

# Wisconsin Human Resources Handbook

## Chapter 746

### Alternative Work Patterns

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#### **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 policies for employees. All policies developed are intended to ensure that all employees are treated equitably and consistently in the matter of scheduling. Alternative Work Patterns policies for represented Public Safety Employees – employees in positions classified as State Troopers and State Patrol Inspectors – may be impacted by their collective bargaining agreement.

#### **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. Note that for purposes of this handbook chapter, the time references are to Central Time.

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” (AWP) 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. A flexible-time schedule can include any of the following: a fixed schedule where an employee works a schedule outside of traditional hours of work every day; a compressed workweek where a full workweek is completed in fewer than five days by increasing the number of hours worked per day; or a daily flexible-work schedule where the employee has an ad hoc schedule where they may set their own work hours within limits established by their agency and with supervisor approval. Flexible-time schedules should not result in overtime without prior supervisor approval.
3. “Core hours” means the hours in a workday when all staff are needed, when meetings are likely to be scheduled, and/or when customer contact is heaviest. Agency core hours are 9:00 a.m. to 3:00 p.m. Central Time. First shift employee schedules should have a majority of hours within this timeframe.

4. “Hours of work” means “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. Note that for purposes of this handbook chapter, the time references are to Central Time.
5. “Operational hours” means the hours during which employees are allowed to use flexible time (and includes core work hours). The earliest time employees may arrive and the latest time they may leave as 6:00 a.m. to 6:00 p.m. Central Time for first shift employees. Agencies with additional shifts should define operational hours for those shifts, as appropriate.

## **Sec. 746.040 Alternative Work Patterns**

Consistent with Wisconsin Administrative Code and State Statutes, the State of Wisconsin 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 department. Nothing in this policy creates an entitlement or right for an employee to have a flexible-time or Alternative Work Pattern schedule. 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. Nothing in this policy creates an entitlement or right for an employee to use an Alternative Work Pattern schedule. 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.

Section 230.215, Wis. Stats., requires state agencies to participate in developing and creating alternative work patterns 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. Agencies may choose to partner and establish regional human resources policies in lieu of or in addition to agency human resources policies. In such cases, the agency references in this chapter also apply to HR shared services (HRSS) regions. 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 (FLSA), 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, employee performance or conduct, and cannot be arbitrary or capricious. Proper supervision must be maintained at all times.
4. Alternative work schedules may not be available to every staff member due to agency/facility staffing requirements. 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.
5. Alternative work schedules may be ended by the agency based on operational needs or performance issues. Management may end or change the work pattern at any time. 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 five (5) working days. In limited circumstances, an approved AWP may be ended sooner with Human Resources (HR) approval. 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. Central Time, or the particular standard work hours for the position, must provide a two week notice to their supervisor.
6. When the needs of a work unit require the staggering of shifts (including break and meal periods), management may assign staff to alternative work 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) workdays' notice will be provided to the employee.
7. Administrative offices must remain open for the statutorily required hours from 7:45 a.m. to 4:30 p.m. Central Time and reasonable staffing must continue to be provided during those hours.
8. Unless there is a different operational need for the agency and/or position, for employees on flextime schedules, the "core hours" are 9:00 a.m. to 3:00 p.m. Central Time. Anything outside these hours is considered an exception and must follow the agency's AWP policy and be approved and documented in the employee's AWP acknowledgement form.
9. 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 (FLSA). Exempt employees may establish a work schedule that consists of 80 hours over a two-week pay period.
10. The maximum hours an individual should be approved to work as a formal recurring 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.
11. 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. Flexible-time schedules should not result in overtime without prior supervisor approval.
12. 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.
13. 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. Lunch and break schedules must follow all applicable federal and state laws.
14. 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. Employees shall enter their prorated amount of legal holiday hours consistent with their regularly scheduled shift, up to a maximum of eight (8) hours. Employees are not permitted to change their work schedule or flexible-time schedule to avoid using their prorated amount of leave on a legal holiday.

15. Alternate work schedules must be effective at the beginning of a pay period.
16. Alternative work schedules will be preliminarily 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. As part of an employee's annual performance evaluation, supervisors will review and determine the continued appropriateness of the alternative work schedule.
17. Employees may be required to adjust their alternative work schedule to attend conferences, meetings, or to meet workload requirements.
18. 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.
19. 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.

#### **Sec. 746.050 Documentation**

Agencies may require employees to submit requests for an AWP using an official agency form. The supervisor will evaluate the request against the criteria of the agency's policy and the needs of the program. Alternative work patterns may not begin without formal approval.

Once an AWP is approved for an employee, an AWP Acknowledgment must be signed by the employee and supervisor. (See Attachment #1 for a sample form.) The signed AWP Acknowledgement form, along with any additional documentation of the alternative work schedule will be placed in the employee's personnel file (p-file).

#### **Sec. 746.060 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.

In March 2021, Chapter 746 underwent a review and update for clarification purposes. Major changes include the following:

- Added definitions for:
  - alternate work site
  - headquarters
  - headquarters city
  - mobile worker
  - remote worker
  - teleworker.
- Changing the reasonable notice required to change or end AWP or telecommuting agreements from three (3) working days to five (5) working days.
- Added section for Additional Considerations for Telecommuting including:
  - Clarifying headquarters designation for telecommuting staff
  - Addressing out-of-state work considerations and approvals
  - Clarifying travel for teleworkers

This chapter was updated in April 2021 to clarify that appointing authorities and HR managers are responsible for approving out-of-state work, in coordination with central payroll.

This chapter was updated in August 2023 to remove all references to telecommuting. The guidelines and provisions for remote work are now located in Wisconsin Human Resources Handbook Chapter 748 Remote Work.

This chapter was updated in October 2024 to clarify that flexible-time schedules should not create overtime without prior supervisor approval.

ATTACHMENT #1

**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.

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Name of Employee  
(please type or print)

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Position

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Employee Signature

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Date

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

*Please return completed and signed form to your immediate supervisor.*