

# Wisconsin Human Resources Handbook

## Chapter 748

### Remote Work

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#### Sec. 748.010 Introduction

The purpose of this chapter is to provide guidance to agencies and appointing authorities to develop and implement Remote Work policies for employees. All policies developed are intended to ensure that all employees are treated equitably and consistently in the matter of scheduling. Remote Work 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. 748.020 Statutory and Rule Authority

1. “It is the policy of the state to ensure its employees opportunities for satisfying careers and fair treatment based on the value of each employee’s services.” s.230.01(2)(d), Wis. Stats.
2. “The administrator is charged with the effective administration of this chapter. All powers and duties, necessary to that end, which are not exclusively vested by statute in the commission, the division of equal rights, the director or appointing authorities, are reserved to the administrator.” s.230.04(1), Wis. Stats.
3. “[E]mployment practices which provide flexibility in scheduling hours of work often result in increased worker productivity, 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.
4. “[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.

#### Sec. 748.030 Definitions

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

1. “Alternate work site” means an approved work site that is not the employee’s headquarters. In most cases, the alternate work site will be an employee’s home. An alternative work site shall not change a position’s headquarter location designation.
2. “Best Interest of the State” means the following factors have been evaluated: what is the most efficient and economical use of state resources based on geographical location of where work is to be performed (regional, statewide, etc.); effective use of state office space; operational impacts; potential risk or liability with regard to workers compensation, payroll/tax administration, and/or benefits administration; what is the most advantageous action to take under the circumstances; need for physical representation in a particular area, region, etc. where a state-owned building or state-leased space does not already exist; recruitment/retention in unique circumstances where there is a demonstrable business need; equipment costs; travel costs; applicable tax laws; and consideration of additional general liability exposure. The best interest of the state is met when it is determined that the preponderance of the factors listed above are favorable to the state’s financial and operational needs.
3. “Remote Work Agreement” means an established arrangement expected to last longer than 30 calendar days that has been approved by the employee’s supervisor.
4. “Headquarters” means “[t]he physical location of the employee’s permanent work site.” See State of Wisconsin Compensation Plan Sec. F-1.03. Headquarters can include a physical location owned or leased by the State located anywhere in the State of Wisconsin and includes state-owned buildings, state-leased spaces, non state-owned/leased spaces pursuant to a formalized space agreement, in-state home headquarters locations, and out-of-state headquarters locations.
5. “Headquarters City” means “the area within the city, town, or village limits where an employee’s permanent work site is located and the area within a radius of 15 miles from the employee’s permanent work site. The appointing authority or designee shall determine the employee’s permanent work site in the best interest of the state.” See 20.916(9)(a)2., Wis. Stats. State of Wisconsin Compensation Plan Section F-1.04.
6. “Remote Work” means a work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities as determined by the supervisor, from an approved alternate work site other than the employee’s assigned headquarters one or more days per week on a standard and recurring basis.
7. “Temporary” or “Ad Hoc” Remote Work” means remote work arrangements 30 calendar days or less in duration. This type of work is approved on a case-by-case basis at the discretion of management in accordance with the agency’s internal process. The employee and supervisor will discuss the request, and verbal approval may be granted, provided the employee meets the eligibility requirements and criteria contained in this policy.
8. “Neighboring states” means any of the following: Minnesota, Iowa, Illinois, or Michigan.

### **Sec. 748.040 Remote Work**

This handbook chapter provides guidance for agencies to establish policies for administering remote work arrangements. Agencies may choose to partner and establish regional human resources policies in lieu of or in addition to agency human resources policies.

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. Supervisors shall receive training and/or other guidance regarding their agency’s policies and procedures regarding remote work as outlined below, including best practices

and techniques for managing and supporting staff who are working remotely. In all cases of remote work, the employee will be covered by the agency's work rules, policies and procedures, and the Code of Ethics.

Nothing in this policy creates an entitlement or right for an employee to engage in remote work. While 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 remote work program. Because the circumstances may vary depending on the employee's situation, each request will be handled on a case-by-case basis.

Employees on a Remote Work Agreement must be reachable by customers, co-workers, managers, supervisors, and agency leadership, by the means and methods as determined by the supervisor during their normal work hours. With reasonable notice (unless in the case of emergency as determined by the supervisor) the employee may be called into the office when necessary to meet operational needs. The needs may include, but are not limited to: training; collaboration needs; staff, client, or other meetings; mentoring/coaching activities; etc. The 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 management determines that such action is required to meet the agency's operational needs. Because an employee may be required to report to their designated headquarters to meet operational needs, there is no expectation that an employee is guaranteed full time remote work.

This policy is not intended to accommodate space challenges.

### **Agency Policy Requirements**

As the appointing authority, agencies have the responsibility to identify which classifications and positions have the opportunity to work remotely and to what extent based on the operational needs of the agency and those it serves. Agencies should establish written policies and procedures for identifying and designating which classifications are appropriate for remote work consideration.

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

1. The agency shall title the policy "Remote Work Policy."
2. Request, approval, and agreement procedures for temporary, ad-hoc and Remote Work Agreements
3. Reasonable notice must be given, where practicable or unless by mutual agreement, before changing or ending an approved Remote Work Agreement. Reasonable notice in this case is at least five (5) working days. In limited circumstances, an approved Remote Work Agreement may be ended sooner with approval from HR or the agency remote work coordinator.
4. Agency policies will be administered in accordance with the provisions of the Fair Labor Standards Act (FLSA), Americans with Disabilities Act, Pregnant Workers Fairness Act (PWFA), 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 policies, [Division of Enterprise Technology Security Policies and Standards](#) and any applicable agency IT Acceptable Technology Use policies. Agencies must also consider risk management guidance and other relevant risk management resources available from the [Department of Administration's Bureau of Risk Management](#). 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 devices may not be used to access such information unless defined differently within agency desktop support policies and processes. The security of confidential information is critical and of utmost concern. Remote employees, like all state employees, are expected to adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security. Failure to keep information secure may result in the termination of the employee's Remote Work Agreement.

6. Agency property and equipment used and maintained at the alternate work site shall be covered by the agency's self-insurance coverage in the same manner as if the property was in a State of Wisconsin office facility. The agency's self-insurance does not provide coverage for a remote employee's personal property or residence. The agency will provide the employee with the information technology equipment and/or technology required to perform their assigned work duties at the employee's alternate work site. Any such information technology equipment and/or technology must be procured by the employee from their agency prior to using it from their alternate work site; information technology equipment and/or other technology will not be shipped to the employee's alternate work site unless in rare or unique circumstances where it is in the best interests of the state. It is expected that employees will pick up information technology equipment and/or other technology at a state office building designated by the employing agency.

The 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 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 the agency for employee use at the alternate work site shall be limited to 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 the agency. In the event any state equipment malfunctions, is stolen, or needs replacement, repair or maintenance, the employee must contact their supervisor immediately. The 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.

Employees who work remotely are responsible for maintaining adequate and sustainable high-speed internet/broadband access to successfully perform their job responsibilities in a timely manner. Employees should have no expectation of financial compensation for any home office costs including, but not limited to, internet access or personal phone usage. Any such necessary equipment and other supplies must be procured by the employee from their agency prior to using it from their alternate work site; equipment and other supplies will not be shipped to the employee's alternate work site unless in rare or unique circumstances where it is in the best interests of the state. It is expected that employees will pick up equipment and other supplies at a state office building designated by the employing agency.

Misuse of equipment and/or technology may result in the termination of the employee's Remote Work Agreement and may result in disciplinary action.

7. With regard to the reimbursement of expenses, agency policies must refer to Section F-8.00 of the State of Wisconsin Compensation Plan which provides that employees who are headquartered in a city in which the expense occurs shall be reimbursed for their actual, reasonable and necessary expenses incurred in the discharge of official duties only on the approval of the appointing authority or designee. **This does not apply to travel between an employee's residence and the city in which the employee is headquartered, which shall not be reimbursable.** Agencies are required to maintain accurate, current headquarters location information for all employees in the state's electronic human resources system (STAR Human Capital Management (HCM)), ensure that Remote Work Agreements are reviewed on an annual basis and employees are aware of the criteria required for appropriate expense reimbursement. Expenses incurred in headquarters

city are not reimbursable unless the conditions enumerated in AG Opinion 61 OAG 210 are met. Those conditions are:

- (a) The expense must be actually incurred in connection with the discharge of official duties;
  - (b) The expense incurred must be reasonable;
  - (c) The expense must be necessarily incurred in connection with the discharge of official duties;
  - (d) The appointing authority or designee must approve the reimbursement.
8. Remote work does not affect or change an employee's conditions of employment, salary, or benefits. 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.
  9. Employees who are not FLSA-exempt must report actual hours worked. Time spent commuting to and from the employee's designated headquarters location is not payable work time. All employees may not work overtime or generate differentials (night/weekend pay, etc.) without first obtaining approval from their agency in advance of the night, weekend or overtime work being performed.
  10. In all cases of remote work, the employee will be covered by the agency's work rules, policies, and procedures, and the Code of Ethics. Failure to comply with policies or procedures, and/or violations of work rules and/or the Code of Ethics may result in termination of the employee's Remote Work Agreement.
  11. Work-related injuries must be reported to the supervisor as soon as practicable in accordance with the agency's established injury reporting process. 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 in the main office, however each situation will be reviewed by DOA Risk Management on a case-by-case basis to determine compensability. If an employee does incur an injury arising out of their employment and in the course of their employment, they should notify their supervisor immediately.
  12. Employees on a Remote Work Agreement must be reachable by customers, co-workers, managers, supervisors, and agency leadership, by the means and methods as determined by the supervisor during their normal work hours. Except in case of emergency as determined by the supervisor reasonable notice shall be provided when the employee is called into the office when necessary to meet operational needs. The needs may include, but are not limited to: training; collaboration needs; staff, client, or other meetings; mentoring/coaching activities; etc. The 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 management determines that such action is required to meet the agency's operational requirements.
  13. Sick leave and other paid time off may be used during a Remote Work Agreement, subject to the same notification, approval, and reporting requirement as if the employee were working at their assigned headquarters.
  14. 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 is necessary to regain possession of agency equipment, materials, software, supplies, data, records and/or documents, the employee will be responsible for paying the legal costs incurred by the agency, including attorney's fees, should the agency prevail.
  15. Except as outlined in Sec. 748.040(14) above, employees may not host business functions (e.g., team meetings) or business visitors (e.g., coworkers, peers) at their home or other unapproved locations during the

hours of the Remote Work Agreement. Any such functions must take place in a state-owned building or location with appropriate meeting facilities.

16. Employees working remotely must adhere to all security and confidentiality policies and must have the ability to work in a location that allows for privacy and confidentiality for calls and virtual meetings.
17. Employees working remotely are expected at all times to present themselves in a professional manner, including the manner in which they appear on camera and how they communicate with others, both in written and verbal communications.
18. Remote work may not be used to provide child or other dependent care needs during an employee's work hours. While performing work 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.
19. Agency policy shall contain a disclaimer indicating remote work from an alternate work location may not be approved if there is an additional cost to the state. Additional costs may include, but are not limited to, the following: overtime, night/weekend differential, additional benefits or benefit administration costs, additional workers compensation insurance costs, and additional liability exposure to the state.

#### **Sec. 748.050 Employee Eligibility**

There are a variety of factors agencies must consider when determining which employees will be eligible to participate in remote work 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 fieldwork or travel?
  - e. Would remote work 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 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 agency 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 communication access to accomplish work activities in a timely manner?

- d. Will 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. 748.060 Additional Considerations for Remote Work

While establishing remote work policies and procedures and reviewing requests for remote work, a variety of factors should be considered by agencies.

### 1. Work Outside of the State of Wisconsin

State of Wisconsin employees are generally expected to work within the State of Wisconsin. Employees may only have a work location outside of Wisconsin when it is required by the job or in limited circumstances where employees receive advance approval to work out-of-state.

Agencies may approve out-of-state work from neighboring states if an employee has a headquarters location that is within the State of Wisconsin and they are reporting in-person to their headquarters location 50 percent or more of the time (i.e., they are working remotely from an out-of-state location in a neighboring state less than 50 percent of the time). Agencies will be responsible for any additional costs associated with allowing for such out-of-state work (e.g., workers compensation insurance, state-specific paid leave programs, etc.).

Agencies must consult with the DOA Secretary's Office before approving out-of-state work in neighboring states when it is more than 50 percent of the time, and before approving out-of-state work of any amount from a state that is not a neighboring state. A request for out-of-state work must first be approved by the employee's agency. It is expected that agencies and their Human Resources representative will work jointly with Central Payroll, IT, Risk Management, and Legal Services as necessary to determine that all necessary requirements can be met prior to requesting approval for work outside of Wisconsin.

Once approved internally, the agency must then submit a request for out-of-state work via [Form DOA-15902](#) to DPM leadership who will review and submit the request to the DOA Secretary's Office for final approval. The form should include the following information: employee name; job title/classification; a brief description of the nature of the employee's work; the business reason for the employee needing to work out-of-state; which state the employee will be working in; the duration of the request; and the business impact if the request were to be denied. The agency will also be required to acknowledge that it is responsible for any additional costs associated with out-of-state work (e.g., to comply with state-specific worker's compensation or benefit laws). The DOA Secretary's Office will consider the factors used to determine the best interest of the state in evaluating the request.

Note that when making a request for an employee to work out-of-state, in addition to other remote work considerations, employees and agencies should consider the following compliance-related impacts and assess potential liability for the State, as well as potential mitigation measures, related to any of the following:

- a. **Workers' Compensation** – Employees working remotely are covered by workers' compensation for job-related injuries that occur in the course and scope of employment. Employees working remotely must report any work-related illness or injury to their supervisor immediately.
- b. **Unemployment Insurance** – Employees working remotely who work outside of Wisconsin are not covered by Wisconsin Unemployment Insurance unless there is a reciprocal coverage arrangement in

place with that state. Employees who work in a state outside of Wisconsin may be covered by an unemployment insurance program in the state in which they work.

- c. **Out-of-state Tax Withholding** – Both the employee’s work location and the location of the employee’s residence may trigger state withholding, depending on state law. Prior to approving an employee to work out-of-state, agencies will need to contact Central Payroll to discuss the specifics of the situation.
- d. **Compensation and Exemption from Overtime** – Compensation for remote employees follows the same compensation policies and guidelines as established by the State of Wisconsin Compensation Plan, civil service rules, or applicable collective bargaining agreement language.
- e. **Health Insurance and Benefit Impacts** – Eligibility for health insurance plans varies based on work location and home address as established by the Wisconsin Group Insurance Board.

On an annual basis, agencies will be expected to provide the Division of Personnel Management with a list identifying all employees working in a state other than Wisconsin or the neighboring states identified above, including the state in which the employee is working.

Note that the provisions of this section do not apply to independent contractors utilized by the state.

## 2. Work Outside of the United States

Work outside of the United States is only permitted on an ad hoc basis in limited circumstances with approval by the agency head as described above. Agencies should not approve work outside of the United States that exceeds one month in duration. Agencies that allow for work outside the United States must define and follow a formal, documented review and approval process (which at a minimum should address impact to work assignments, IT security, payroll, benefits, and workers compensation/risk management).

If work outside of the United States is requested, the same considerations outlined in subsections a-e above should be taken into consideration, as well as any additional potential or actual ramifications related to working in the country in question.

The same approval process for work outside the United States also applies to employees working remotely from U.S. territories.

## 3. Travel

Determining whether time spent in travel counts as hours worked depends upon the kind of travel involved. In general, travel from home to a work site before the employee’s regular workday and to the employee’s home from a work site at the end of the workday is not considered work time. Please refer to *Wisconsin Human Resources Handbook* Chapter 520 Fair Labor Standards Act (FLSA) for more information on what types of travel are considered work time. Provisions governing reimbursement for work-related travel and associated expenses can be found in Section F of the State of Wisconsin Compensation Plan. **Travel between an employee's residence and the city in which the employee is headquartered shall not be reimbursable.**

### Sec. 748.070 Documentation

#### Remote Work Administration/Documentation

Remote Work Agreements shall be submitted for supervisor approval within the Peoplesoft remote work module. Temporary or ad hoc remote work arrangements are to be handled outside of the Peoplesoft remote work module and are subject to supervisor approval.



Additional remote work documentation and administration requirements are as follows:

- a. Employee designated preferences for emergency notification must be current within STAR (See the My Information tile > emergency notification system).
- b. Any recurring changes to an approved Remote Work Agreement will require a new Remote Work Agreement to be submitted for approval within the Peoplesoft remote work module.
- c. Employees are required to obtain approval from their supervisor and HR if they anticipate working remotely out-of-state at an alternate work location.
- d. If an employee with an approved Remote Work Agreement in place moves out-of-state, a new Remote Work Agreement must be submitted for approval within the Peoplesoft remote work module.
- e. Remote Work Agreements involving remote work being conducted at an out-of-state alternate work location must be coordinated by HR and approvals are needed in advance and obtained outside of the Peoplesoft remote work module. Work outside of Wisconsin or the previously identified neighboring states must be approved in consultation with the DOA Secretary's Office as outlined above. Agencies are responsible for having an internal process to gather needed approvals for out-of-state remote work. As outlined above, advance approval is required from the following:
  - a. Supervisor
  - b. IT
  - c. Risk Management<sup>1</sup>
  - d. Central Payroll
  - e. Appointing authority or designee
- f. STAR records will be reviewed by the Division of Personnel Management semi-annually to identify those with current Remote Work Agreements working from out-of-state location.
- g. Remote Work Agreements may be terminated by the agency based on operational needs, performance issues, or misconduct issues. Management may end or change the Remote Work Agreement at any time; however, reasonable notice must be provided, where practicable or by mutual agreement, before changing or terminating the Remote Work Agreement.
- h. Unclassified division administrators and higher are not required to complete Remote Work Agreements.

### **Sec. 748.080 Records Retention While Working Remotely**

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.”

Employees working remotely 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 working remotely remain in their custody at all times, and that the proper safeguards are in place to protect records. Unauthorized individuals

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<sup>1</sup> If the agency does not have its own risk management staff able to provide the necessary approval, the request should be submitted to the Department of Administration, Bureau of State Risk Management for review.

(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 device (e.g., computer, smartphone, etc.) to conduct state business may subject the device(s) 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. 748.090 Administrative Information**

This handbook chapter was created in August 2023 to establish the guidelines and provisions for remote work in a Wisconsin Human Resources Handbook Chapter separate from *Wisconsin Human Resources Handbook Chapter 746 Alternative Work Patterns*, and to update various terminology and definitions.

This chapter was updated in March 2025 to align the handbook with the Peoplesoft remote work module, to add a requirement that agencies maintain accurate and current employee headquarters information in STAR HCM, to align the chapter's language with newly developed *Wisconsin Human Resources Handbook Chapter 750 Headquarters Location*, to provide information related to work outside the United States, and to outline the approval process for requests for employees to work outside the State of Wisconsin.