

AGENDA

PEF Labor Management Meeting

Tuesday, March 7, 2023

1:30 PM – 2:30 PM

Justice Center

Attendees: Caitlin Janiszewski, Jesse Farmer, Elam Kerry, Nicole McColloch, Katherine Richardson,

Mary-Kate Pritchard, Danielle Freeman

Discussion Topics

1. Review Telecommuting Policy for 23-24 Fiscal Year (on screen)

Management Response:

Telecommuting agreement will be implemented and placed on the intranet. Reviewed and agreed to the dates.

2. In the call center, when people drop out of OT bids they have been awarded, either in advance or at the last minute, staff have been told to keep an eye on the list on SharePoint for those vacancies. If you are not on shift and they are last minute changes you would not be aware. Is there any way that Yvonne can be notified of the person who was the runner up for the original bid so that shift can be offered to them before going out to the floor?

Management Response:

This would be feasible during the workday but not after hours. (regular business hours)

The process is dependent on when the shifts are available. Management will consider implementing with the call center however it will be on a case-by-case basis.

3. There are a lot of new employees in the call center. Can the MOU be added to SharePoint for easy access for all to review so they are all aware of how our block time off works?

Management Response:

It will be added to SharePoint today. (MOU)

4. Employees have been asked to use their personal cell phones for things such as two-step verifications. Will employees ever be given cell phones to avoid having to use personal devices?

Management Response:

Can PEF provide examples of employees using personal devices and why and what for?

Some people have received messages after logging into NY.gov advising they need 2 step verification to log on.

Payroll online is not an essential work function and is for the employee's personal use.

5. Will stand up desks ever be offered to employees without the need for an RA?

Management Response:

Will research further with the executive staff and the finance department.

ACTION ITEMS:

PEF to provide examples of using personal technology.

Management will research further with the executive team regarding the use of cell phones (CBC staff)

Management will get further details on vera desk without an RA. (Finance dept approval)

Call center management will notify employees of bidding opportunities.

Next Meeting date:

June 14, 2023, 1:30pm to 2:30pm



III. Definitions

Telecommuting is an alternate work arrangement that allows employees to conduct all or some of their work away from the official work site.

Telecommuters – Employees who have been approved to participate in the Telecommuting Program.

Official Work Site – This is the employee's official Justice Center office. This is also known as the official workstation or the usual and customary work address.

~~Alternate Work Site – A specific location away from the official work site where the employee is authorized in advance to conduct business. This location must meet all criteria set forth in this document. Any change to the Alternate Work Site must be approved in advance.~~

Set Schedule – Approved hours and days worked in a pay period.

Telecommuting Application – A document completed by the employee requesting to become an approved telecommuter.

Telecommuting Work Plan – A document completed in advance by the telecommuter for each telecommuting day within each pay period. The work plan provides important information about each telecommuting day including hours to be worked and work to be performed. Multiple telecommuting days for a pay period may be included on a single work plan at the sole discretion of the supervisor. The work plan must be provided to the supervisor/manager three days prior to the start of a pay period for supervisor/manager approval.

Operational Protocols – A document wherein divisions or units provide specific operational deviations from the guidelines.

IV. Application Process

The following steps must be completed to participate:

1. The employee must take the Justice Center Telecommuting Overview Program Training prior to applying for the Telecommuting Program. Recertification does not require retaking the training.
2. The employee must submit a telecommuting application to their supervisor/manager.
3. The supervisor/manager will review the application to determine if it meets the criteria.
4. The supervisor/manager will forward the application to the Division Director (or designee).
5. The Division Director (or designee) approves/disapproves the application. A copy will be sent to the supervisor/manager and the employee. The application will be forwarded to Personnel.
6. Personnel will notify the employee of approval/disapproval within 5 working days.
7. Objective and consistently applied criteria, based on operational needs, will be used to process applications.
8. If denied the employee will be notified in writing of the reason for the denial. The employee may appeal the decision in writing to the Telecommuting Appeal Board in accordance with section V below. The employee may reapply three months after the



date of denial of the Telecommuting Appeal Board.

9. Where operational need of a program area is affected by the number of present employees, approvals should go by seniority.

V. Employee Appeal Process

1. If an employee's application is disapproved, the employee may request a review by the Telecommuting Appeal Board within five business days of receipt of the disapproval of the application. Requests for review should be sent to: jc.sm.telecommuting@justicecenter.ny.gov. In the subject line reference "Telecommuting Appeal".
2. If the review results in approval of the application, a copy of the approved application will be sent to the Division Director (or designee) for distribution.
3. The review board will consist of PEF, CSEA, and Management Confidential (M/C) representatives.
4. If the review results in the application not being approved, the employee will be notified in writing of the reasons. The employee may submit a new application three months after the date of denial.

VI. Work Plan Use and Review

The work plan provides important information about each telecommuting day including hours to be worked and work to be performed.

1. Work plans must be submitted to the supervisor/manager in advance of telecommuting.
2. Telecommuters are required to submit a work plan to their supervisor/manager for each pay period. This work plan must include a plan for each telecommuting day during that pay period. Supervisors/managers may require their employee to submit more often, but no less. The work plan must be provided to the supervisor/manager at least three days prior to the start of a pay period.
3. Supervisors/managers make the final determination and will provide approval in advance of the telecommuting day, no later than the day before.
4. Supervisors/managers must return a copy of the approved/disapproved work plan to the telecommuter. Any denied workplans must also be sent to: jc.sm.telecommuting@justicecenter.ny.gov.

VII. Guidelines for Participation

The following are general guidelines for the employees participating in the telecommuting program.

1. Employee participation is voluntary.
2. Employees must comply with all NYS and Federal laws, rules, regulations, and NYS and agency policies during this program that they would abide by at the official work site. Failure to abide by all laws, rules, regulations, and NYS policy may result in exclusion from telecommuting and/or administrative action, including disciplinary action.
3. All assigned duties will be performed in a manner consistent with applicable Justice Center rules, policies, practices, collective bargaining agreements, and ethical standards.
4. Telecommuting is not an employee entitlement. Full discretion to either approve or disapprove an application for telecommuting rests solely within the discretion



of the Justice Center.

5. All employees are generally eligible to apply to the Telecommuting Program, however, all applications will be reviewed based on the operational feasibility of the employee's function within the agency.
6. Division Director (or designee) will review all applications on an individual basis and notify the employee of approval or the reason why the application was denied. Employees have the right to appeal denials to the Telecommuting Appeal Board.
7. Seniority may be used as a factor in the approval of a telecommuting day.
8. Official work site coverage will be among the considerations made by management when making telecommuting decisions.

9. ~~Telecommuters will treat telecommuting days like regular workdays and will be~~ expected to maintain a regular work schedule and routine while telecommuting. Any variations from an employee's regular work schedule must be approved in advance by the supervisor/manager.
10. Managers may require telecommuters to have a set telecommuting schedule.
11. The approved set schedule is determined by management, with employee input, based on operational needs and specified on the telecommuting workplan.
12. Any request for a change in an approved set schedule or telecommuting day must be submitted to the supervisor/manager and approved in advance.
13. A telecommuter is required to report to the official work site upon management's request within a reasonable amount of time. A telecommuter may request to charge accruals.
14. If the alternate work site becomes unavailable or if any technology failures at the alternate work site prevents the teleworker from performing their duties, management may require a telecommuter to immediately report to the official work site. A telecommuter may request to charge accruals.
15. If the telecommuter is required to report to the official worksite, they will not be paid or reimbursed for their commute to/from the official worksite.
16. The number of permissible telecommuting days for each employee will be determined by the current work demands/assignments as well as program, operational needs, and collective bargaining agreements.
17. Telecommuters must be available via all required methods of communication throughout the workday. Should a telecommuter not be available through official channels the Justice Center will contact the telecommuter via their personal contact information, provided in the work plan.
18. Telecommuters may be required to forward their official work site phone to the phone that will be used while telecommuting.
19. Work-related in-person meetings in the telecommuter's alternative work site are prohibited, however, telecommuters may be required to participate in phone or web-based meetings from their alternative work site.
20. A designated representative in each division will administer the telecommuting program, with oversight by Personnel.



21. Management may require an employee to submit a new telecommuting application if they leave their current position or program area or if their functions significantly change. Documentation of all work performed while participating in this program must be provided upon supervisor/manager request.
 22. The same attendance rules and call-in procedures apply when telecommuting.
 23. Employees must safeguard all passwords used in connection with Justice Center files or programs and ensure case and customer information is protected.
 24. Generally, new employees must pass probation before being considered eligible for telecommuting. Supervisors of probationary employees may allow exceptions at their discretion.
 25. Telecommuters and supervisors must comply with all Telecommuting Program reporting requirements by completing reports accurately, timely and fully. Failure to do so may result in removal from the Telecommuting Program.
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VIII. Eligibility

Justice Center employees may be eligible for the Telecommuting Program if the employee meets ALL of the following criteria:

1. Works within an approved telecommuting unit;
2. Must be deemed to have satisfactory performance;
3. Have workflow tasks, which do not require a continued presence at the job location;
4. Work performance can be quantified and/or evaluated (e.g., number of cases closed per day, number of telephone calls answered, or customers assisted, etc.);
5. Employee's productivity will not decrease when performing tasks at the alternate work site;
6. Additional work will not be generated for co-workers due to the employee telecommuting;
7. Permissible resources can be easily transported between the employee's official work site and the alternate work site; and,
8. Will not violate any confidentiality agreement that may prohibit records or information from being removed from the Justice Center official worksite.

The ideal telecommuter:

1. Works independently and requires minimal supervision.
2. Is self-motivated, reliable and retains a satisfactory level of productivity and job knowledge.
3. Is well organized and has strong time management skills.

IX. Training

Employees are required to take the Justice Center's Telecommuting Overview Training prior to applying for the telecommuting program. This training includes a technical training component. This training is available on SLMS.

Supervisors/managers of employees approved to telecommute must also take the Telecommuting Overview Training before reviewing or accepting applications. This training includes a technical training component. This training is available on SLMS.



Upon request, the union will be offered an opportunity to review the telecommuting training curriculum and may attend telecommuting presentations.

X. Work Hours

Telecommuters will work their approved workday (including overtime when appropriate and authorized in advance). Telecommuters must request time off in advance and submit all leave requests as currently required. All current laws, regulations, contract provisions and standard work rules apply.

When telecommuters are required by management 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, at the discretion of the supervisor, 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 reimbursed for travel.

Unless otherwise directed by the Justice Center, telecommuters will not be excused from work when a directed departure is issued for the official work site. Conversely, if an emergency occurs at the alternate work site and the telecommuter is unable to work at the telecommuting site that day or if the telecommuter is unable to, for any reason, continue working during their scheduled hours, the supervisor/manager may direct the telecommuter to come to the official work site or grant appropriate charge to leave accruals.

XI. Equipment and Supplies

The Justice Center will not provide desks, chairs, file cabinets or other office-related furniture or equipment outside of the standard IT equipment issuance for employees.

Minimal office supplies may be provided by the Justice Center and should be requested during the telecommuter's in-office work period as supplies will not be shipped to the alternate work site. Out-of-pocket expenses will not be reimbursed unless prior approval is granted.

The telecommuter is responsible to secure and pay for an internet connection. The Justice Center will not reimburse internet costs. The telecommuter must have an internet connection with bandwidth that is appropriate for conducting official business without disruption.

If assigned equipment or any component thereof is lost or stolen, the telecommuter must immediately notify their supervisor/manager. The supervisor/manager may require telecommuters to report to the official work site or charge leave accruals.

XII. Alternate Work Site

The telecommuter is responsible for arranging a dedicated private workspace at the alternate work site. The workspace must have:

1. Equipment and supplies appropriate to conduct official business.
2. Appropriate means of communication to complete the job duties.
3. Appropriate security measures to maintain confidential information that the telecommuter will have access to as part of their job duties.
4. A safe work environment, free from hazards that might present a danger.
5. A professional decorum free from distraction, disruptive noises and unprofessional background sounds.



6. Access to a private space to conduct confidential phone calls.

With cause, the telecommuter agrees to allow the Justice Center to assess the safety and security of the alternate work site, which should only be inclusive of the actual work area. The Justice Center must provide the telecommuter with the date of the visit up to 48 hours in advance, where feasible and consistent with agency operating needs.

Telecommuters shall not invite third parties into their alternate work sites for purposes of conducting State business.

The Justice Center is not liable for conditions at the alternate work site which are found to violate local, state or federal ordinances.

An employee is considered to be acting within the course and scope of employment when engaged in job-related activities, therefore Workers' Compensation benefits will apply to injuries arising out of, and in the course of employment, regardless if the injury occurred on, or off, Justice Center premises. If an injury occurs while an employee is performing their duties at the alternate work site under a telecommuting agreement, they are to follow established reporting procedures to report the injury and for filing a Workers' Compensation claim. The telecommuter must notify the supervisor/manager immediately. The telecommuter will call the Accident Reporting System (ARS) at (888) 800-0029 to report the work-related injury. All claims for work-related injuries at the alternate work site shall be subject to review and acceptance by the Worker's Compensation Board and the State Insurance Fund.

XIII. Agency Policies/Security of Information

Any Justice Center information possessed by the telecommuter cannot be shared with or made available to any other individuals for non-work-related purposes.

Telecommuters must ensure that Justice Center records and information are secure and not maintained in a way that would make them available to any other individuals. Telecommuters are responsible for adhering to all Justice Center policies, procedures and standards concerning use of computer equipment and the security of data/information while telecommuting. These policies, procedures and standards can be found in the Employee Handbook. Telecommuters are also responsible for adhering to the "New York State Information Technology Policy: Acceptable Use of Information Technology Resources."

Breaches in security must be immediately reported to the telecommuter's supervisor/manager. A breach of information security, including the release of confidential information or the personally identifiable information of Justice Center staff or customers, which happened due to the telecommuter's neglect, will be addressed through administrative actions.

Telecommuters must protect, and safeguard files, documents, equipment and other materials transported back and forth between the official work site and the alternate work site. Telecommuters shall protect Justice Center records and documents from unauthorized disclosure or damage and shall comply with all Justice Center policies and procedures regarding such matters.

Telecommuters must also take the following specific precautions:

1. Only take confidential information offsite when authorized in advance by their supervisor.



2. Do not transmit confidential information from work e-mail to personal e-mail addresses (e.g. aol.com, yahoo.com or gmail.com).
3. Securely store all hard copy documents or office media so that others cannot access it.
4. Do not communicate confidential information where others can listen.
5. Place documents requiring destruction in Justice Center Confidential/Sensitive destruction bins located at the official worksite.

Telecommuters will be required to take appropriate action to protect the items from damage or theft.

Under no circumstance may Justice Center data or information be transferred to or stored on any personal devices. Under no circumstance may the telecommuter allow their Justice Center issued work computer to be used by any other person. Telecommuters must log off and secure any computer being utilized to conduct official business when not in use.

XIV. Suspension or Termination of Individual Telecommuting Agreement

Telecommuting Agreements may be suspended for emergency purposes:

1. Immediately at any time by the Justice Center, provided, however, that the Justice Center may provide one week notice where feasible; or,
2. By the telecommuter with one week notice to the supervisor/manager, where feasible.

Telecommuting Agreements may be terminated by the telecommuter or the Justice Center with 30 days' notice where feasible unless the parties mutually agree to a shorter time period.

XV. Program Dates

This program is effective through March 31, 2024. The parties will meet and confer no less than 60 days prior to its expiration regarding continuation or modification of the program. Nothing herein restricts the Justice Center's right to approve or disapprove telecommuting work plans in accordance with Section VI above or to suspend/terminate individual telecommuting agreements as described in Section XIV.