The purpose of this bulletin is to provide guidance for state agencies to create and support employee wellness and employee assistance program (EAP) initiatives, including senior-level support, administrative infrastructure, staff or committee options, programming options, access to State vendor services, employee participation, management guidelines, privacy/confidentiality, and explanation and application of state, federal, and tax laws.

This is a re-issue and replacement of policy bulletin DPM-0448-EI (last released August 7, 2017) Enterprise Wellness Program. The bulletin includes an update to incorporate changes to roles and responsibilities and a new section – Supportive Policies.

SECTION 1   DEFINITIONS

**Employee Assistance Program (EAP):** A workplace-based program designed to assist in the prevention, early identification, and resolution of employees' personal or work-related issues that may affect attendance, productivity, or work performance. Services include assessment, counseling, referrals to medical, mental, and community providers, management consultation, critical incident response, grief counseling, and conflict resolution. Services are provided to employees and their household family members.

**Enterprise Employee Assistance Program (EAP) Advisory Committee:** The committee serves as an advisory board to the Division of Personnel Management and is responsible for advising, assisting, supporting and advocating for the EAP across Wisconsin state government. Membership of the committee is made up of at least one contact from each agency or region as designated by the human resources manager.

**Health equity:** Fairness in the distribution of resources and the freedom to achieve healthy outcomes between groups with differing levels of social disadvantage. It also means “a fair opportunity to attain full health potential and, more pragmatically, that no one should be disadvantaged from achieving this potential when avoidable.”

**WAM:** A reference to the Wisconsin Accounting Manual.
Wellness Council of America (WELCOA): WELCOA is a nationally recognized organization focused on providing tools, resources, and best practices on workplace well-being and is considered the gold standard for workplace wellness best practices and guidelines.

Wellness Council Community of Practice: The Wellness Council Community of Practice, also referenced as the “Wellness Council” or “Wellness CoP”, is an enterprise council made up of the appointed Wellness Champion that represents each state agency, designees or regional wellness leaders. Facilitated by the Enterprise Wellness and EAP Coordinator, the council’s purpose is to collaborate, develop and innovate inclusive wellness practices that support agency’s goals and priorities.

Wellness: Adapted from the Wellness Council of America definition, Wellness is defined as the active pursuit to understand and fulfill your individual human needs -- which allows you to reach a state where you are flourishing and able to realize your full potential in all aspects of life including health, meaning, safety, connection, achievement, growth, and resiliency.

Well Wisconsin: A program designed to improve employees’ health and well-being through education and activities that support a healthy lifestyle. Services include a comprehensive health assessment, biometric health screenings, flu vaccines, health coaching, disease management, online interactive tools, educational modules, podcasts, tracking applications, group challenges, and a monetary incentive. Access to the portal and educational materials are provided to all State agency employees. Other services (biometric health screening, flu vaccines, health coaching, disease management, and the incentive) are only offered to State employees, spouses, and partners enrolled in the State of Wisconsin Group Health Insurance Program.

SECTION 2       VOLUNTARY NOTICE & PRIVACY STATEMENT
All wellness and EAP programs are voluntary. Employees will not be directed to participate, penalized for not participating, or pressured or coerced into participating in any programs or services. Further, employees do not have to report or share their participation with their co-workers or supervisor.

All personal health information (PHI) shared with third-party program administrators is kept private and confidential. PHI is not sold or shared with any entity without the employee's permission.

Agencies and State vendors must adhere to applicable state, and federal privacy laws, including the Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA), Genetic Information Nondiscrimination Act (GINA), and the Equal Employment Opportunity Commission (EEOC) rules regarding wellness and employee assistance programs. Contact the Division of Personnel Management Wellness Coordinator to receive the most up-to-date copies of state vendor privacy notices.
Aggregate reports for the Well Wisconsin Program and EAP are provided to the employer by the vendor(s). This data is at a population level and does not contain any identifying information. No individual PHI is shared with the employer.

The employee's name will be shared with the employer for the Well Wisconsin Program if the incentive is completed for payroll tax purposes. No other PHI is shared. For the EAP, confidentiality may be breached if the employee is at risk of harming themselves or others, a state agency or State operations are at risk, or a court subpoena is issued.

All efforts are expected to maintain employee confidentiality for any programs or initiatives developed by a state agency.

SECTION 3 REASONABLE ACCOMMODATIONS
All benefit-eligible employees have access to the same health benefits; however, agencies must consider health equity in developing and executing wellness programs. This consideration would include ensuring that programs are accessible by persons of all abilities, cultures, work locations, work schedules, and other distinctiveness.

All wellness programs should provide reasonable accommodations to enable all employees to benefit from wellness initiatives. Agencies are responsible for providing reasonable accommodations for all agency-sponsored wellness programs.

SECTION 4 RESPONSIBILITY
A. Enterprise Wellness and EAP Coordinator
   The Division of Personnel Management Enterprise Wellness and EAP Coordinator is responsible for establishing enterprise reaching framework and supporting wellness-related initiatives within each State agency. The coordinator provides best practice recommendations, consultation, and support to agencies in developing and maintaining worksite wellness initiatives and ideas. Other duties include:
   1. Development of yearly wellness model/plan to set a framework for uniform wellness information across state agencies.
   2. Technical support and consultation for state agency wellness programs and initiatives.
   3. Wellness and EAP policy development and guidance.
   4. Liaison between Employee Trust Funds (ETF) and Well Wisconsin vendor and agency contacts.
   5. Contract manager for EAP Program.

B. Agency Infrastructure
   Each agency is responsible for establishing an internal structure to support employee wellness based on enterprise guidance.
1. **Agency Wellness Coordinator**
   Each agency shall designate a Wellness Coordinator, also known as Wellness Champion. The Wellness Champion is responsible for:
   a. Regular attendance at Enterprise Wellness Council meetings.
   b. Serving as a contact for wellness messaging and information from the Division of Personnel Management (DPM), ETF, and the Well Wisconsin program administrator.
   c. Serving as a contact for employees to ask wellness program and services-related questions.
   d. Communicating and promoting wellness programs and services across the agency (i.e., post to the intranet, send emails, manage agency wellness communications.)
   e. Coordinating or delegating coordination of onsite biometric screenings and vaccine clinics as needed.
   f. Setting goals and developing a plan in collaboration with agency partners to support the advancement of employee well-being.
   g. Reviewing annual aggregate wellness data reports.
   h. Fostering relationships and meeting with agency Human Resources and agency Equity and Inclusion officers annually.

   Agencies are encouraged to create paid, full-time or part-time positions dedicated fully to Wellness and EAP. If paid positions are not available, it is suggested that the Wellness Champion responsibilities be incorporated into the position description for the designee. Wellness Champions require a minimum of six hours per month to implement the department's wellness plan.

2. **Agency EAP Coordinator**
   Each agency shall designate an EAP Coordinator. Agencies may choose to designate both Wellness and EAP responsibilities to the same person. The EAP Coordinator is minimally responsible for:
   a. Attending Enterprise EAP Advisory Committee quarterly meetings.
   b. Serving as a contact for EAP messaging and information from DPM or the vendor.
   c. Serving as a contact for employees and management to inquire about EAP questions.
   d. Managing multi-purpose training and critical incident response hours.
   e. Communicating and promoting EAP services across the agency (i.e., post to the intranet, send emails, and manage communications).
   f. Provide coordination or instruction to managers to organize onsite EAP services (e.g., attendance at health fairs, group training, critical incident response, grief support, or debrief group meetings).
   g. Review annual aggregate reports from the vendor.
3. **Agency Committees**

The best practice recommendation is that each agency establish a dedicated wellness committee, EAP committee, or combination of the two to assist in planning and executing agency wellness initiatives and strategies. While it is not required for each agency to have a committee dedicated to Wellness and EAP, at minimum, wellness goals and strategies must be included as part of an existing committee’s charter. For example, an agency may incorporate wellness discussions as part of its equity and inclusion committee, employee engagement, or other groups within the agency.

Further recommendations for wellness-focused committees are as follows:

a. Work in collaboration with agency leadership and other strategic partners (e.g., Equity and Inclusion, Employee Engagement, Health, and Safety) to holistically support employee wellness.

b. Review data, policies, and agency priorities to inform wellness-related programs and services for the agency.

c. Meet, at minimum, every quarter.

d. Ensure that the committee is comprised of employees from all divisions and locations of the agency.

e. Develop data-supported goals and strategies to support the wellness of agency employees.

4. **Agency Partners**

In addition to the appointment of a Wellness Champion, agencies should consider the involvement of other partners across the agency:

a. Executive level sponsor (Secretary’s Office, Division Leadership)

b. Human Resources leadership support

c. Partner with related initiatives or committees (e.g., Equity & Inclusion, Health, and Safety, Peer Support, employee engagement).

**SECTION 5 STRATEGY, DATA & PROGRAMMING**

Wellness programming within Wisconsin State Government is comprised of many layers, which include vendors who support the programs, the Department of Administration, the Division of Personnel Management, and agency-specific efforts. To provide clarity around how these program pieces work and interact, here is a brief description of how each piece functions:

**A. Well Wisconsin Program Vendor:**

1. Health coaching
2. Biometric screenings and flu clinics
3. Educational sessions
4. Webinars or podcasts
5. Wellness challenges
6. Online and application-based health tools and trackers
7. Incentive program administration
8. Attendance at health fairs, onsite or virtual presentations/demonstrations

B. EAP Vendor:
1. Webinars
2. E-newsletters, articles, or blog posts
3. Training (in-person and online)
4. Attendance at health fairs
5. Critical incident (grief or debrief) meetings
6. Management consulting sessions

C. Department of Administration, Division of Personnel Management:
1. Annual wellness model
2. Monthly newsletter
3. Monthly promotional and support materials
4. Topic-specific resources
5. Training
6. Policy development
7. Consultation and best practice recommendations

D. Agency Wellness:
1. Coordinating health fairs
2. Scheduling of biometric screening and vaccine clinics
3. Coordinating blood drives
4. Agency-specific challenges or health campaigns
5. Seminars/training (lunch and learn talks or presentations, etc.)
6. Scheduling of onsite or virtual fitness or meditation/relaxation classes
7. Promotion of agency wellness efforts
8. Other facility amenities (e.g., scale, blood pressure cuff, fitness rooms, locker room, walking trails or routes, yoga/meditation room supplies, and mother's rooms).

Each agency is encouraged to create a strategic approach to Wellness and EAP, including data collection, planning, implementation, and evaluation of their initiatives. The state follows the best practice guidelines for employer wellness outlined by the Wellness Council of America’s (WELCOA) Seven Benchmarks.

The Enterprise Wellness and EAP Coordinator will assist these efforts by providing each agency with an annual wellness model to provide guidance and support with wellness efforts. The yearly aggregate reports from the vendors will offer consultation, guidance, and resources to assist with program planning. Each agency is encouraged to coordinate additional events or services that cater to the needs and interests of their employees based on data gathered by the agency.
SECTION 6  FINANCIAL RESOURCES
State agencies may fund wellness efforts as their budgets allow. All funds must be in pursuance of an appropriation by law. (Wisconsin Constitution VIII, §2)

Since funding for wellness programs is rarely budgeted in state agencies, it is permissible for employees to use or pool personal funds to finance wellness activities that occur during break times, before and after work. While employees may use personal funds to pay for wellness activities hosted at the worksite, they may not be processed through state accounts. Recommended best practice for employee-funded class(es) or events would be for each employee to pay for services directly to the instructor or vendor. This practice will help avoid any confusion on the appropriation of personal money.

The Department of Employee Trust Funds often provides funding to support state agency wellness initiatives through annual wellness grants. Guidelines and applications may vary from year to year. Please contact the DPM Wellness Coordinator for further information on ETF Wellness Grant funding.

A. Application of Financial Resources
   1. Wellness Services

   Each agency has the flexibility to choose the wellness services that best meet its needs. The level and variety of these services may vary across agencies as physical space, security precautions, funds, and other factors may influence the ability to host certain programs.

   Services such as yoga or fitness classes should comply with current facility requirements, along with liability and procurement guidelines referenced in this bulletin.

   a. All wellness services purchased by state funds over $5,000 and up to $50,000 must go through a simplified bid process. Requests for services over $50,000 must go through a formal bid process. (State Procurement Manual PRO-101 and PRO-303)

   b. All wellness services purchased by state funds for $5,000 or less require no formal bid process; however, good stewardship of resources is expected. (State Procurement Manual PRO-101)

   2. Incentives and Prizes

   It is permissible for incentives and prizes to be purchased as part of an agency’s worksite wellness program. Incentives and prizes must comply with the guidelines as detailed by the State Code of Ethics and the Wisconsin Accounting Manual (WAM 06-06). Examples include:

   a. Incentives and prizes are limited to non-cash and non-gift card items and must be of nominal value (under $40).

   b. Items must be work-appropriate, and funds may not be used to purchase tickets, food, meals, personal items, or entertainment.
c. Before purchasing awards, agencies should establish a review and approval process for consistency and accountability.

SECTION 7 ETHICAL CONSIDERATIONS
Wellness Champions should be aware of the State Code of Ethics regarding state employees receiving donated or discounted items. The Code of Ethics prohibits state employees from soliciting or accepting money or anything of value if it could reasonably be expected to influence such employee's official actions or judgments or could reasonably be considered a reward for any official action or inaction on the part of such employee. (Wis. Admin. Code Ch. ER-MRS 24, Wis. Stats. s.19.45)
State employees are not to accept special discounts or services offered based on their employment status with the state. Employees may accept discounts that have been negotiated through the procurement process or available to the public.

State employees who are employed in a full-time position or capacity must comply with the regulations regarding dual employment if retained by an agency to provide additional services beyond the duties of their position. (Wis. Stats. s. 16.417) State public officials as defined in Wis. Stats. s. 19.42 (14), have separate limits and disclosure requirements that must be complied with (Wis. Stats. s. 19.45 (6)).

NOTE: Consult agency legal counsel on questions regarding the applicability of state ethics laws.

SECTION 8 USE OF STATE FACILITIES
Each agency may establish and operate wellness programs designed to promote and maintain employee health and wellness in state facilities (Wis. Stats. s. 16.845, Wis. Admin. Code Ch Adm 2). Agencies are encouraged to allow wellness activities in their facilities if:
- The use of facilities will not distract from the state operations within the building.
- The use of facilities is not scheduled during times when the facility is not regularly open.

Due to the variance in each Department of Administration, Division of Facilities and Transportation Services (DFTS) owned buildings, wellness champions or the requesting parties are responsible for reviewing the State of Wisconsin Facilities Tenant Manual. Wellness Champions should consult with the building manager when planning wellness-related events (i.e., flu clinics, onsite fitness classes, CSA's) and discuss the capability of the building to host the event and if any permits or further permissions need to be obtained.

For rented and leased facilities, wellness champions need to connect with the building manager to discuss the capability of the building to host the event and if any additional permits or permissions need to be obtained.
SECTION 9   LIABILITY
Each agency should work with its legal department to address any liability issues depending on the nature of the wellness activity. Since participation in wellness activities is voluntary, the state is not liable for injuries sustained to employees during their participation in these activities. An employee injury that occurs during non-paid time is not compensable under state workers' compensation laws. Agencies should inform employees of this information with reference to the Wisconsin Department of Workforce Development website (http://dwd.wisconsin.gov/).

A. Liability Considerations for Onsite Wellness Rooms
1. The agency's Risk Management and Safety Officer should be involved in developing wellness room areas to ensure that equipment and areas for wellness activities do not present hazardous conditions or undue risk.
2. Any fitness equipment with moveable parts, whether new or used, must be commercial or commercial-grade quality.
3. Each agency is responsible for developing routine maintenance schedules that coincide with manufacturer guidelines for all equipment with moveable parts.

B. Considerations for Onsite and Virtual Physical Activity
For any class that will involve low to vigorous physical activity, it is recommended that the Wellness Champion work with the agency human resources director and legal counsel to determine the appropriate contract, agreement, and liability waivers necessary from both the instructor and employee participants. It is suggested that all instructors at minimum have/provide:
1. A formal training, certification, or education for the discipline in the discipline provided.
   a. Examples include certification in a specific type of fitness instruction or personal training or educational background in fitness, kinesiology, or related discipline.
2. Liability insurance
3. Valid CPR/First Aid Certification

SECTION 10   SUPPORTIVE POLICIES
One of the most cost-effective and simplest ways to support employees' physical and mental wellness is providing flexibility and autonomy in their work, as appropriate. This support is achieved through policies and best practice recommendations. In addition to the guidelines outlined in this bulletin, agencies should work internally to determine policies or procedures at the agency level to support the Wellness of employees.
A. Use of Time for Wellness Activities

1. Flexible Work Schedules: State entities will encourage employees to use flexible work schedules, when possible, to attend to their personal physical and mental well-being. (see Wis. Stats. ss. 230.215(1), (2)). To the extent possible, agencies may offer wellness activities before and after work and during lunch hours to minimize the impact on the routine workday. The following are examples of work and leave flexibilities that can be made available to employees:

   a. Leave and Other Paid Time Off
      Employees may request leave, leave without pay, or sick leave (as appropriate) to participate in wellness activities not sponsored by state agencies.

   b. Excused Absence
      In limited circumstances, agencies may provide short periods of excused absences for wellness activities and programs officially sponsored by and administered by the agency. These activities may include participation in an agency-sponsored onsite or virtual event, such as a biometric health screening, vaccine clinic, health fair, or wellness education session during their regularly scheduled work time without loss of pay. Employees are reminded that the decision to grant excused absences is a matter of supervisor discretion and approval and must be coordinated in advance. Staff time spent engaging in any onsite or virtual wellness or EAP event will not count towards an overtime calculation.

2. Supportive Policy Recommendations
   Agencies have the choice to implement a variety of policies that support employee wellness. Listed are types of policies that have been developed and have found success at state agencies across the enterprise:
   a. Use of work time for approved volunteer opportunities
   b. Use of work time for wellness activities
   c. Critical incident/crisis plan policy
   d. Peer support policies
   e. Wellness goal setting as part of annual performance review conversations
   f. Policies to support the use of the Employee Assistance program during work hours

SECTION 11  COMPUTER ACCESS
To the extent possible and within the limitations of a position, state agencies will make computers and email accounts available to employees to access wellness, EAP, and health plan information. If needed, employees may also request reasonable accommodation.
SECTION 12  MONITORING AND REVIEW
This bulletin may not be inclusive of all situations and programs. Questions or clarification regarding what is permissible under the terms of this bulletin should be directed to the Enterprise Wellness and EAP Coordinator for assistance.

The Enterprise and EAP Coordinator and volunteer members of the Enterprise Wellness Council will review this bulletin annually. The policy effectiveness is assessed through:

- Feedback from employees, Wellness and EAP champions, wellness council members, and management.
- A review of the policy by management to determine if objectives have been met and identify barriers and enablers to ongoing policy implementation.

### WELLNESS PROGRAM EXAMPLE INQUIRIES

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<tr>
<td>Discounted membership or services.</td>
<td>State employees are not to accept special discounts or services offered based on their employment status with the state. Employees may accept discounts that have been negotiated through the procurement process. Employees may accept a discount if the discount is also available to the public.</td>
<td>Wis. Admin. Code s. ER-MRS 24.04 (2)</td>
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<td>Examples include:</td>
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<td>• B-Cycle</td>
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<td>• Health Clubs</td>
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<td>• Weight loss service</td>
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<td>Wellness vendor (e.g., fitness instructor and educator) offers an introductory price for new clients.</td>
<td>If the vendor offers the discounted rate as an introductory rate for all new clients or if the instructor is running a special not related to an employee's employment status with the state, the employee may accept the discounted rate.</td>
<td>Wis. Admin. Code s. ER-MRS 24.04 (2)</td>
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| State employees provide wellness services for a fee. Examples include: | There are many talented employees in each state agency. We encourage employees to lead health initiatives if:  
- The employee holds necessary certifications and liability insurance for any service involving physical activity.  
- The employee has an appropriate background in subject matter for health education presentations or similar.  
- Compliant with all facility and liability requirements detailed in this bulletin.  
- Class is not during the paid time for both the employee instructor and employee participants.  
- Each participant has signed and submitted an activity waiver if the event involves physical activity. | Wis. Admin. Code s. ER-MRS 24.02 (2) (a)  
Wis. Stats. s. 16.845  
Wis. Admin. Code Ch. Adm 2  
State Procurement Manual: PRO-607  
Wis. Stats. s. 16.417  
Wis. Stats. s. 19.45 (6) |

Full-time state employees must comply with regulations regarding dual employment, and state public officials must comply with disclosure requirements as outlined by law.
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| State employee providing wellness services for no fee. | There are many talented employees in each state agency. We encourage employees to lead health initiatives if:  
- The employee holds necessary certifications and liability insurance for any service involving physical activity.  
- The employee has an appropriate background in the subject matter for health education presentations or similar.  
- Compliant with all facility and liability requirements detailed in this bulletin.  
- Class is not during the paid time for both the employee instructor and employee participants.  
- Each participant has signed and submitted an activity waiver if the event involves physical activity. | Wis. Stats. s. 16.845  
Wis. Admin. Code Ch. Adm 2  
State Procurement Manual: PRO-607 |
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<td>An outside vendor provides physical activity programs. Examples include:</td>
<td>Onsite physical activity programs encourage employees to be more active in their daily lives and provide numerous health benefits, including reduced risk of disease, reduced feelings of depression, and improved strength and stamina. Agencies should encourage employees to participate in these types of programs if:</td>
<td>Wis. Stats. s. 16.845 Wis. Admin. Code Ch. Adm 2 Wis. Stats. ss. 230.215 (1), (2) State Procurement Manual: PRO-101; PRO-607</td>
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<td>Aerobic Exercise classes</td>
<td>• The instructor holds necessary certifications and liability insurance.</td>
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<td>Weight lifting instruction</td>
<td>• Compliant with all facility and liability requirements detailed in this bulletin.</td>
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<td>Stretching classes</td>
<td>• Class is attended during non-paid time or approval to attend is obtained from a supervisor.</td>
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<td>Onsite Fitness Classes</td>
<td>• Each participant has signed and submitted an activity waiver.</td>
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| An outside vendor provides health education programs. Examples include:  
  - Disease/health risk management  
  - Webinars  
  - Lunch and learns  
  - Smoking cessation  
  - Diet/nutrition  
  - Mental health and stress management  
  - Back care  
  - Weight control  
  - Exercise  
  - Substance abuse | Onsite health education programs and seminars are an essential piece in the health and culture of the workforce. Agencies should encourage employees to participate in these types of programs if:  
  - The vendor has an appropriate background in the subject matter for health education presentations or similar.  
  - Space is reserved before the session.  
  - Class is attended during non-paid time or approval to attend is obtained from a supervisor.  
  - Compliant with all facility and liability requirements detailed in this bulletin. | Wis. Stats. s. 16.845  
Wis. Admin. Code Ch. Adm 2  
Wis. Stats. ss. 230.215 (1), (2).  
State Procurement Manual: PRO-101 PRO-607 |
| Onsite wellness clubs/activity groups. Examples include:  
  - Walking clubs  
  - Running clubs  
  - Biking clubs  
  - Knitting groups  
  - Guitar clubs | Formal and informal clubs and groups are excellent ways for employees to interact and work collectively towards a specific goal. Clubs and activity groups are encouraged if:  
  - Employees participate during non-paid time or obtain approval to attend from a supervisor.  
  - Compliant with all facility and liability requirements detailed in this bulletin if hosted on state property. | Wis. Stats. ss. 230.215 (1), (2);  
Wis. Stats. s. 16.845  
Wis. Admin. Code Ch. Adm 2 |
Onsite Community Supported Agriculture (CSA) program (or similar).

CSA programs help support local businesses, but also provide a convenient way for employees to obtain healthy, seasonal foods. CSA or similar programs are encouraged if:

- Compliant with all facility requirements detailed in this bulletin.
- Compliant with the procurement process.

Questions regarding this directive may be directed to:

Laurice McGinnis Lincoln, Director
Bureau of Equity and Inclusion
Executive Human Resources Manager
(608) 266-3017
Laurice.Lincoln@Wisconsin.gov

Malika Evanco, Administrator
Division of Personnel Management

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State Procurement Manual: PRO-101 |