

All Agency Policy Directive

TELEWORKING POLICY AND PROGRAM

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I. PURPOSE

This Policy Directive sets forth the requirements for all Metropolitan Transportation Authority, including its current and any future subsidiary or affiliated entity of the MTA (collectively known as “MTA”) employees engaging in Teleworking, including employees that, pursuant to an agreed-upon schedule, report to an MTA facility some days and Telework from an approved Alternate Worksite on other days (the “Teleworking Program”), as well as certain qualifying employees who may be allowed to Telework on a non-routine basis to accommodate personal matters. Nothing in this Policy Directive shall affect an employee’s right to request a Reasonable Accommodation under the applicable laws.

II. OBJECTIVE

The MTA considers Telework to be an arrangement established to maintain, and in some situations increase productivity and efficiency, and to otherwise support the MTA mission and corporate objectives. This includes helping the MTA: (1) attract, recruit and retain high-performing employees; (2) ensure business continuity when there are disruptions to normal operations; (3) provide eligible employees with greater flexibility to meet the needs of work-life responsibilities and business requirements, including efficiency and productivity; and (4) reduce real estate costs where feasible.

It is important to note that in-person collaboration is essential to how the MTA conducts business, so there is an expectation that employees engaged in Telework will work the majority of their work week at MTA Worksites and within the hours of operation set by their Department/Division. Notwithstanding the foregoing, and as set forth in section VI(C), in extremely limited circumstances, the Chief People Officer or designee may grant permission for Function Chiefs/Department/Division Heads or designees to allow more frequent Telework for certain positions/titles, if it is based upon a particular critical business or operational need.

III. SCOPE

A. The Teleworking Program is applicable to the following category of employees:

MTA Headquarters

Non-Represented Employees and approved Represented Employees

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MTA Bus	Management, Non-Represented Career & Salary Employees, and approved Represented Employees
MTA Bridges & Tunnel	Non-Represented Employees and approved Represented Employees
MTA Construction & Development	Non-Represented Employees and approved Represented Employees
MTA Long Island Rail Road Management Benefits,	Non-Represented, Represented with and approved Represented Employees
MTA Metro-North Railroad Represented	Non-Represented Employees and approved Employees
MTA New York City Transit (including SIRTOA and MaBSTOA) Employees,	Management, Non-Represented Career & Salary and approved Represented Employees
Grand Central Madison Concourse	Management, Non-Represented Career & Salary Employees, and approved Represented Employees.

The applicability of the Teleworking Program to any Represented Employees is contingent on reaching agreement with the relevant bargaining unit concerning particular titles through the collective bargaining process.

- B. Employees in the above categories may be eligible for Teleworking if the work is deemed to be compatible with Teleworking by the Department/Division Head or Central Function Chief.
- C. The Teleworking Program is not available to employees on any leave of absence.
- D. MTA Labor Relations will communicate and inform union representatives concerning

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the issuance of this Teleworking Policy Directive. In the event of a conflict between this Policy Directive and an applicable collective bargaining agreement, the collective bargaining agreement shall govern.

IV. DEFINITIONS

Alternative Work Schedule – A Work Schedule that enables employees to conduct all or some of their work away from the Worksite when it is necessary or reasonable to do so based on the MTA’s mission, operational and Program needs.

Alternate Worksite – A specified location away from the Worksite (normally the employee’s home residence) where the employee is authorized to conduct business. This location must meet all criteria set forth in this Policy Directive and any additional criteria that may be issued by MTA.

Department/Division Head and Central Function Chief - Senior level managers who oversees a department/area or function with oversight for budgets and personnel, as designated by the MTA’s organizational structure.

Worksite - This is the official MTA work location or locations or the usual and customary work address.

Telework/Teleworking - On a workday, to perform normal and regular work functions at an Alternate Worksite, that ordinarily would be performed on site at an employee’s regular MTA agency's location, thereby eliminating or substantially reducing the physical commute to and from the regular MTA agency's location. Telework/Teleworking does not include the situation where, with the approval of their supervisor and/or as part of the employee’s ordinary job responsibilities, an employee reports to a different MTA location for the performance of business duties.

Regular Telework/Teleworking: Approved employees engaged in a work schedule that regularly allows the employee to work from the employee’s approved Alternate Worksite rather than from the employee’s MTA Worksite.

Non-Routine Telework/Teleworking: Division/Department Heads and Central Function Chiefs may allow certain qualifying employees, including those whose job titles are not otherwise eligible for Regular Telework, to Telework on a limited, case by case basis if such Telework is

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consistent with the department’s business and organizational needs, if the employee is able to work productively from the Alternate Worksite, and if there is sufficient staff on-site to handle critical face-to-face responsibilities and emergency requests, as needed. This type of non-routine Telework is limited in nature and meant to cover the rare situation where an employee is unable to schedule a personal appointment during non-business hours. It cannot be used as a way to regularly Telework.

Teleworkers – Employees who have been approved to participate in the Teleworking Program.

Teleworking Acknowledgment – For Regular Telework, an acknowledgment by a supervising manager of an approved Teleworker. The Acknowledgment specifies the Teleworker’s approved Work Schedule, specifically, the days per week that the Teleworker will work at the Worksite and/or Alternate Worksites, the time for a paid/unpaid meal period, and the duration of the Teleworking Period (e.g., week/s, month/s, year). A separate acknowledgment is required before engaging in limited non-routine Telework.

Teleworking Period– The day(s) approved each week for Teleworking for a specified period

Work Schedule – Approved hours and days to be worked in a work week, including which workday(s) are expected to be at the Alternate Worksite.

V. ELIGIBILITY

A. Agency Presidents, Central Function Chiefs and/or Division/Department Heads, working with their Managers/Supervisors, will determine which positions and/or employees in their business units are eligible for Telework. Employee participation in the Teleworking Program is entirely voluntary on the part of the employee and subject to approval by their supervising manager. The opportunity to participate in the Teleworking program is a management option and not an employee right.

1. New employees must be employed by an MTA agency a minimum of 30 calendar days to be eligible for any Teleworking. For current MTA employees who take new positions within their MTA agency or a different MTA agency, and report to a new manager/supervisor, the new manager/supervisor may in their discretion shorten or waive the 30 calendar day waiting period.

2. The following factors should be considered in making Telework

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eligibility determinations:

- a. The employee’s role must include sufficient "portable" work for the amount of Telework proposed.
 - b. The employee has sufficient technology tools and equipment at the Alternate Worksite to Telework, including but not limited to internet service and telephone/cell phone access.
 - c. Telework must not negatively affect the productivity of the employee, the business unit, the department or the MTA.
 - d. Whether tasks can be completed with minimal in-person supervision.
 - e. The role does not require direct management of secure physical materials that cannot be handled outside the office.
 - f. The role does not require daily face-to-face interaction or physical presence as a core responsibility (e.g., customer-facing roles).
 - g. Whether specialized equipment is or is not required (e.g., check writing equipment).
 - h. Cost savings to the MTA, including but not limited to space considerations.
3. Eligibility determinations may be subject to modification based on changes to job functions, operational needs and business priorities as directed by managers/supervisors, Agency Presidents, Central Function Chiefs and/or Division/Department Heads.
 4. Employees who receive reasonable accommodations in the form of Teleworking in accordance with the MTA’s Reasonable Accommodations for Job Applicants, Employees with a Disability, or a Pregnant-Related Condition Policy (Policy Directive #11-066) are not considered Teleworkers for these purposes and this Policy Directive does not change reasonable accommodations granted to these employees or preclude consideration for such reasonable accommodations in the future.
- B. An employee may be prohibited from participating in the Teleworking Program if they:
1. Have been officially disciplined in the last two (2) years for time and attendance related conduct; or
 2. Are currently on a performance improvement plan or have recently received a

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final overall rating of needs improvement on their annual performance review;
or

3. Are subject to discipline related to performance, or have been subject to, any disciplinary action which at the discretion of the Central Function Chief, Division/Department Head or designee, with concurrence from MTA People/HR Business Partner and/or Labor Relations (as applicable), indicates that there are objective concerns about the employee’s ability to effectively Telework.

VI. POLICY

E. Program Requirements – Regular Teleworking

1. For the first six (6) months, beginning on the effective date of this Teleworking Program, employees who are approved for Regular Telework will be permitted to Telework up to one (1) day per work week. Following six months of the Teleworking Program, the Teleworking Program will then be evaluated at the program, department, and individual level, considering, among other things, business/operational needs and employee performance, and a determination made as to whether the parameters of the program will continue or be expanded.
2. Central Function Chiefs and/or Division/Department Heads should establish specific Telework practices for their departments (“departmental practices”) to ensure that Telework does not negatively impact their department’s ability to meet business goals and operational needs. This includes maintaining sufficient staff on-site to handle critical face-to-face responsibilities and emergency requests, as needed. In addition, Central Function Chiefs and/or Division/Department Heads (or their designees) are responsible for making sure that adequate managerial staff are present at the Worksite on the days that staff required to be on-site are working at the Worksite.
3. Telework should typically maintain and enhance productivity. Supervisors are encouraged to be flexible with employees’ schedules as to which days are spent at the Worksite. Where possible, supervisors are encouraged to allow changes to the Teleworking schedule where it would benefit both the employee and the organization, and not interfere with operations or business needs. All employees must be treated fairly compared to their peers.

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4. Employees must perform all of their regular work functions while Teleworking and be reachable during their normal work hours as if they were in the office.
 5. Managers/supervisors, Division/Department Heads and Central Function Chiefs can require an employee to physically report to the Worksite consistent with operational needs and business priorities, which may include but is not limited to, maintaining sufficient staff on-site, addressing critical face-to-face responsibilities, and handling emergencies. If reasonable notice is given by supervision, an employee must be able to adjust their schedule to report in person. Employees who are Teleworking must ensure that they can physically report to the Worksite promptly to fulfill necessary in-person assignments, including but not limited to attendance at critical in-person meetings, facilitation of agency programs that must be completed on-site, and impromptu projects.
 6. Employees are required to follow the applicable policies, procedures, and rules, including but not limited to, those governing Equal Opportunity, Respectful Workplace, Social Media, time and attendance, information technology, and leave. In addition, represented employees must abide by collective bargaining agreements wherever applicable.
 7. Teleworkers are required to adhere to the applicable attendance and/or timekeeping policy and/or other duly authorized agreements to record work time, as instructed by their managers/supervisors, Division/Department Heads, and Central Function Chiefs (or their designees).
 8. Any employee who fails to adhere to any of the provisions of this Policy Directive or any other documents setting forth Teleworking guidance and responsibilities or fails to cooperate in any investigation relating to Teleworking, may be subject to disciplinary action up to and including termination. Employees are reminded that theft of time will not be tolerated and is subject to disciplinary action up to and including termination.
- F. Program Requirements – Limited Non-routine Telework
1. Division/Department Heads and Central Function Chiefs may allow certain qualifying employees, including those whose job titles are not otherwise eligible

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for Regular Telework, to Telework on a limited, case by case basis if such Telework is consistent with the department’s business and organizational needs, if the employee is able to work productively from the Alternate Worksite, and if there is sufficient staff on-site to handle critical face-to-face responsibilities and emergency requests, as needed. For example, employees who have a personal appointment may be able to efficiently Telework that day and spend more hours working than if they had to report to their Worksite and travel to/from the personal appointment. This type of non-routine Telework is limited in nature and meant to cover the rare situation where an employee is unable to schedule a personal appointment during non-business hours. It cannot be used as a way to regularly Telework.

2. In advance of engaging in any limited non-routine Telework, employees must have their manager/supervisor’s approval and must sign and complete the Teleworking Acknowledgement – Limited Non-Routine Telework, which is available on the MTA Policy Portal. Supervisors/Managers should retain a copy of the signed acknowledgment.
 3. On the days that limited, non-routine Telework occurs, the employee must follow all of the requirements of this Policy. Moreover, employees who do not meet the eligibility factors set forth above in Section V are not able to engage in limited, non-routine Telework.
- G. Expanded Teleworking to Accommodate Business Needs For Particular Titles/Positions
1. If there is a situation where expanded telework more than one day a week is necessary for critical business or operational reasons, Agency Presidents, Central Function Chiefs and/or Division/Department Heads must obtain written approval from the Chief People Officer or designee before allowing regularly scheduled Teleworking that is more often than the general schedule referenced above. Please note, this extremely limited exception is meant to apply to functions or titles where the MTA has a critical business or operational reason, such as a lack of real estate space or a similar reason, for why certain titles/functions should Telework more than 1 day a week. It does not apply to individual employee personal situations or circumstances where Agency Presidents/Central Function Chiefs or Division/Department Heads wish to allow employees to Telework more

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frequently because their jobs may be suited to it, or it is a matter of employee preference.

H. Teleworking Acknowledgment

- Each employee who will participate in the Teleworking Program and engage in Regular Telework shall complete a Teleworking Acknowledgment – Regular Telework, which shall specify their Work Schedule (days which they expect to Telework), Alternate Worksite(s), and commitment to comply with this Policy Directive. A Teleworking Acknowledgment shall be completed prior to commencement of the Teleworking Period. Employees who wish to engage in limited Non-Routine Telework must have an approved Teleworking Acknowledgment – Limited Non-routine Telework prior to any Telework. Supervisors/managers should retain a copy of the signed agreement.
- Teleworking Acknowledgments must be reviewed and approved by the employee’s manager/supervisor as well as the Department/Division Head. In determining whether to approve or deny a Teleworking Acknowledgment, Department/Division Heads should consider the factors set forth in Section V. above; specifically, operational/business needs as well as the employee’s performance, including performance during any prior periods of Telework. “Performance” can include performance reviews (where applicable or available) as well as other objective indications, including but not limited to productivity, work product, and whether the employee is accessible to supervisors while Teleworking.
- Employees will be subject to the applicable performance management program, process and activity measuring tool during the Teleworking Period.
- The Teleworking Acknowledgment for both forms of Telework (Regular and Limited Non-Routine) shall be for a period of six (6) months or less (the Teleworking Period), upon which time the Department/Division Head shall review and approve extension of the employee’s participation in the Teleworking Program, if the Program itself is extended beyond the initial 6 months. In determining whether to approve an extension, the Department/Division Head should consider operational/business needs as well as the employee’s performance, including performance during any prior periods of Telework.

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5. If a supervisor determines it is in the best interest of the organization to discontinue an individual employee’s Teleworking Acknowledgement (e.g., due to poor performance as set forth in Section E below, or difficulty performing the job functions away from the Worksite), or to allow it to expire, the supervisor shall first notify their People/HR Business Partner, and then provide the employee with written notification informing the employee (as well as the Department/Division Head, Central Function Chief, or Agency President, as relevant) that the Teleworking Acknowledgment is terminated, revoked or expired. If possible, written notification must be given no later than 14 calendar days before the termination of the Teleworking Acknowledgment. The notification shall provide the specific date that the employee is required to return to their Worksite.
 6. Contact Information: Employees must update their contact information in PeopleSoft Self Service before beginning participation in Telework and keep that information current at all times.
 7. Availability: Employees are responsible for ensuring their phone calls, emails and other work communications are answered. They are required to either set up call-forwarding from their desk to their mobile phone or to another location with a phone to ensure calls are received. Or (or in addition to the above), employees may set up their office phone greeting message to provide a number where they can be reached. Voicemail must be monitored to ensure it is received and mailboxes are not full. In addition, employees must provide their availability to attend meetings during the day(s) they are Teleworking by keeping their Outlook or other calendars visible and up to date or by regularly communicating their availability to their supervisor, manager, stakeholders and coworkers. Employees are required to respond to emails and other electronic communications promptly and as if they were in the office.
- I. Performance
1. Central Function Chiefs and/or Division/Department Heads should determine how to most effectively measure their group’s work productivity while Teleworking (e.g., weekly work logs, progress reports, software tools, and/or function-specific databases or systems, etc.)
 2. The performance of Teleworkers will be evaluated in accordance with the All

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Agency Performance Management Program.

3. An employee must maintain satisfactory performance or at a minimum “Meets Expectations” on their annual performance review in order to remain eligible for participation in the Teleworking program.
4. An employee's Teleworking Acknowledgement may be terminated at any time for the following reasons:
 - a. If an employee fails to comply with the requirements set forth in this Policy Directive or the terms of their Acknowledgement.
 - b. If an employee receives anything less than “Meets Expectations” on their annual performance review.
 - c. An employee’s Telework continues to diminish employee or agency performance, despite attempts to mitigate such diminished performance.
5. Non-represented employees and any others subject to performance reviews will not be eligible to participate in the Teleworking Program unless they are participating in the applicable Performance Review process.

J. Work Hours

1. Teleworkers will work their approved workday hours. Teleworkers must request time off in advance and submit all leave requests in the same manner that such requests were made prior to Teleworking. All current laws, regulations, contract provisions, MTA agency policies (including compensatory time) and standard work rules apply.
2. There will be no pre-authorization of overtime for scheduled Telework days.
3. Teleworkers must have their Work Schedule approved by their manager/supervisor in advance of working at their Alternate Worksite. Teleworkers’ hours of work should be the same whether remote or on-site. Changes to Teleworkers’ established work hours must be pre-approved by their supervisors.

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4. When Teleworkers are required by their manager/supervisor to report to the Worksite on a scheduled Teleworking day, there should be no expectation that the Teleworker will be granted a substitute Teleworking day in return. However, given that flexibility is a key component of the Program, at the sole discretion of the supervisor, a scheduled Teleworking day may be changed to another day within the same week. If a Teleworker is required to report to their Worksite, they will not be reimbursed for travel to the Worksite.
 5. Unless otherwise directed by the MTA, Teleworkers will not be excused from work when a directed departure (e.g., due to an emergency) is issued by the MTA Chief Executive Officer, or the relevant Agency President. Conversely, if an emergency occurs at the Alternate Worksite and the Teleworker is unable to work at the Alternate Worksite that day or if the Teleworker is unable to, for any reason, continue working during their scheduled hours, the supervisor may direct the Teleworker to come to the Worksite or another MTA facility, or allow the Teleworker to charge the appropriate leave accrual.
- K. Alternate Worksites
1. The location of the Alternate Worksite must be approved by the Teleworker’s manager/supervisor subject to review by the Central Function Chief, Department/Division Head or Chief People Officer or their designee. Approved Alternate Worksites may not be changed (even temporarily) without the written approval of the Teleworker’s supervisor. Alternate Worksites in any foreign country (including Mexico and Canada) are not authorized under this Program.
 2. A Teleworker is responsible for arranging a dedicated private workspace at an approved Alternate Worksite. The workspace must have all of the following:
 - a. Equipment and supplies appropriate to conduct official business;
 - b. Acceptable means of communication to complete the job duties;
 - c. Appropriate security measures to maintain confidential information accessible to Teleworkers as part of their job duties;
 - d. A safe work environment, free from hazards that might present a danger; and
 - e. A location as free as possible from distraction, disruptive noises, and background sounds.

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3. Teleworkers shall not invite third parties or other MTA employees into their Alternate Worksites for purposes of conducting MTA business.
4. While Teleworking, an employee is expected to comply with the agreed-upon daily work hours. Performing other non-work-related functions (e.g., dependent care, working another job) are not authorized.
5. The MTA is not liable for conditions at the Alternate Worksite which are found to violate local, state, or federal laws, rules, or ordinances.
6. Employees should consult their tax advisors for any questions about the tax implications of telework in their particular circumstances.

L. Equipment and Supplies

1. The MTA may provide Teleworkers the necessary equipment and software, within reason, to Telework. Under the Teleworking Program, as a general rule, the MTA will not provide desks, chairs, file cabinets or other office-related furniture. Employees using non-MTA provided computers or laptops must follow the minimum standards for hardware and software as defined by MTA IT in the Technology Guidelines for Employees Approved to Telework, available on the MTA Policy Portal. Teleworkers must use the MTA IT-approved tools their managers direct them to use such as Citrix, Windows Virtual Desktop, Zscaler or others to remotely access the MTA Network and applications as needed to perform their job functions.
2. A Teleworker is not guaranteed to be issued a laptop and/or a mobile phone. They may submit a ServiceNow request to obtain these items – subject to management approval. Out-of-pocket expenses related to Telework will not be reimbursed in connection with the Teleworking Program.
3. Teleworkers using personal devices must request, receive, and test the appropriate remote access applications(s) prior to Teleworking to confirm that remote access is working at rates of speed that support mission requirements. The Teleworker is responsible for securing, paying, and maintaining an Internet connection. The MTA will not reimburse Internet-related costs (service provider fees or otherwise). The Teleworker must have an Internet connection with bandwidth

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that is appropriate for conducting official business without disruption.

4. At the Department/Division Head’s discretion, long distance telephone calls for official work purposes, that are limited in duration, may be reimbursed with appropriate receipts. However, if the Teleworker has been issued a MTA cell phone, that device must be used for work-related telephone calls.
5. If equipment, or any component thereof, is lost or stolen, or otherwise stops working, the Teleworker must immediately notify their manager/supervisor. If the Teleworker is not able to work effectively from the Alternate Worksite as a result, the manager/supervisor must require the Teleworker to report to the Worksite or permit them to charge leave accruals.
6. When the Teleworking Acknowledgment ends, the employee must return all MTA-issued equipment and supplies on a specified workday scheduled by management.
7. The Teleworker agrees to allow the MTA to access an Alternate Worksite in connection with the maintenance of any MTA equipment. The MTA will, where feasible and consistent with operational needs, provide the Teleworker with the date of the visit no less than 48 hours in advance.

M. Security Information

1. Teleworkers are prohibited from storing MTA sensitive data (i.e., including but not limited to personnel information, trade secrets, safety information, or confidential or legally privileged communications) on electronic equipment (e.g., computers, mobile phones, tablets, etc.) that is not managed by the MTA IT Department. Teleworkers must use MTA’s online storage, (e.g., OneDrive), to store and access all MTA information.
2. Teleworkers are prohibited from printing MTA sensitive documents from non-MTA issued devices.
3. Any MTA information possessed by the Teleworker cannot be shared with or made available to any unauthorized individuals.
4. Teleworkers must ensure that MTA records and information are secure and not

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maintained in a way that would make them available to any unauthorized individuals. Teleworkers are responsible for adhering to all MTA policies, procedures and standards concerning use of computer equipment and the security of data/information while Teleworking, including but not limited to the Technology Guidelines for Employees Approved to Telework and the MTA All-Agency Computer Use Policy (#11-033), which are available on the MTA Policy Portal.

5. Breaches in security must be immediately reported to the Teleworker's supervisor. A breach of information security, including the release of confidential information or the personally identifiable information of MTA staff or customers, which happened due to the Teleworker's neglect, will be addressed promptly in accordance with MTA Cybersecurity Policy.
6. Teleworkers must protect and safeguard files, documents, equipment, and other materials transported back and forth between the Worksite and the Alternate Worksite. Teleworkers shall protect MTA records and documents from unauthorized disclosure or damage and shall comply with all MTA policies and procedures regarding such matters.
7. MTA IT Security may perform compliance scans remotely to ensure that computers have the proper operating systems, anti-virus software, anti-malware and current patches applied. If the system does not meet the compliance requirements, the Teleworker will be provided instructions on how to proceed to become compliant.

N. Reasonable Accommodations

1. All requests for reasonable accommodations due to medical conditions must be made in accordance with the MTA's Reasonable Accommodations for Job Applicants, Employees with a Disability, or a Pregnancy-Related Condition Policy (#11-066).
2. Employees who receive reasonable accommodations in the form of Teleworking are not considered to be Teleworkers in connection with this Program, and this Policy Directive does not change reasonable accommodations granted to these employees or preclude consideration for such reasonable accommodations in the future.

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VII. POLICY LIFECYCLE

- A. This Policy supersedes and replaces all previous Teleworking memoranda and policies.
- B. This Policy Directive will be reviewed annually and revised as necessary. As with all MTA policies, MTA reserves the right to modify or rescind this Policy Directive at its sole discretion at any time.

VIII. FORMS AND REFERENCES

- A. The Reasonable Accommodations for Job Applicants, Employees with a Disability, or a Pregnancy-Related Condition Policy (#11-066) is available on MTA All-Agency Policy Portal.
- B. The MTA Teleworking Acknowledgment – Regular and the MTA Teleworking Acknowledgment – Limited Non-Routine are available on My MTA Portal and the MTA All Agency Teleworking Program Policy (#11-078) is available on the MTA Policy Portal.
- C. The MTA All Agency Computer Use Policy (#11-033) is available on the MTA Policy Portal.
- D. Technology Guidelines for Employees Approved to Telework is available on the MTA Policy Portal.
- E. The MTA All Agency Cybersecurity Policy (#11-079) is available on the MTA Policy Portal.