements and costs (e.g., workers compensation liability insurance, unemployment requirements, payroll tax withholding/reporting, administrative costs, and other reporting requirements to other states), the University must maintain the sole right to determine in advance whether the University will permit an employee's principal work location to be outside of New York State.

In consideration of many factors (including but not limited to employee satisfaction and retention and risks and costs to the University) Mercy University may allow hybrid and fully remote work from the following states: New York, New Jersey, Connecticut, and Pennsylvania with the approval of the employee's relevant vice president and the Executive Director of Human Resources.

If a fully remote work arrangement is approved, the pertinent supervisor and the employee will review and agree to certain job expectations. The employee may be required to attend events and be physically present on campus at times as part of their job requirement. The costs of transportation, lodging, and incidentals will be covered entirely by the employee and under no circumstances by Mercy University.

#### **IV. Eligible Positions and Employees**

Department vice presidents, in consultation with the Office of Human Resources and the relevant department supervisor(s), will analyze the nature of a position and how the work is performed and determine which positions are appropriate to designate or approve for fully remote or hybrid work. Several factors should be considered in determining the feasibility of fully remote or hybrid work, including the University's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home. Other critical considerations include the following:

- Each department/area/school must provide sufficient on-campus office coverage every day the University is open;
- There is a need for face-to-face interaction and coordination of work with other employees and/or with outside colleagues, clients, students, or customers;
- The position in question requires the employee to have immediate, or easy access to documents, office equipment or other information or supplies located only in the workplace;

- The alternate work location is in New York State, New Jersey, Connecticut, or Pennsylvania.
- The remote work arrangement will impact service quality or University operations, or increase workload for other employees;
- The position can be structured to be performed independently of others with minimal need for support and little face-to-face interaction or can be performed successfully using online platforms; and
- Performance can be measured by quantitative or qualitative results-oriented standards, not time spent doing the job

If an employee in an eligible position requests approval for fully remote or hybrid work, the department vice president, in consultation with the department supervisor(s) and the Office of Human Resources, determines whether the employee is eligible. Generally, the following conditions will be taken into consideration in determining whether to approve an employee for teleworking:

- The employee has completed three-months of employment with the University;
- The employee has no disciplinary actions within the last three years;
- The employee has a demonstrated ability to work productively on their own and is self-motivated and flexible; and
- The employee's performance meets standards.

Vice presidents must ensure that fully remote or hybrid work decisions are made for appropriate, non-discriminatory reasons.

#### **V. Reasonable Accommodations**

Fully remote or hybrid work may also be considered on a case-by-case basis as a reasonable accommodation as provided by the University's Reasonable Accommodation Policy for qualified employees with disabilities. Employees will be required to submit a formal request with supporting documentation to Human Resources in order for remote or hybrid work to be considered a reasonable accommodation.

#### **VI. Leaves**

Employees cannot use fully remote or hybrid work in place of sick leave, Family and Medical Leave, Workers' Compensation leave, or other types of leave. The University may, however, determine whether it is appropriate to offer fully remote or hybrid work as an opportunity for partial or full return to work based on the University's return-to-work policies following an injury or illness.

## **VII. Hybrid Work Agreement**

Employees will be required to request a hybrid work option. Upon approval by the department supervisor, the employee will be required to fill out the Hybrid Work Agreement attesting that they have read and will observe the terms outlined in the Remote and Hybrid Work policy and understand that all terms and conditions of employment remain unchanged except those specifically addressed in this agreement. This agreement may be modified by mutual agreement of Mercy University and the employee. Failure to submit the agreement and/or failure to notify the supervisor and HR that they have changed alternate work locations may be grounds for dismissal. Employees should submit their completed and signed agreement form to their supervisor as far in advance as possible. The department vice president will consult with the Office of Human Resources and the employee's supervisor(s) as needed and respond to the request within a reasonable amount of time.

Employees approved for hybrid work perform essentially the same work that they would in the workplace in accordance with their same performance expectations and other agreed-upon terms. Hybrid work agreements may be established for a long-term or short-term period.

Approval of a fully remote or hybrid work arrangement is not intended to alter the employee's normal work responsibilities or to appreciably increase the employee's normal work responsibilities and will not modify any policies set forth by Mercy University.

Hybrid or fully remote work arrangements are not a right or entitlement of employment and, as such, are discretionary and subject to operational needs.

## **VIII. Hybrid Work Approval Conditions and Technical Support**

Approval for hybrid work assignments may be granted under the following conditions:

Employees working at an alternate work location are required to be available during their working hours, which hours may be modified in agreement with the supervisor, and to be responsive to students, coworkers, supervisors, vendors and clients while working remotely. Hybrid and fully remote employees should be actively attending to work responsibilities throughout the agreed-upon workday and should be reachable by email, Microsoft Teams, Zoom, etc. and agreed upon contact telephone number(s) provided by the employee for use during their scheduled working hours.

- Employees approved for to work from an alternate work location will also have a telephone or cell phone available to make or return phone calls. Supervisors may not require employees to be available for more hours per week than otherwise required.

- If equipment (including internet service) at the alternate work location is not operational on a scheduled workday, the remote employee is required to promptly contact the supervisor to discuss alternate remote or assignment arrangements and may be asked to return to campus

Appropriate technical support will be reasonably available to the employee.

Where there is a demonstrated pattern where an employee is not reachable or responsive during the scheduled work day, Mercy University has the right to revoke the hybrid work assignment.

### **IX. Policies and Conduct Rules**

Employees must continue to comply with all applicable Mercy University policies and conduct rules. Existing policies and practices regarding recording all hours worked and meal periods, and regarding obtaining supervisory approval prior to working unscheduled overtime hours or taking time off will remain in effect. Employees are reminded of the need for strict adherence to the Confidentiality Policy, regardless of whether their work location is at home or in the office. In addition, employees are required to inform the Office of Human Resources in the event they move residence (whether in or outside of New York State). Failure to provide truthful and accurate reporting of residence or any other documentation in an employees personnel file can lead to termination of employment.

### **X. Compensation and Benefits**

An employee's classification, compensation, and benefits will not change if the employee is approved for remote work.

### **XI. Safe and Secure Remote Work Environment**

Employees approved for fully remote or hybrid work agree to maintain a safe and secure work environment and to report work-related injuries to employee's supervisor at the earliest opportunity. Employees agree to hold Mercy University harmless for injury to any other individual at the alternate work site, except if that individual is a Mercy University employee who is present at the alternate work site at Mercy's direction. In-person meetings are not permitted to occur within private residences unless previously approved by the supervisor.

### **XII. Equipment, Records and Materials**

Employees working from an alternate work location understand that all equipment, if any, records, and materials provided by Mercy University shall remain the property of Mercy University. Employees agree to use reasonable care to protect Mercy University-owned equipment, records, and materials from unauthorized or accidental access, use, modification or damage. Employees agree to promptly report to their manager any incidents of loss, damage, or unauthorized access.

Employees must safeguard University information used or accessed while working remotely, in accordance with the University's applicable University policies, including information technology, confidentiality and FERPA policies.

Failure to protect and safeguard University property and information may result in revocation of the remote and/or hybrid work assignment. Employees are expected to return University property in good working condition at the end of their assignment or termination of employment.

### **XIII. Remote or Hybrid Work Costs**

Mercy University is not obligated to assume responsibility for operating costs, home maintenance, internet and cell/home phone costs and other costs incurred by employees in the use of their homes as alternate work locations.

### **XIV. Childcare Arrangements**

Fully remote or hybrid work is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, another person must be present to provide the care. An exception to this requirement may be granted in special or limited circumstances. Employees should check with Human Resources on available options. Please note, the Employee is still required to work their total hours for each work week (typically 40 hours for full-time employees) in these circumstances, but the hours may be adjusted around child and/or elder care duties with advance permission from the Employee's supervisor.

### **XV. End of Remote or Hybrid Work Agreement**

The University retains full discretion whether to allow employees to work fully remote or in a hybrid arrangement, and may terminate the remote and/or hybrid work option and agreement for any employee, at any time, in its sole discretion. The University will make every effort to provide reasonable notice to employees of the requirement to return to on-site work, where practicable. Additional time to return to onsite work will be granted if necessary to meet documented travel restrictions or quarantine requirements. In certain circumstances, including but not limited to where it is believed the employee is not abiding by the terms of University policy and/or the Remote/Hybrid Work Agreement, the employee may be required to cease remote work immediately and return onsite.