

Policy Consultation and Approval Process

Summary of Comments Received during the Informal Review Phase

Telework

A. Individual Comments

- Under the Emergency Weather section can you add a comment that if there is an weather emergency declared on a day that you are not scheduled to telework, then you would not be required to do so and would be compensated for a day off due to weather closing.
 - **RESPONSE: Language adjusted to refer to the new Board Policy 4.4 language. A weather emergency day does not need to occur on a regularly scheduled telework day in order for the employee to telework. The employee, with supervisor approval and in accordance with Collective Bargaining Agreements, may have the ability to take a vacation day if needed on a weather emergency day. Compensation for employees who cannot telework in weather-related closures will be in accordance with Board Policy 4.4.**
- WEATHER EMERGENCIES
A telecommuter who is scheduled to work at the home office on a day declared as a weather emergency is expected to work as scheduled.
This seems understandable. However, what if the weather emergency is on a day that you are not scheduled to telework? We have been told that if there is a weather emergency and the university closes, those who telework have to work (no matter what day you telework), but those who do not telework get a paid day off.
 - **RESPONSE: See response to above question.**
- Please have written clarification to the telework policy during weather closures. Example: School is closed on a Wednesday, and you are scheduled to telework on Fridays, that you are NOT required to work on Wednesday via telework. There is some confusion that we ARE required to work if the school closes and it is not your scheduled telework day since you have the capability and should switch days.
 - **RESPONSE: See response to above question.**
- I don't see anything in here on flexible work in terms of hours. I realize that this may be focused only on telecommuting, is there a separate policy on flexible

work hours beyond what is included in some of the bargaining unit contracts? Also, what are "underrepresented employment plans"?

- **RESPONSE: The language under "Work Schedule" includes determining the hours to telework arrangements.**
 - **Unrepresented employment plans refers to the Commissioner's Personnel Plan, the Managerial Personnel Plan, and the Administrator's Personnel Plan. These personnel plans are not represented by collective bargaining units.**
- When I look at the language about equipment provided to the employee, I think about a scenario where an employee has an office on campus from which they work on an occasional basis or a hoteling space. What if the employee requests an office chair, chair mat, desk, filing cabinet, desk light, monitor(s), etc.? Does the department have to budget to cover these types of expenses from their budget? I fully support telework and am excited about the space opportunities that come from not everyone having to have an office space on campus. I just want to be aware of this and whether this would apply to faculty as well as staff. This issue has come up with faculty requesting a fully furnished home office in addition to their campus office and the answer was no. I used the reasoning that an office on campus was being provided and telework was not full-time it was a hybrid situation.
 - **RESPONSE: The University does not pay to furnish home offices with things such as office chairs, chair mat, desk, filing cabinet, desk lights, etc. The University may pay for equipment and supplies (e.g. laptop, paper, pens, etc.), which would remain the property of the University and should be returned if or when a telework agreement ends.**
- Telework has become a sticky wicket. While it is understandable that being allowed to telework depends upon one's position at the university, the implementation of the policy has made for an atmosphere that is quite inequitable at a time when MNSU is promoting equity across the board. An example of this inequity is the use of sick time. Someone who has the opportunity to telework two days a week might wake up feeling poorly and decide to telework from home that day instead of using a sick day. Employees who do not telework do not have this same privilege, and it IS a privilege. I would like to see something added to the policy that if an employee is too ill to come to work on a day that is not their scheduled telework day, they must use a sick day regardless of what their supervisor says. There are teleworkers who will be retiring with far more sick leave pay than workers who can't/don't telework. I do not think telework decisions should lie with individual managers. There should be an across the campus policy that applies to everyone as some managers are far more lenient than others. Businesses everywhere are pulling back from telework since studies have shown that teleworkers on average are less productive. I would like to see MNSU stop allowing telework completely. There

have been numerous times when I have been walking across the campus and students have been looking for someone to help them only to find a "Teleworking today" sign on an office. I understand how offering telework is attractive to new employees, but for the employees who are unable to telework (GMWs, Security, various other positions that might have the ability to work from home, but it is more of a hassle than it is worth), the teleworking set up here has created an atmosphere on campus that doesn't feel equitable at all especially since teleworkers are saving on transportation costs, parking fees and travel time. Perhaps teleworkers should take a pay cut.

- **RESPONSE: The discussion of equity versus equality in creating and implementing a telework agreement has been ongoing. Some have expressed a preference for an equality approach (every position is treated the same) and some prefer an equity approach (each position has different circumstances requiring different resources and responses). It will need to be a blended approach to offer both the flexibility and consistency that is being requested. Telework arrangements do not replace an employees' right or obligation to use appropriate sick or vacation leave time as their personal situation warrants. These conversations should occur between the employee and their supervisor with consultation from Human Resources as necessary.**
- While I appreciate the ambiguity of using the term "the supervisor" to describe who is the authority on an employee's ability to telework and how much, this is problematic. Who is making these decisions and what percentage is capped for working from home? What does an employee do if their unit is being treated differently from another unit with similar telework capabilities? Or, if one employee is being treated differently from another within their unit?

Over the past few years there have been supervisors who don't allow their employees to telework because they don't believe they should OR have shown unfair treatment/different expectations of employees within their unit (e.g., a supervisor allows one employee to work from home, but they do not for another employee or not at the same percentage). This is problematic and seems like the policy does not allow an employee to bring this issue to another authority (e.g., their Dean, HR, etc.).

- **RESPONSE: The supervisor is generally the position listed on the individual's position description.**
- "Minnesota State University, Mankato supports the practice of telecommuting when it benefits the organization, promotes reduction in employee commute time and distance, and allows more employee flexibility while continuing to meet the needs of students, coworkers and other constituents."

The very first line of this policy immediately communicates that the employer's

needs trump the employee's needs. The highest levels of company loyalty are enjoyed by companies who demonstrate passion, care, and empathy for the well-being of their employee. I suggest a more employee-centric wording OR at least something like "MNSU supports the practice of telecommuting when it is mutually beneficial to employee, student, and employer." I also believe the reasons why it would be supported are too narrow in this paragraph as well. Telecommuting policies are a proven strategy to help workers who are neurodivergent, introverts, and those with diverse abilities. I would suggest to not even try to name when it would be allowed and instead end with the mutually beneficial sentence.

RESPONSE: Good suggestion. The policy language has been revised.

"Telecommuting is the practice that combines the use of an employee's residence or other remote workspace with their current work location, on a regular schedule of one or more days per week. The terms telecommuting and telework are used interchangeably for the purposes of this policy."

Telecommuting is only considered 1 or more days per week? What if I regularly need to work from home 2 hours every morning? Is this not telework? Is this not allowed in this policy? The policy as laid out in the original pilot had the goal of 20% per week, which yes, equates to 1 day. But there are convincing reasons as to why 2 hours per day could work better for all; administering medication at a certain time of day in privacy of home, being present for children being dropped off by bus, or even just honoring one's own biorhythms that support the best work life balance.

RESPONSE: Good suggestion. The policy language has been revised.

CONDITIONS:

B. Do we really want to practice and declare we are ok with the termination of a perceived privilege without cause?

RESPONSE: This language is consistent with the MMB and Minnesota State policies.

C. What is the process for annual review? Supervisor? HR? Employee?

RESPONSE: A suggestion was made to have the telecommuting annual review align with the employee's annual performance review cycle.

H. What does it mean to make alternative arrangements for dependent care? Would it be expected a babysitter is hired for an independent child to also be present? What is the age cut off when it is ok for dependent's or elders to be present? Must be over 3 and under 65? This condition raises not only practical questions of implementation, but is ripe for inviting misinterpretation and agitation. I am not pleased to see this condition in this policy. It assumes privileges and resources that many working parents do not have, i.e. the budget for additional child care and/or the access to available childcare. Employers

must trust their employees to know their own limits and their own children - I know if I need to take vacation or if I can work from home depending on my child. This policy also would indicate that if I have a sick child and need to be out from work, I could not stay home and work remotely with the sick child sleeping in another room. I urge policymakers to deeply consider implications from angles regarding this condition.

RESPONSE: There are too many scenarios to factor in to respond to each unique question raised. The language is meant to be reflective of the expectation that the teleworker should primarily be involved in work tasks when they are teleworking and primary caregiving responsibilities, where warranted, need to be arranged or appropriate leave taken to care for a dependent who needs care. This is similar to the expectation that an employee who reports to the campus or other work location has caregiving arrangements made, when necessary, to allow them to perform their work at their primary worksite location rather than engaging in caregiver responsibilities.

How does an employee's attendance record factor into whether they are eligible for telework? What does this mean?

RESPONSE: In instances where there are performance or attendance issues, teleworking may not be a suitable work arrangement.

The safety and liability section is thorough.

Choosing to stipend WIFI or routers for remote work would be wonderful thing to promote access and equity of diverse candidates in a telecommuting position. A future idea would be to amend the ASF contract to allow professional development dollars to be spent on such items: it would cost the system no more money and employees would be happy to delegate a portion of their dollars in this way IF they chose.

- **RESPONSE: The University will not be providing stipends for WIFI or router expenses. The expansion of allowable types of expenses in collective bargaining agreement languages should be referred to the bargaining team for discussion.**
- This draft policy seems to fly in the face of President Inch's vision to expand telework opportunities. It's more restrictive and gives ALL of the power to the supervisor. I would like to see a process laid out where the employee can appeal supervisors' recommendations for telework or no telework. Having worked remotely during the pandemic, working remotely, meeting student's needs, and remain productive is very achievable. Personally, I like the change of scenery in the afternoon. I it is refreshing and increase my productivity.
 - **RESPONSE: The policy is consistent with the MMB and Minnesota State policies formalizing common understanding and practices around**

requesting and approving telework requests. An appeal process has been added to the accompanying procedure.

- I worry that the statement that the university or employee can terminate a telecommuting position "with or without cause" may be too vague. It seems reasonable for either party to articulate a rationale that demonstrates the need for someone to be physically present (or not) to meet job requirements. I would argue that these rationales should keep student needs as paramount.

I believe it would also be prudent to outline a process for changing a position, particularly a timeline. Given that some people may have moved away, they may need a reasonable amount of advance notice to relocate. Having this policy can also allow people to recognize the implications of telecommuting (moving to another state will be less likely if the policy only allows for a month to relocate -- I think the university should be clear about these expectations and share this up front so people can make appropriate decisions about relocation and possibly recognize that if they are unable to relocate within a certain period, they have to resign their position).

- **RESPONSE: Language has been added to include a timeline for changing telework agreement provisions.**

- This policy needs to be revised because of the burden that will be placed on teleworkers. This policy polices faculty and staff with burdens not required if the person is working on campus. The amount of power that it gives to supervisors to terminate or police their staff will be misused.

It is also inconsistent. For example, if there is a weather emergency that would prevent those required to be on campus from making it to campus, then teleworkers will also be impacted by the shutdown. The policy states that alternative care arrangements must be made for childcare/elder care, but if everything is shutting down for a weather emergency, there will be no other arrangements, which will disproportionately affect women and minorities.

As a university that states it is working toward the directives laid out in Equity 2030 concerning faculty and staff, we as a community should look at how our policies burden the most marginalized among us and how that might account for our failure to retain all faculty and staff, but more specifically faculty and staff of color.

- **RESPONSE: Responses to above question(s) have addressed many of these concerns.**

- I suggest that there be an appeal process for a supervisor's decision. As written, this seems to leave it solely up to supervisor, without any recourse for employees who might think the decision unfair, unreasonable, etc.

- **RESPONSE: An appeal process has been added to the accompanying procedure.**

* The drafts say "Telecommuters must attend all work-related meetings either remotely or by travel to assigned office, depending on the supervisor's direction. This may include emergency meetings scheduled with short notice to the employee." Are in-person employees expressly told they must attend ALL work-related meetings? (Imagine if faculty attended all the meetings they're invited to attend!) I don't think the standard should be higher for telecommuters than for in-person employees, and I'm not aware of attendance being taken at most meetings. And again, I think there needs to be some recourse if a supervisor's direction is (arguably) unreasonable. If somebody lives 150 miles away, as approved, can a supervisor direct that employee be physically present in 4 hours? If the employee fails to comply with an unreasonable directive, is that person somehow in trouble?

- **RESPONSE: Additional language has been added to clarify the intent of this language. In short, it is meant to indicate that a teleworker should be as available for meetings, whether pre-scheduled or short-notice, as an employee who is not teleworking. It was not meant to create a higher or lesser standard of expectation for one working arrangement over the other.**

* The draft says that "Equipment, software, documents, reports and data created because of work activities are owned by Minnesota State Mankato." I think these conflicts with the board policy about scholarly work. Faculty retain their intellectual property rights, which includes syllabi and teaching materials in addition to scholarly papers, art, computer code, and so on. As I read the board policy, it's simply not correct to say that all documents (!) created by faculty because of work activities are owned by the university.

- **RESPONSE: This language is not intended to contradict a faculty member's rights to scholarly work or intellectual property. This language is specific to the Board Policy on Security and Privacy of Information and the Minnesota Government Data Practices Act.**

* The procedures describe objectives for "monitoring and evaluating performance," but we already have those. Employees should be evaluated based on their performance of job requirements -- but the procedures almost make it sound like there would be additional parameters of evaluation? How is that consistent with the contract? Similarly, are in-person employees subject to having a "communication plan"? Both of these suggest a higher/different standard for telecommuters, and frankly both seem to be coming from a place of distrust. An in-person employee is supposed to be reachable by phone/e-mail, right? I'm not aware of that being codified somehow, though. Why would it be necessary to codify it specifically for

telecommuters, then? I think it's a dangerous road to go down if we conceive of telecommuters as somehow deserving less trust than in-person employees. To me, the procedures should cover the process by which a position is designated eligible for telework and how the appropriate paperwork gets done. Elements like evaluating job performance, including appropriate responsiveness and communication, are already covered via performance reviews, etc. If the performance review process needs to be tweaked to accommodate the possibility of remote workers, so be it -- but, in my opinion, it's unwise (and sends a bad message) to shoehorn performance review measures into this particular policy.

- **RESPONSE: Correct, we have systems in place for monitoring and evaluating performance, and outlining expectations for communications and standards of work. This policy does not create a new process for those reviews but rather indicates the alignment of those processes with the teleworking policy.**
- In general we are deeply concerned that the current policy privileges white non-women identifying individuals; it places an additional burden on supervisors with unnecessary check-ins that are not expected of employees on campus; is not written to be flexible; overall it goes against the need for telework; measure productivity, not location and time; sick/safe pay should be an option for campus closures; very discriminatory; people should not be required to find alternative care for dependents if weather leads to closure as this would not be expected of people working on campus; folks living in multi-generational homes are excluded from being eligible. This policy cannot move forward in its current form.
 - **RESPONSE: Responses to above concerns(s) have addressed elsewhere in this document. If additional questions or concerns remain, please reach out to Human Resources to discuss specific details.**
- 1. Under the Selection Criteria 7, availability of equipment needed has sometimes relied on departmental budgets which may cause unequal opportunities.
 2. Under Selection Criteria 9, I don't see why the FLSA status of a position would have any bearing on ability to conduct work remotely, nor do I see any reasoning for that.
 3. Much of procedure relies on supervisor willingness to accommodate which may create unequal distribution of this opportunity.
 4. There is no language in the policy regarding the minimum amount of time (20%) an employee could reasonably work remotely.
 - **RESPONSE: Thank you for the feedback. The concern for budget for equipment needs will be shared with Cabinet. The FLSA concern will be discussed further and may be edited in the formal review. The equitability concern has been discussed elsewhere in this document. Correct, there is currently not stated minimum or maximum amount of**

time that teleworking is available. The opening policy statement uses a reference of “such as one or more days per week.”

- I have several concerns about the current telework policy draft. Although it aligns with MMB #1422, it deviates from the spirit of telework offered during COVID, allowing one day a week remotely (20%). My primary concern is the extensive power granted to supervisors. Condition A enables an anti-telework supervisor to reject telework without specifying a reason, and Condition B reinforces this with a "with or without cause" provision, which I find arbitrary. There should be an objective mechanism for considering telework requests, especially when employees can plan and articulate reasons for it.

Post-COVID position descriptions often include a line like "Telework: Up to 20% of the time." If a supervisor, after hiring, decides against telework, is it not dishonest to the employee who accepted the position for its flexibility? Additionally, the lack of language addressing arbitrary termination of telework agreements raises concerns. Even if employees meet deadlines and comply fully, supervisors can terminate telework at their discretion. This contradicts the principles of Equity 2030 and the System's commitment to addressing bias and discrimination.

While MMB #1422 states that telework is not grievable, this conflicts with the System's goal of reducing bias. Many employees signed position descriptions with telework provisions, and allowing supervisors to terminate them without cause is unacceptable. It deprives employees of the ability to negotiate, constituting, in my view, a dishonest hiring practice.

Beyond the perception of dishonesty, the policy introduces subjectivity into an important aspect of employment. Telework, advertised as an option, should not be subject to a supervisor's arbitrary decisions. This lack of objectivity and the emphasis on subjectivity invite bias, whether against telework in general or targeted at specific employees. While telework is not a right, it should not be treated as a privilege for supervisors to arbitrarily grant or deny. The policy's lack of objectivity and the discretion given to subjectivity are the core issues.

- **RESPONSE: Responses to above concerns(s) have addressed elsewhere in this document. If additional questions or concerns remain, please reach out to Human Resources to discuss specific details.**

- In this policy, it's not clear who a person's supervisor is that determines telecommuting. Immediate (person who signs off on timecard), a dean? a provost? For example, an immediate supervisor might allow 100% telework, but a dean or provost might only allow 20%. Could this be clarified a little? Can the weather section be expanded upon. If you are able to telecommute but there is a weather emergency on a day you are not scheduled to telecommute

do you have to work that day?

Will there be an appeal process? What if an employee can telework but supervisor won't let them?

- **RESPONSE: Responses to above concerns(s) have addressed elsewhere in this document. If additional questions or concerns remain, please reach out to Human Resources to discuss specific details.**

- This policy as written seems like the wild wild west, basically the supervisor and teleworker determine their amount of time spent at home and work, it could be zero hours at work and 40 hours at home, or the opposite. There are no guidelines, no rules, and no equity.

It all depends on the supervisor, if the supervisor likes the employee and the employee wants to work 40 hours at home, then that could be granted. If the supervisor doesn't like the employee, then it may be zero hours at home.

It's not equitable for GMWs or others who cannot work from home.

If teleworking is allowed for some employees, employees who choose or are not able work from home should be compensated at minimum for mileage and time. There should be a one day a week work from home max, I have read many studies that have proven that working from home is less productive than at work.

For employees in the same job class there may be some who can and some who cannot work from home, this will lead to divisions, bitterness, and an unhappy workplace.

There needs to be some set boundaries, not the wild wild west which will lead to a despondent workplace and workforce.

- **RESPONSE: The discussion of equity versus equality in creating and implementing a telework agreement has been ongoing. Some have expressed a preference for an equality approach (every position is treated the same) and some prefer an equity approach (each position has different circumstances requiring different resources and responses). It will need to be a blended approach to offer both the flexibility and consistency that is being requested.**

- Personal views and not that of my department...

There are direct conflicts between the proposed policy and MMB HR/LR Policy #1422, Telework. The proposed policy seems to further limit the use of telework and flexibility rather than promote the use of telework and flexibility at our institution.

Our institution has operated under the MMB Telework Policy for several years and there has been no indication as to why a separate policy is needed. If there have been issues with how telework has been executed throughout campus, then maybe a procedure would be more appropriate using the guidance that MMB has provided. There are additional concerns regarding the language

around alternative arrangements for dependent and/or elder care that also conflict with the MMB Policy and I can anticipate that there will be more issues when say, you do have arrangements for alternative care in the home and are briefly interrupted, that could be interpreted as an individual that does not have alternative care, which is afforded and recognized in the MMB Policy. Having that interruption could lead to a supervisor revoking telework, which if we are to review the proposed policy through an equity lens, this proposed policy does just the opposite and creates more inequities across our campus.

- **RESPONSE: There was a request to have a University policy on Telework to codify the pilot program we have been operating under. The language drafted closely aligns with the System Office Policy on Telework and is similar in concept to MMB HR/LR Policy #1422, though the language and format is different. The childcare/elder care concern has been discussed in a prior comment within this document.**

B. Group Comments (Note: some comments may also have been submitted as individual comments above)

- I want to thank you for taking time to review feedback from the newly proposed policies, specifically the Telework policy, on behalf of MSUAASF member feedback. As I made my way to the form, I realized I was a couple of hours too late.

I see that this policy mimics the MMB policy relatively closely.

Some concerns:

It will wind up being an issue of equity – who is allowed and who is not allowed by their supervisor to have one flexible work day a week. We have seen this since the roll out of flexible work – some supervisors work with their team to accommodate their needs/strengthen their workforce and we see others who don't even allow consideration of telework. **Where are supervisors encouraged to offer flexible work arrangements to their employees?**

- **RESPONSE: Supervisors are and will continue to be encouraged to offer flexible work arrangements to their employees. If there are specific areas of concerns, please contact Human Resources for additional follow-up.**

“Telework can be terminated at any time by management or the employee with or without cause” – some of our members work remotely almost exclusively. **What considerations are given to protect remote employees from major disruptive changes to be forced back to the campus?**

- **RESPONSE:** Language has been added to include a minimum notice period, when practical. If there are specific areas of concerns, please contact Human Resources for additional follow-up.

“Telecommuters who work at home must make alternative arrangements for dependent and/or elder care.” – **This line vastly impact women more than men as caregiving is still deeply gendered. Especially if the condition for teleworking falls on a snow day where local school districts are closed, employees are expected to work remotely, but are not able to care for their children. This creates a conflict in the policy, possibly forcing people to take sick leave to care for dependents. This is another component of the flexible work agreement that seems to be missing.** If your day ends at home to greet children off the bus, this policy could take that opportunity away from staff. Not to mention, that as a mother of small children, I can unwrap a popsicle and respond to emails/remain engaged in a meeting. I was asked to do it with a 6-month old during Covid, and my skills have only increased to multitask and meet work demands and personal family demands. I also appreciate the option to not have to do that if I wish to/have the capacity to take sick leave.

- **RESPONSE:** The childcare/elder care concern has been discussed in a prior comment within this document.

“Seniority shall not be a basis for selecting employees to participate in the telecommuting program.” **How is this going to be managed since it seems like supervisors have full discretion to determine who can and cannot telework.**

Feedback received by members:

1. The more steps to a policy, the less accessible it is. There is a high level of scrutiny for the whereabouts of master’s level professionals.
2. This policy does not ensure the opportunity for flexible work which President Inch has been advocating for since his arrival. There is no language within this policy that assures any flexibility or continued support for employee wellbeing.
3. Are all bargaining units, including IFO, subject to this level of scrutiny?

Overall, this policy dramatically narrows opportunities for staff to advocate for teleworking options. It positions supervisor so they can make blanket rejections as expectation in their area. Data shows that remote workers are more productive, more happy, more engaged, and are more likely to stick around ([5 Proven Benefits Of Remote Work For Companies \(forbes.com\)](https://www.forbes.com/sites/stevebruney/2020/04/06/5-proven-benefits-of-remote-work-for-companies/)). Rather than build up hurdles for folks to climb, we should be breaking down barriers to support our staff mental health, and improve our service to students (who are more comfortable than we are meeting via technology).

- **RESPONSE:** Supervisors are and will continue to be encouraged to offer flexible work arrangements to their employees. If there are specific areas of concerns, please contact Human Resources for additional follow-up.