Wisconsin Human Resources Handbook

Chapter 746

Alternative Work Patterns and Telecommuting

Sec. 746.010 Introduction

The purpose of this chapter is to provide guidance to agencies and appointing authorities to develop and implement Alternative Work Patterns, Telecommuting and Short-Term Telecommuting (STT) policies for employees. All policies developed are intended to ensure that all employees are treated equitably and consistently in the matter of scheduling.

Sec. 746.020 Statutory and Rule Authority

1. “[E]mployment practices which provide flexibility in scheduling hours of work often result in increased worker production, reduced absenteeism, improved employee morale and a more economical and efficient use of energy, highways and other transit systems.” s. 230.215(1)(a), Wis. Stats.

2. “[I]t is the intent of the legislature that all agencies of state government participate in developing and creating flexible-time schedules, additional permanent part-time positions and other alternative work patterns in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees.” s. 230.215(1)(d), Wis. Stats.

3. “In this subsection ‘flexible-time’ schedule means a work schedule which includes required days or hours during which an employee subject to the work schedule must be present for work and designated hours during which the employee, with approval of his or her supervisor, may elect a time of arrival to and departure from work. Every agency shall develop a plan for the establishment of employee flexible-time schedules. The plan shall attempt to maximize efficiency of agency operations, the level of services to the public, energy conservation and employee productivity and shall consider traffic congestion, transit facilities and other relevant factors.” s. 230.215(2), Wis. Stats.

4. “Monday to Friday the offices of the agencies of state government shall open at 7:45 a.m. and close at 4:30 p.m., with intermissions from 11:45 a.m. to 12:30 p.m. Agencies may, with the permission of the governor, adjust opening and closing hours and intermission periods to relieve traffic congestion or as the needs of the service otherwise require.” s. 230.35(4)(f), Wis. Stats.

5. “Recognizing the need to maximize the employment options available to existing and potential state employees and to maintain or increase agency efficiency and service to the public, it is the policy of the state
to provide alternative work patterns in a manner consistent with the needs of state service.” s. ER 42.01, Wis. Adm. Code.

6. “Each agency plan under s. ER 42.03 shall include the following components:

   (1) A policy statement which affirms the commitment of the appointing authority to ensure that written requests of employees for alternative work patterns shall be approved in accordance with the agency approved plan, state policy under s. ER 42.01 and s. 230.215, Stats., and standards established by the administrator.
   (2) An analysis of employee interest in alternative work patterns, including the extent to which the agency has been able to accommodate written requests for alternative work patterns.
   (3) Identification of state and agency policies and practices which impede development or implementation of alternative work patterns policies or procedures.
   (4) An update of policies initiated or actions taken which have affected positions identified for alternative work patterns, including the restructuring of positions and the rationale for that action.
   (5) An evaluation of the agency's performance in implementing the provisions and achievement of the goals of the previous plan.
   (6) Appointment of an alternative work patterns coordinator within the agency personnel office.
   (7) Description of programs to inform all employees of the agency's alternative work patterns policy statements and plan.
   (8) Identification of a system for regularly monitoring the effectiveness and progress of the program in meeting the plan objectives, including identification of mechanisms for updating and modification of the program.”

s. ER 42.04, Wis. Adm. Code.

Sec. 746.030 Definitions

For purposes of this chapter, terms are defined as follows:

1. “Alternative work patterns” means work schedules which differ from the standard work schedule for full-time permanent or project employment, including but not limited to: part-time, shared time and flexible-time schedules which may result from position restructuring, the creation of additional part-time positions, or other work schedule changes. s. ER 42.02(1), Wis. Adm. Code

2. “Flexible-time schedule” means a work schedule which includes designated hours during which the employee may, with the approval of the supervisor and under work unit plans approved by the appointing authority, elect an alternative time of arrival for and departure from work. It may also include required days or hours during which an employee subject to the work schedule must be present for work. s. ER 42.02(2), Wis. Adm. Code

3. “Formal Telecommuting Arrangement” refers to established, indefinite arrangements expected to last longer than six months.

4. “Shared time” means coordinated permanent or project part-time employment involving 2 or more persons sharing the same duties and responsibilities of a budgeted position. s. ER 42.02(7), Wis. Adm. Code

5. “Short-Term Telecommuting” means a temporary telecommuting arrangement of up to six months.

6. “Standard work schedule” means the typical designation and duration of work hours for a given position in an employing unit. s. ER 42.02(8), Wis. Adm. Code
7. “Telecommuting” refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities as determined by the supervisor, from an approved alternate worksite other than the employee’s primary main office, one or more days per week on a standard and recurring basis.

Sec. 746.040 Alternative Work Patterns

Section 230.215, Wis. Stats., requires state agencies to participate in developing and creating alternative work patterns (AWP) policies in order to maximize, in a manner consistent with the needs of state service, the employment options available to existing and potential state employees. The AWP program may include flexible-time schedules, creating additional part-time opportunities from full-time positions, and other alternative work patterns agencies determine are consistent with operational needs.

Agencies are required to have policies that establish and regulate alternative work patterns. These policies will constitute the agency’s plan as required under s. ER 42.03, Wis. Adm. Code. The policies must include the components specified in s. ER 42.04, Wis. Adm. Code. Approval of the plans has been delegated to agency heads effective June 4, 2020. The Division of Personnel Management (DPM) Administrator reserves the right to revoke delegation at any time.

Agency plans must be reviewed on at least a biennial basis and updated as needed. Agencies are required to submit copies of approved plans to DPM on at least a biennial basis.

Agency Policy Requirements

Agency AWP policies must include and/or comply with the following:

1. Agency policies must comply with the provisions of the Fair Labor Standards Act, Americans with Disabilities Act, federal Family and Medical Leave Act (FMLA), Wisconsin Family and Medical Leave Act (WFMLA), Wisconsin Administrative Code, and collective bargaining agreements, as applicable.

2. Policies must specify the procedure for employees to submit AWP requests, including who has authority to approve requests.

3. Decisions to establish, modify, or end AWP must be based on operational needs and cannot be arbitrary or capricious.

4. Reasonable notice must be given, where practicable or unless by mutual agreement, before changing or ending an approved AWP. Reasonable notice in this case is at least 3 working days.

5. Administrative offices must remain open for the statutorily required hours from 7:45 a.m. to 4:30 p.m. and reasonable staffing must continue to be provided during those hours.

A sample template is attached to the end of this chapter to assist in establishing or updating an agency Alternative Work Pattern policy. Agencies should modify the template to reflect operational needs.
Sec. 746.050 Telecommuting

This handbook chapter provides guidance for agencies to establish policies for administering short-term and formal telecommuting programs. It does not address occasional or ad hoc telecommuting that may be permitted in accordance with agency policies.

Telecommuting is a management option; it is not an employee entitlement. Agencies may require telecommuting as a condition of hire. The operational needs of the state, the mission of the agency, and the goals and responsibilities of a specific program and its employees should determine the extent to which telecommuting is utilized.

Formal telecommuting refers to arrangements where an employee works at home or another alternative worksite away from the employee’s normal worksite for an extended period greater than six months. It does not include fieldwork.

Short-term telecommuting (STT) refers to arrangements up to six months in duration. Short-term telecommuting agreements may be useful during emergency situations such as a pandemic or building closure, when the state needs to maintain operations while minimizing risk to employees. Agencies are encouraged to consider implementing a STT policy or incorporating a section into their formal telecommuting policy that can be used during a critical event to ensure the maintenance of mission essential functions.

Agency Policy Requirements

Agency telecommuting policies must include and/or comply with the following:

1. Request, approval, and agreement procedures for both short-term and formal telecommuting arrangements.

2. Decisions to establish, modify, or end telecommuting agreements must be based on operational needs and cannot be arbitrary or capricious.

3. Reasonable notice must be given, where practicable or unless by mutual agreement, before changing or ending an approved telecommuting agreement. Reasonable notice in this case is at least 3 working days.

4. Agency policies will be administered in accordance with the provisions of the Fair Labor Standards Act, Americans with Disabilities Act, federal Family and Medical Leave Act (FMLA), Wisconsin Family and Medical Leave Act (WFMLA), Wisconsin Administrative Code, and collective bargaining agreements, as applicable.

5. Agency policies must comply with all applicable risk management and IT security requirements. The most recent risk management guidance is available from the Department of Administration’s Bureau of Risk Management (State of Wisconsin Telecommuting Guidelines).

6. Telecommuting does not affect or change an employee’s conditions of employment, salary, or benefits.

7. Employees who are not FLSA-exempt must report actual hours worked. All employees may not work overtime or generate differentials (night/weekend pay, etc.) without supervisor approval in advance of the night, weekend or overtime work being performed.

8. In all cases of work at home, the employee will be covered by the agency’s work rules and the Code of Ethics. Work-related accidents must be reported to the supervisor as soon as possible.

9. Employees on a telecommuting agreement must be available by telephone during their normal work hours.

10. Sick leave and other paid time off may be used during a telecommuting agreement, subject to the same notification, approval, and reporting requirement as if the employee were working at their regular work location.
11. Employees may not host business functions or visitors in their home during the telecommuting arrangement.

12. Telecommuting may not be used to provide child or other dependent care needs during an employee’s work hours.

A sample template is provided at the end of this chapter to assist in establishing or updating of an agency Telecommuting policy. Agencies should modify the template to reflect operational needs.

**Sec. 746.060 Employee Eligibility**

There are a variety of factors agencies must consider when determining which employees will be eligible to participate in telework programs. Additional consideration should be given to each of the following:

1. **Job Responsibilities and Contacts**
   a. Does the employee’s job lend itself to working from an alternate worksite?
   b. Do the employee’s job duties require being physically located at the primary worksite to provide face-to-face services to internal and external customers?
   c. Is the employee required to be at the primary worksite on a regular basis for meetings, teleconferences, etc.?
   d. Does the employee’s job involve field work or travel?
   e. Would telecommuting cause an undue burden to employees who remain at the primary worksite?

2. **Job Knowledge and Reference Materials**
   a. Does the employee have the necessary knowledge to perform the required job tasks at an alternate location?
   b. Does the employee need close supervision or input from others that is only available at the worksite?
   c. Does the employee need to be present at the primary worksite to access reference materials or resources to accomplish job activities?

3. **Employee Characteristics and Performance**
   a. Is the employee reliable in completing work assignments?
   b. Is the employee motivated and self-directed?
   c. Does the employee demonstrate an ability to establish priorities and effectively manage their time?
   d. Does the employee have any performance-related issues?

4. **Equipment and Supplies**
   a. Is there a burden for the division to provide necessary equipment and supplies at the alternate worksite in order for the employee to accomplish work activities?
   b. Does the employee have adequate hardware components in place if a connection to the Local Area Network/mainframe is required?
   c. Does the employee have adequate internet and telephone access to accomplish work activities in a timely manner?
   d. Can the employee establish and maintain an acceptable and safe alternate worksite?
   e. Can the employee establish, operate and maintain the home office and equipment at the alternate worksite?

5. **Information Security and Confidentiality**
   a. What portion of the job responsibilities uses secured or otherwise confidential information?
   b. Is the employee able to abide by security and confidentiality policies if information is taken to or accessed from the alternate worksite?
Sec. 746.070  Documentation

Agencies may require employees to submit requests for an AWP or Telecommuting arrangement using an official agency form. Once an AWP is approved for an employee, an AWP Acknowledgment must be signed by the employee and supervisor. (See Attachment #2 for a sample form.) The AWP Acknowledgement, along with any additional documentation of the alternative work schedule will be placed in the employee’s Personnel File (P-file).

Telecommuting agreements must be in writing and will address factors such as: schedule of telecommuting, specific duties and responsibilities of the job, existing workload demands, adequate staffing, work safety, customer service, employee performance, ability to monitor work product, and any other operational needs of the agency. (See Attachment #4 for a sample form.) Telecommuting agreements will be placed in the employee’s P-file.

Sec. 746.080  Records Retention While Telecommuting

Records are defined in s. 16.61(2)(b), Wis. Stats., as, "all books, papers, maps, photographs, films, recordings, optical discs, electronically formatted documents, or other documentary materials, regardless of physical form or characteristics, made or received by any state agency or its officers or employees in connection with the transaction of public business…" Wisconsin Statute s. 19.21(1) specifies that public records include, "all property and things received from the officer's predecessor or other persons and required by law to be filed, deposited, or kept in the officer's office, or which are in the lawful possession or control of the officer or the officer's deputies."

Telecommuting employees working from an approved alternate worksite have the same responsibility for managing records generated or received in the course of their work as if they are working in their official agency office. Any applicable statewide General Records Schedule or agency specific Record Disposition Authorization will be followed. Employees are responsible for ensuring all records created or received while teleworking remain in their custody at all times, and that the proper safeguards are in place to protect records. Unauthorized individuals (e.g., non-government employees, family members, etc.) are not permitted to handle agency records. All business should be conducted utilizing state issued devices. In the instance, work is completed using a device not issued by the State of Wisconsin, the employee must return or electronically transmit all records back to the official worksite and incorporate those records into the official recordkeeping of the agency. The employee should also be advised that use of a personally owned devices (e.g., computer, smartphone, etc.), to conduct state business may subject the device to open records requests. As a result, the employee may be required to provide access to the personally owned device for the purpose of searching for and collecting records information.

Sec. 746.090  Administrative Information

This handbook chapter was published in June 2020 to provide guidance to agencies on developing or updating alternative work patterns and telecommuting policies. With the publication of this chapter, policy bulletin DPM-0517-AO on Short-Term Telecommuting Policy Guidelines is obsolete and should be discarded.
ATTACHMENT #1

ALTERNATIVE WORK PATTERNS POLICY TEMPLATE

A sample template is provided below to assist in the development of an agency Alternative Work Pattern policy. Agencies should modify the template to reflect operational needs.

1. Policy

Consistent with Wisconsin Administrative Code and State Statutes, the [Agency] recognizes the need to maximize the employment options available to existing employees, and to maintain or increase department efficiency and service to the public. Employment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, reduced absenteeism, and improved employee morale.

The purpose of this policy is to provide flexibility in the workplace while supporting the operational needs of each division. Nothing in this policy creates an entitlement or right for an employee to use Flextime or have an Alternative Work Pattern. Because the circumstances may vary depending on the employee's situation and the needs of the program area, each request will be handled on a case-by-case basis.

The program will be administered in accordance with the provisions of the Fair Labor Standards Act, Americans with Disabilities Act, federal Family and Medical Leave Act (FMLA), Wisconsin Family and Medical Leave Act (WFMLA), Wisconsin Administrative Code, and collective bargaining agreements, as applicable.

Note: This policy does not apply to the daily flexibility a supervisor may provide to an employee to adjust his or her schedule on an infrequent basis. This policy covers requests for a more formal schedule change such as a deviated work week or staggered hours that will be on-going.

2. General Definitions

a. Alternative Work Pattern

Work schedules which differ from the standard work schedule for full-time permanent or project employment, including but not limited to: part-time, shared time and flexible-time schedules which may result from position restructuring, the creation of additional part-time positions, or other work schedule changes. s. ER 42.02(1), Wis. Adm. Code

b. Core Work Hours

The hours in a workday when all staff are needed, when meetings are likely to be scheduled or customer contact is heaviest. [Agency] core hours are 9:00 a.m. to 3:00 p.m. First shift employee schedules should have a majority of hours within this timeframe.

c. Flextime

Flextime is a redesign or restructure of traditional work schedules that allows employees to work hours different from standard work hours. The [Department] supports the following flextime options and requires each division to have defined and approved flextime guidelines:

1) Fixed Schedule: When an employee works a schedule outside of traditional hours of work (e.g. 6:30 a.m. to 3:00 p.m. or 9:00 a.m. to 5:30 p.m. five days per week)
2) Compressed workweek: A flexible schedule where a full workweek is completed in fewer than five days by increasing the number of hours worked per day (e.g. Four 10-hour days)
3) Daily Flex-schedule: An ad-hoc flexible schedule where the employee may set their own work hours within limits established by the division policy and with supervisor approval.

d. Hours of Work

For traditional first shift positions, all hours worked should fall within the allowed daily schedule between 6:00 a.m. to 6:00 p.m. Monday through Friday. Prior approval must be given for work resulting in overtime or other supplemental pay.
e. **Operational Hours**
   The hours during which employees are allowed to use flextime (includes the core period). [Agency] defines the earliest time employees may arrive and the latest time they may leave as 6:00 a.m. to 6:00 p.m.

3. **Policy Guidelines**
   a. Administrative offices must remain open for the statutorily required hours from 7:45 a.m. to 4:30 p.m. and reasonable staffing must continue to be provided during those hours.
   
   b. Alternative work schedules may not be available to every staff member because of agency/facility staffing requirements.
   
   c. Alternative work schedules should not adversely affect service to the agency and its customers. Flexible scheduling should not be permitted if it causes a significant negative impact on other units or state agencies.
   
   d. The daily starting and ending time for an alternative work schedule shall not start prior to 6:00 a.m. nor end after 6:00 p.m. Starting times earlier than 6:00 a.m. and ending times later than 6:00 p.m. are considered exceptions and must be approved by the appointing authority or designee.
   
   e. For employees on flextime schedules, the “core hours” are 9:00 a.m. to 3:00 p.m. Anything outside these hours is considered an exception and must be approved by the appointing authority, or designee, and included in the plan.
   
   f. The standard work week for full-time employees on alternative work schedules is 40 hours per week for non-exempt employees pursuant to the Fair Labor Standards Act. Exempt employees may establish a work schedule that consists of 80 hours over a two-week pay period.
   
   g. The maximum hours an individual should be approved to work as a formal alternative work schedule is 10 hours per 24-hour period. Exceptions to this may only be made by the appointing authority, or designee, and should be approved only in limited circumstances.
   
   h. Alternative work schedules are acceptable for employees who are non-exempt from the Fair Labor Standards Act (FLSA) provided they do not exceed 40 hours in a week. For example, a non-exempt employee may work four 10-hour days each week, but they cannot work a schedule with 36 hours in the first week and 44 hours in the second week.
   
   i. Proper supervision must be maintained.
   
   j. Alternative work schedules may not create a need for additional staff, nor should it cause a unit’s employees to generate overtime or earn night and weekend differentials.
   
   k. Breaks are a normal part of the work schedule and cannot be accumulated or otherwise included in the computation of lunch periods or starting and ending times.
   
   l. Employees participating in an alternative work schedule are not permitted to work through lunch periods. Unpaid lunch periods must be a minimum of 30 minutes in duration.
   
   m. If a holiday falls on a scheduled workday, an employee scheduled to work more than eight hours that day must charge vacation, or personal holiday to account for the holiday time over eight hours. If a holiday occurs on an employee’s scheduled day off, the employee is given credit for eight hours that may be used as a holiday at a later date.
   
   n. Alternate work schedules must be effective at the beginning of a pay period.
Employees may be required to adjust their alternative work schedule to attend conferences, meetings, or to meet workload requirements.

The employee requesting an alternate work schedule must be meeting all performance expectations in their current role, and consistently demonstrate the ability to complete tasks and assignments on a timely basis.

Employees with managerial or supervisory oversight of staff approved for an alternative work schedule should vary their work hours periodically to provide supervision to all staff.

4. Procedures

All divisions, bureaus, and institutions within the [Agency] are eligible to participate in alternative work scheduling subject to approval from the division administrator or designee. Each Division shall determine which alternative work schedules, if any, are available for employees. Specific positions and/or work units may be excluded on a permanent or temporary basis because of workload and/or program requirements. Exclusions must be identified in the written work-schedule plans.

a. Requesting an alternative work schedule
   1) An employee may request an alternate work schedule by submitting a request to their immediate supervisor. [Agencies may require completion of a request form]
   2) The supervisor will evaluate the request against the criteria of this policy and the needs of the program.
   3) The supervisor will make a recommendation to the appointing authority for approval or denial and forward the request to the appointing authority for a final decision.
   4) Alternative work patterns may not begin without final approval.
   5) If approved, the employee must read and sign an Alternative Work Patterns Acknowledgement form. (See Attachment #2 for a sample form)
   6) If the request is denied, the supervisor shall meet with the employee to explain the reason for the denial.

b. Management assignment of alternative work schedules
   1) When the needs of a work unit require the staggering of shifts (including break and meal periods), supervisors may assign staff to different schedules. Supervisors should consult with employees to determine if there are concerns with carpools, mass transit, or other factors that may impact their work schedule. Whenever practicable, a minimum of five (5) calendar day notice will be provided to the employee.

c. Evaluation of alternative work schedules
   1) All alternative work schedules will be preliminary approved for a three to six-month period. After successful completion of the initial period, the supervisor will review the alternative work schedule with the employee at least annually to ensure it continues to meet operational needs.
   2) As part of an employee’s annual performance evaluation, supervisors will review and determine the continued appropriateness of the alternative work schedule.

d. Termination of alternative work schedules
   1) Alternative work schedules may be ended by the division based on operational needs or performance issues. Management may end or change the work pattern at any time but should not do so arbitrarily. Whenever practicable, a minimum of five (5) calendar day notice will be provided to the employee.
   2) Employees who want to cancel their alternative work schedule and revert to the standard office hours of 7:45 a.m. to 4:30 p.m. must provide a two week notice to their supervisor.
SAMPLE ALTERNATIVE WORK PATTERN ACKNOWLEDGEMENT FORM

This acknowledgment applies to Alternative Work Schedules as defined in the [Agency] Alternative Work Patterns policy.

I acknowledge that I have received adequate time to review and read the contents of the [Agency] Alternative Work Patterns policy and division guidelines, if applicable.

I have read and understand each section of the Alternative Work Patterns policy and my division guidelines, if applicable.

I am aware that it is my responsibility to become acquainted with and follow all policies and procedures detailed in the Alternative Work Patterns policy and division guidelines, if applicable.

I understand that it is my responsibility to keep abreast of any changes or modifications that are made to the Alternative Work Pattern policy and division guidelines, if applicable.

I understand that it is my responsibility to have in writing the schedule mutually agreed to with my Supervisor prior to signing this acknowledgment form.

_________________________________________________________________________  ______________________________________________________________________

Name of Employee               Position
(please type or print)

_________________________________________________________________________  ______________________________________________________________________

Employee Signature               Date

Notes: Input and/or division options or comments on the alternative work patterns.

Please return completed and signed form to your immediate supervisor.
ATTACHMENT #3

TELECOMMUTING POLICY TEMPLATE

A sample template is provided below to assist in the development of an agency Telecommuting policy. Agencies should modify the template to reflect operational needs.

1. Policy

Consistent with Wisconsin Administrative Code and State Statutes, the [Agency] recognizes the benefits of a variety of work patterns for employees when both program and employee needs can be met. The [Agency] supports the use of telecommuting as useful management work options and appropriate within the terms and conditions set forth below.

Telecommuting refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position, and other authorized activities as determined by the supervisor, from an approved alternate worksite other than the employee’s primary main office, one or more days per week on a standard and recurring basis. An approved alternate worksite may be the employee’s home or other location. Telecommuting agreements are formalized and reviewed on a continual basis.

Short-Term Telecommuting (STT) arrangements enable agency managers to authorize temporary work at home arrangements which may be useful during emergency situations, such as a pandemic or building closure, when the state needs to maintain operations while minimizing risks to employees.

Nothing in this policy creates an entitlement or right for an employee to use occasional telecommuting, short-term telecommuting or scheduled telecommuting. While agency employees who meet performance goals and expectations are generally eligible for consideration to participate, the duties and responsibilities of some positions may preclude participation in a telecommuting program. Because the circumstances may vary depending on the employee's situation, each request will be handled on a case-by-case basis. This policy is not intended to accommodate space problems or temporary employment.

The program will be administered in accordance with the provisions of the Fair Labor Standards Act, Americans with Disabilities Act, federal Family and Medical Leave Act (FMLA), Wisconsin Family and Medical Leave Act (WFMLA), Wisconsin Administrative Code, and collective bargaining agreements, as applicable.

2. General Definitions

a. Employee Availability
   The employee must be available by phone and email during their scheduled work hours. Employees must check for emails and phone messages as if they were on a standard work schedule and/or working in the office.

b. Hours of Work
   For traditional first shift positions, all hours worked should fall within the allowed daily schedule between 6:00 a.m. to 6:00 p.m. Monday through Friday. Prior approval must be given for work resulting in overtime or other supplemental pay.

c. Occasional Telecommuting
   This involves periodic work away from the employee’s main office on a non-standard or non-recurring basis. This type of work is approved on a case-by-case basis at the discretion of the supervisor. Examples of this type of work would include assignments that require uninterrupted blocks of time for drafting or reviewing reports.

d. Scheduled Telecommuting
   This involves regular work away from the employee’s main office, one or more days per week, at
home or another alternate work site. This is typically an arrangement that permits employees to regularly work off-site part of a work week. An example would be an employee who works a full forty-hour work week, with four days of work being performed in the office and one day of work being performed at an alternate work site. Typically, the days of work performed in the office and at the alternate work site would be a set day/s of the week.

e. **Short-Term Telecommuting**
This involves work away from the employee’s main office, at home or another alternate worksite during emergency situations, such as a pandemic or building closure. Employees on a STT agreement are expected to work their normal work schedule for the duration of the agreement unless otherwise directed or approved by the supervisor or management. STT agreements are considered temporary and will not exceed six months.

3. Policy and Procedural Guidelines

a. **Scheduled Telecommuting**
*Eligible employees should thoroughly read and understand this policy before submitting the required forms.*

1) Employee will submit a request to their immediate supervisor for consideration of scheduled telecommuting.

2) The supervisor assesses the request to determine if telecommuting is feasible for the employee by considering items such as, but not limited to: employee performance, work responsibilities, work products, ability to perform essential functions from a remote site, and that any needed IT equipment is approved, purchased, and available.

3) If the supervisor approves, the employee and supervisor will sign a Telecommuting Agreement *(See Attachment #4 for a sample form)*. The documents are routed through the chain of command for approval by the appointing authority or designee.

4) The appointing authority or designee will review the request and provide a response. If the request is denied, the supervisor shall meet with the employee to explain the reason for the denial.

b. **Occasional Telecommuting**
For an occasional remote work request up to three consecutive days, the employee and supervisor will discuss the request, and verbal approval may be granted, provided that the employee meets the eligibility requirements and criteria contained in this policy.

c. **Short-Term Telecommuting**

1) Requests of **four days to two weeks** (ten consecutive workdays) require formal written agreement signed by the employee and the supervisor and sent to HR for placement in the p-file.

2) Requests exceeding two weeks but less than six months, also require the written approval by the appointing authority, or designee. The signed copy is sent to HR and placed in the p-file.

*NOTE: The terms and conditions of this policy related to short-term telecommuting may be modified in the event of a declared emergency, at which time the Governor, or the agency head acting in accord with the Office of the Governor, may issue specific short-term directives.*

d. **Annual Review**
As part of an employee’s annual performance evaluation, supervisors will review and recertify the appropriateness of the Telecommuting Agreement and document continued approval or denial.

e. **Termination of Telecommuting Participation**
[Agency] or the employee may terminate participation in the telecommuting program. Typically, a seven-day notice period will be provided for termination but is not required. [Agency] will not be responsible for costs, damages or losses resulting from the cessation of the employee’s participation in the program.
f. **Expectations and Guidelines**

An employee and the employee’s supervisor will develop an individualized Telecommuting Agreement prior to implementation when the duration will be a regular telecommuting arrangement. The Telecommuting Agreement will take into consideration factors such as the specific duties and responsibilities of the job, existing workload demands, adequate staffing, work safety, customer service, and any other operation needs of the agency. Proper supervision must be maintained. Although each telecommuting situation is unique, the following elements outline the basic core features in a formal telecommuting arrangement:

1) **Employee Responsibilities**
   a) Abide by the provisions set forth in this document and the telecommuting agreement;
   b) Adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security as outlined below in “Information Security;”
   c) Demonstrate the skills necessary to meet agency requirements and operate independently;
   d) Establish and maintain an acceptable and safe alternate work site;
   e) Establish, operate and maintain the home office, equipment, devices, and services associated with the Telecommuting Agreement.

2) **Regular Schedule**

A regular telecommuting schedule must be established prior to the start of such a work arrangement and must be mutually agreed to by the employee and the supervisor. While working away from the office, employees must be reasonably accessible for communication (e.g., telephone, e-mail, etc.). With 12 hours’ notice the employee may be called in to the office when necessary to meet operational needs. [Agency] reserves the right to alter the employee’s schedule of work, including the denial of the employee’s ability to work at the alternate work site during any work week if the employee’s immediate supervisor believes that such action is required to meet [Department’s] operational requirements. Full-time telecommuting is only allowed in extenuating circumstances and with the explicit approval of the agency Deputy Secretary or designee.

3) **Hours of Work and Overtime**

In accordance with the State of Wisconsin Statutes and Requirements, the employee’s immediate supervisor must authorize time-off, overtime, non-standard work hours, and/or compensatory time in advance.

4) **Determination and Performance of Work**

The employee and their supervisor shall meet periodically to discuss the work tasks to be performed by the employee. While working at the alternate work site, the employee’s supervisor may require a daily work log for the employee to establish and record the results of measurable work tasks. The supervisor would develop the work log with input from the employee.

While working at the alternate work site, the employee agrees to contact their supervisor on a basis to be determined by the employee and their immediate supervisor. The employee also agrees that [Agency] may provide the telephone number of the alternate work site to persons who desire to speak with them. All supplies needed for work at this site will be provided by [Agency].

5) **Care of Dependents and Others**

Telecommuting arrangements may not be used to provide child or other dependent care needs during an employee’s work hours. While performing work for [Agency] at the alternate work site, the employee is not to provide primary supervision to children, sick or incapacitated persons, or any other persons who may require frequent or constant attention and assistance.

g. **Equipment, Services, Maintenance, Repair, and Replacement**

[Agency] will provide the employee(s) the equipment and/or technology required to perform their assigned work duties at the employee’s alternate work site.
[Agency] retains sole discretion with respect to decisions related to the type, nature, function and/or quality of electronic hardware and computer software. All software and hardware peripherals used with [Agency] equipment must be approved by [Agency] prior to installation to ensure the security and integrity of [Agency] computer equipment, systems and data. The employee will use a surge protector with [Agency] furnished hardware.

It is intended that access to and use of equipment, software, data, supplies, materials, records and documents provided by [Agency] for employee use at the alternate work site shall be limited to [Agency] employees for appropriate [Agency] business purposes, including self-development, training and work tasks assigned to the employee. No confidential hard-copy documents or information shall be taken to the alternate work site. All equipment, software, data supplies, materials records and documents shall be kept in the designated work area at the alternate work site in a secure condition, free from hazards and accessible only to authorized personnel.

[Agency] owned hardware, software, equipment, data, and supplies are to be used exclusively for state business and shall not be used for the private use or benefit of the employee. All data, reports, products, documents, programs, and intellectual property created by an employee utilizing [Agency] equipment are the sole property of [Agency]. In the event any state equipment malfunctions, is stolen, or needs replacement, repair or maintenance, the employee must contact her/his supervisor immediately. [Agency] will be responsible for its replacement, repair or maintenance if the employee has provided the proper care and safety of the equipment. If repairs will take some time, the employee may be required to report to the main office until the equipment is usable.

1. **Information Security**
Confidential information regularly accessed from off-site by the employee and the integrity of that information must be secured in accordance with information security policies. Personal computers may not be used to access such information. Security of confidential information is critical and of utmost concern to [Agency].

Employees, like all state employees, are expected to adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security. The following are basic information security guidelines:
1) Use [Agency] information assets only for authorized purposes, and ensure that confidential information is not disclosed to any unauthorized person;
2) Use "logon" passwords on all systems containing confidential information and keep those passwords secure;
3) Adhere to copyright laws by not copying or sharing any [Agency] owned software, while employed and when no longer employed by [Agency].

m. **Health and Safety**
Failure to maintain a proper and safe work environment, in accordance with this policy, may be cause for terminating the Telecommuting Agreement.

If an employee incurs a work-related injury while working remotely, worker's compensation laws and rules apply just as they would if such an injury occurred at the main office. Employees must notify their supervisors immediately and complete all necessary documents regarding the injury.

n. **Setting Up a Home Office**
It is important for all employees to maintain a healthy, safe and ergonomically sound work environment while working in the office or at a remote location. The major difference between the employer's office and the home office is ownership and control over the workplace.

[Agency] employees or agents may make on-site visits at the employee’s alternate work site for conferring with the employee, and/or maintaining, repairing, inspecting, and/or retrieving [Agency] equipment, materials, software, supplies, data, records and/or documents. If legal action would be
necessary to regain possession of [Agency] equipment, materials, software, supplies, data, records and/or documents, the employee will be responsible to pay the legal costs incurred by [Agency], including attorney’s fees, should [Agency] prevail.

o. **Worker’s Compensation, Liability, and Property Damage**

Participation in the telecommuting program does not alter an employee’s status, rights, responsibilities, or duties under applicable law, including, without limitation Ch. 102, Wis. Stats., ss. 893.82 and 895.46, Wis. Stats.

[Agency] property and equipment used and maintained at the alternate work site shall be covered by [Agency’s] self-insurance coverage in the same manner as if the property was in a State of Wisconsin office facility. [Agency’s] self-insurance does not provide coverage for employee’s personal property or residence.

p. **Tax, Other Legal or Financial Issues**

The identification or resolution of any federal or state tax deductions and obligations, insurance coverage needs, or other legal or financial matters arising from the use of an employee’s residence or participation in the program are the sole responsibility of the employee.

As a voluntary program, employees should have no expectation of financial compensation for internet access or personal phone usage.
# SAMPLE TELECOMMUTING AGREEMENT

**Employee Name:** ____________________________  **Title:** ____________________________

**Supervisor:** ____________________________  **Department:** ____________________________

This document specifies the details of an individual’s telecommuting work arrangement. Individuals should read the Telecommuting Policy before signing. When all signatures are present, the employee is authorized to begin telecommuting. **This Telecommuting Agreement may be discontinued by either the employee or the agency at any time without cause.**

Please return completed and signed form to your immediate supervisor.

## I. Telecommuting Duration, Schedule, Work Hours, & Designated Workplace

### A. Telecommuting Duration & Days

Type of Telecommuting: □ Short-Term (Less than six months)  □ Formal (Greater than six months)

<table>
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<tr>
<th>Begin Date:</th>
<th>End Date:</th>
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Days of the Week (check all that apply): □ Monday □ Tuesday □ Wednesday □ Thursday □ Friday

### B. Telecommuting Hours

Core Working Hours: Begin: _______ End _______ Lunch/Break: Begin: _______ End _______

Call-in procedures for variance from schedule:

When an employee will be available for phone contact:

### C. Designated Workplace

Street Address: ____________________________  City: ____________________________  State: _______  Zip: _______

Employee Contact Phone: ____________________________

Employee and supervisor authorize the following people to have this number and to contact the employee for business purposes only on telecommuting days:

Other designated directions/procedures/emergency contacts:
NOTES:

The agency has the right to inspect the premise with reasonable notice and reserves the right to inspect the premises post-injury. The agency reserves the right to investigate circumstances associated with third-party subrogation claims.

Prohibited at-home activities while telecommuting include, but are not limited to:
- Non-work activities, including basic homemaking tasks such as dishes, laundry, etc.
- Meetings and visitors, unless pre-approved and kept to a minimum. Most meetings should take place at the agency office.
- Child care and elderly care.

The employee should take personal leave time to accommodate personal business at his/her home and should notify the supervisor of this leave time.

All work rules apply to the telecommuting employee. All injuries should be promptly reported by the employee to the supervisor.

II. Work Assignments

Work Assignments
(Identify specific list of tasks, objectives, dates for completion, and how work assignments will be transferred. Identify what mechanisms will be used to ensure work is completed, and when and how supervisory reviews of work progress and products will be conducted and documented.)

III. Telecommunications & Equipment Costs

Employee acknowledges that employee is responsible for providing all telecommunications, workspace and equipment needed for short-term telecommuting and is solely responsible for these costs under this agreement. The employee is also responsible for ensuring that the employee’s computer and/or internet connection to any State network complies with all IT security requirements of the Agency.

(Note any expenses which the employer will cover and use of agency telephone credit card when making long distance phone calls from home. Note any equipment the employer will provide and any commitment of resources to connect computers to office, etc.)
IV. **Confidentiality of Data & Records Management**

The employee shall take all necessary measures, including those listed below, to ensure confidentiality of data and to preserve and retain records. The employee will comply with all State Laws, Administrative Codes, State policies, and agency specific policies regarding record retention, storage, and confidentiality.

Other:

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V. **Signature**

By signing below, the employee agrees that the employee has received, has read, understands, and will abide by the Telecommuting Policy & Procedures, will participate and complete program training, surveys, and other evaluation measures, and certifies that the employee understands the policies and procedures of the Telecommuting Program, including the specific provisions listed above.

I further acknowledge that while telecommuting I am subject to all [agency] policies and procedures, including work rules.

I understand and agree to the terms and conditions of this authorization. I also understand that any changes in the work arrangement must be in writing and must be signed by the employee, supervisor, and appropriate management representative.

<table>
<thead>
<tr>
<th>EMPLOYEE SIGNATURE</th>
<th>DATE SIGNED</th>
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<tbody>
<tr>
<td>SUPERVISOR SIGNATURE</td>
<td>DATE SIGNED</td>
</tr>
<tr>
<td>APPOINTING AUTHORITY SIGNATURE (if required)</td>
<td>DATE SIGNED</td>
</tr>
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