

New York Power Authority Flexible Hybrid Work Guidelines

REV June 1, 2022

1. OVERVIEW

- 1.1. The Hybrid Work Guidelines (the “Guidelines”) set forth the general procedures and requirements for the New York Power Authority (NYPA).
- 1.2. The Guidelines may be amended at any time in response to changes in relevant health and safety guidance from federal, state, and local authorities and in response to business needs.
- 1.3. The period through which employees may be eligible to work remotely will extend until further notice, when the remote program will be reviewed.

2. DEFINITIONS

- 2.1. **Remote Work** Remote work covers any instance in which an employee is working from a non-NYPA work site/location, either as part of their regular schedule, on an exception basis, or as part of an approved Reasonable Accommodation (RA). This is also interchangeable with the term “telecommuting”. Full-time remote work will not be approved in the absence of an approved RA.
- 2.2. **Work Site** A work site is a NYPA or Canal Corporation place of business where employees work “on-site” such as an office, facility, customer location, event, conference, or working while travelling to a site.

3. ELIGIBILITY

- 3.1. **Eligible Staff** Management staff considered non-essential, or staff who are not required to perform their work duties on-site.
- 3.2. **Exclusions**
 - 3.2.1. **Essential Staff** Management and represented employees who are required to appear on-site and cannot work remotely.
 - 3.2.2. **Represented Staff** Employees whose terms and conditions of employment are subject to collective bargaining agreements.
 - 3.2.3. **Business Needs** Managers may require staff to regularly work on-site based on business needs that include, but are not limited to business continuity, on-site staff support or oversight, hours of operation, customer visits or work-related travel considerations.
 - 3.2.4. **Job Performance** Management employees who have less than a “Meets Expectations” on their performance review are not eligible to participate in the remote working program.

4. REMOTE WORKING REQUIREMENTS

- 4.1. Employees are required to appear in-person a **minimum of 2 days per week** to a work site. However, they may be required to work additional days on-site based on the role or business needs. This may also change in the case that COVID-19 Operational Countermeasure require less days in-person for a given site or type of role.

4.2. Work Schedules

- 4.2.1. Managers will determine on-site workdays and hours based on business needs. Factors that managers will consider include, but are not limited to, business continuity, oversight or support of on-site staff, travel to other site locations, team meetings, organization-wide meetings, team project meetings, customer visits, or customer service considerations.
- 4.2.2. Managers may require employees to work on-site above the minimum days that an employee will work remotely. Managers must consider the needs of the business and the effectiveness of the work to be performed in a remote capacity. Other considerations include past and present performance and the employee's ability to work independently without direct, on-site supervision.
- 4.2.3. Employees working remotely will work their entire approved workday, which may include overtime when appropriate and authorized in advance. Employees must request time off in advance and submit all leave requests as currently required. All current laws, rules, regulations, contract provisions and policies governing employee work schedules and timekeeping continue to apply including, but not limited to, call-in procedures.
- 4.2.4. Nonexempt or hourly staff must work within required schedules and record hours worked accordingly.
- 4.2.5. Employees working remotely will treat remote workdays like regular workdays and will be expected to maintain a regular work schedule and routine.

4.3. Schedule Changes

- 4.3.1. Managers may modify employee schedules based on performance or as required by business needs. If directed to report to work, employees must do so with reasonable notice. Employees directed to report to a work site will not be paid or reimbursed for the commute to/from the primary work site.
- 4.3.2. Employee requests to change their required weekly schedule will only be approved after considering business needs. Schedule changes are permitted on a limited basis, and cannot interrupt business operations.
- 4.3.3. If an employee is working remotely and their regular day to work on-site falls on a holiday or conflicts with time off, then they may be required to work additional days on-site within the pay period.
- 4.3.4. Employees with schedules requiring regular travel to work sites, outside of their primary work site, may be required to work additional days at their primary work site within the pay period.

4.4. Availability

- 4.4.1. Employees working remotely may be required to participate in phone or web-based meetings.
- 4.4.2. Employees working remotely must be available via all required methods of communication throughout the workday. Should an employee not be available through official channels, NYPA may contact the employee via their personal contact information.
- 4.4.3. Employees must be in reasonable commuting distance to the office in the event they need to travel to the work location to satisfy stakeholder needs.

4.5. Compliance

4.5.1. NYPA and Canal Corporation are not liable for conditions at the alternate work site which are found to violate local ordinances or regulations, or state or federal regulations or laws.

4.5.2. While working remotely, Workers' Compensation policies and procedures will apply (EP.3.12). While limited and rare circumstances would apply, for employees engaged in a remote work arrangement, a representative of Environmental Health & Safety, IT or Human Resources may reach out to an employee to advise that they require access to the remote work site. The request for access must be based upon [1] the needs of the business and [2] absent a critical threat or issue, the employer shall be provided at least 48 hours' notice to employees. A request for site access may include, but is not limited to, the need to investigate a software or hardware issue involving the employer's IT equipment that they are unable to remedy otherwise, or an employee injury report and subsequent investigation.

4.5.3. An employee is 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 during employment, regardless of whether the injury occurred on or off NYPA premises. If an injury occurs while an employee is performing assigned duties at the alternate work site under a remote work agreement, the employee is to follow established reporting procedures to report the injury and to file a Workers' Compensation claim. The remote worker must notify the supervisor/manager immediately. All claims for work-related injuries at the alternate work site shall be subject to review and acceptance by the Workers' Compensation Board and the State Insurance Fund.

4.5.4. In-person meetings at the remote work site (i.e., an employee home location) are strictly prohibited.

4.6 Program Termination or Suspension

4.6.1. The ability to engage in remote work can be suspended or terminated for performance or as required by business needs. In cases where scheduled remote work has been canceled, managers will give reasonable advance notice to the affected employee(s) to the extent such advance notice is feasible and consistent with business needs.

5. FLEXIBLE SCHEDULES

5.1. **Attendance and Flexible Schedule Policy (EP 4.6)** For the period between October 17, 2021 and June 1, 2022, the following rules under the Attendance and Flexible Schedules Policy will be replaced by the following:

5.1.1. Flex Time Schedule

5.1.1.a. The Flex time portion of the policy (EP 4.6 (5.3)) is suspended between October 17, 2021 and June 1, 2022, for new employees and any employees working a remote schedule.

5.1.1.b. Staff currently eligible to participate in the Flex time program may do so only if they are not working remotely and are working full-time on-site.

5.1.1.c. Staff must resubmit their request to their manager for a flex time schedule.

5.1.2. Flexible hours (EP 4.6 (5.1.1))

5.1.2.a. Staff who work a full day on-site are still eligible to work flexible hours. Flexible hours allow staff to work an earlier or later shift (e.g., begin at 7 am or end at 6 pm).

5.1.2.b. Employees with an existing or new request for flexible hours schedule must receive approval by their manager.

5.1.2.c. Any flexible hours must be consistent for all days worked on-site.

5.1.3. **Ad-hoc remote work** Eligible employees that are not required to perform work duties on-site can request to work remotely for a portion of the day on a limited ad-hoc basis. This is to be used on a limited basis and cannot interrupt business operations.

5.1.3.a. Employees requesting ad-hoc remote work must receive approval by their manager.

5.2. Managers can approve or deny any of the above requests based on individual performance and business need.

6. PERFORMANCE AND PRODUCTIVITY OVERSIGHT

6.1. Employees that are working remotely must follow all the policies, procedures and guidelines of the organization while working remotely. This includes all applicable New York State laws, rules, and regulations as well as state and NYPA policies.

6.2. Work Monitoring and Management Oversight

6.2.1. Managers will establish and document employee schedules according to guidance provides for the period.

6.2.2. When density management is in place, applicable NYPA employees must record their remote working schedule in the scheduling tool for the entire remote program period (WPO, ALB, BUF, NYEM, Water Street Massena offices).

6.2.3. Managers must meet with employees at least bi-weekly to discuss progress toward work goals and assignments.

6.3. Performance Management

6.3.1. Remote working privileges may be modified, suspended or terminated due to inadequate performance or business need.

6.3.2. Employees who are not performing satisfactorily at any time during the remote program period will be counseled by their manager with the support of Employee Relations.

6.3.3. Performance deficiencies will be documented, and action plans will be developed to improve performance. Depending on the situation, remedies may include suspension of the remote work privilege, the imposition of discipline up-to and including termination.

6.3.4. Employees will be notified in writing when remote work privileges are suspended or terminated along with written plan to improve performance.

6.3.5. Remote work will only be reinstated when the employee meets performance expectations for a sustained period.

6.3.6. Managers must complete annual performance reviews, mid-year reviews and goals. Managers who do not timely complete these required forms will have their remote work privileges

suspended until complete. This includes a manager's responsibility to hold staff accountable for initiating mid-year reviews.

7. REASONABLE ACCOMMODATIONS

7.1. Reasonable Accommodation for Applicants and Employees with Disabilities and Pregnancy-Related Conditions (CP 1-11) Employees may request a Reasonable Accommodation under the Americans with Disabilities Act and Human Rights Laws.

7.1.1. All employees seeking an accommodation must complete a Reasonable Accommodation Request and submit to accessibility@nypa.gov. All questions relating to accommodations can be directed to Justin Pruyne (phone: 914-772-5133 or email Justin.Pruyne@nypa.gov).

8. EQUIPMENT

8.1. Employees who are eligible to work remotely must follow all policies and procedures regarding Information Technology and Cyber Security. Information can be found in the following: Working Remotely Technology and Security Policy, Acceptable Use Policy, Mobile Device Management Policy, Cyber Security Policy and Data Protection Policy.

8.2. The Information Technology (IT) business unit will provide mobile device(s) (e.g., laptop, mobile phone) with pre-installed mobile device management and virtual private network software. Equipment that is provided is company property. IT retains control over the property and reserves the right to monitor use even when used at remote locations.

8.3. The employee will establish an appropriate work environment within his or her home for work purposes.

8.4. Employees will be responsible for providing sufficient internet connectivity at the alternate work site at their own expense. NYPA will not reimburse employees for this expense.

8.5. If assigned equipment or any component thereof is lost, stolen, damaged or destroyed, the employee must immediately notify the supervisor/manager.

9. CONTINGENT WORKERS AND CONSULTANTS

9.1. Contingent workers must adhere to the same schedule and safety standards as employees.

9.2. Managers should use discretion when allowing consultants into the workplace and should only do so if the business need requires. More guidance for consultants is here: <https://www.nypa.gov/procurement> (direct link: <https://www.nypa.gov/-/media/nypa/documents/document-library/procurement-and-real-estate/nypa-canal-vendor-covid-guidance-09-10-21.pdf?la=en>)

10. HEALTH AND SAFETY All Employees must follow relevant health and safety protocols. Health and Safety guidelines may be amended at any time in response to changes in relevant health and safety guidance from federal, state, and local authorities and in response to business needs.