

DEPARTMENT OF MILITARY AFFAIRS
STATE HUMAN RESOURCES
PRACTICE AND PROCEDURE MANUAL

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SUBJECT: Telework

SECTION: Employee Services/Programs

I. OVERVIEW

- A. Consistent with Wisconsin Administrative Code and State statutes, the Department of Military Affairs (DMA) recognizes the benefits of establishing a policy which provides eligible employees an opportunity to telework to further the following operational and workforce objectives:
1. Promote the DMA as an employer of choice.
 2. Improve the recruitment and retention of high-quality employees through enhancements to employees' quality of life.
 3. Reduce traffic congestion and decrease energy consumption and pollution emissions.
 4. Reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy.
 5. Ensure safety when weather conditions make commuting hazardous, or similar circumstances that compromise employee safety.
- B. Nothing in this policy creates an entitlement or right for an employee to telework. 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 telework program. Because the circumstances may vary depending on the employee's situation, each request will be handled on a case-by-case basis.
- C. The program will be administered in accordance with the provisions of the Fair Labor Standards Act (FLSA), Americans with Disabilities Act (ADA), Federal Family and Medical Leave Act (FMLA), Wisconsin Family and Medical Leave Act (WFMLA) and the Wisconsin Administrative Code, as applicable.

II. DEFINITIONS

- A. Telework: Telework 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 alternative worksite other than the employee's primary office. An approved alternative worksite may be the employee's home or other location. Arrangements for an alternative worksite do not alter headquarter city designation for employees as it relates to travel expenses.
- B. Regular and Recurring Telework: This involves arrangements where eligible employees regularly work one or more days per week, at an approved alternative work site, on a standard work schedule.
- C. Situational Telework: This involves unplanned or unanticipated work away from the employee's primary office driven by situations which are typically temporary. These situations may result in arrangements of varied durations, frequency, and schedules dependent upon the situation warranting the telework. Examples include situations where an employee needs to be separated from the distractions of an office environment to concentrate on a work priority with a short-term deadline, during emergency situations such as a pandemic or building closure, to accommodate a medical need, or for the safety of employees during inclement weather.

III. POLICY

- A. Eligibility: Employees serving an original probationary period or the first year of a career executive trial period are ineligible for Regular and Recurring Telework arrangements, except as may be required by law. Otherwise, agency employees who are meeting performance goals and expectations are generally eligible for *consideration* for Telework, subject to the factors and limitations set forth in this policy. Approval of a Telework arrangement is not guaranteed. Requests for exemptions must be accompanied by extensive written justification to include, at a minimum, answers to all questions provided under Section IV.C.1-5 of this bulletin.
- B. Employee Telework Expectations and Conditions
 - 1. While working away from the office, employees must be reasonably accessible for communication (e.g., telephone, e-mail, etc.) and they agree to contact their supervisor on a regular basis and using methods as determined by their supervisor.
 - 2. An employee may be recalled to the primary office by their supervisor at any time for operational needs. A supervisor may alter the employee's work schedule, including suspending an employee's ability to telework any workweek, if the supervisor believes such action is required to meet operational needs.
 - 3. All hours worked should fall within the allowed daily schedule between 6:00 a.m. to 6:00 p.m., Monday through Friday. Requests for exceptions may be allowed for Situational Telework when the circumstances requiring the Situational Telework create a barrier for the employee to successfully perform their job duties during standard hours. For example, if schools are only partially opened for in-person instruction due to a pandemic and a child is home during regular work hours, an employee may be approved to work those hours in the evening, night, or weekend so they can attend to their family during the day.

In these instances, telework agreements must detail the type of work that is allowed outside of standard business hours, the methods that will be used to verify the work performed, communication requirements, and other considerations as needed to ensure accountability and satisfactory job performance.

4. Prior approval must be given for work resulting in overtime, other supplemental pay, and [Alternative Work Patterns](#).
5. Employees will utilize sick leave and other paid time off under the same notification, approval, and reporting requirements as if working at the regular work location.
6. Employees must record actual hours worked.
7. The employee and their supervisor shall meet periodically to discuss work assignments, progress, and results. The employee's supervisor may require a daily work log for the employee to establish and record the results of measurable work tasks.
8. Management policies for records preservation and retention must be followed while teleworking.
9. Employees continue to be subject to agency work rules and the State Code of Ethics.
10. Telework arrangements may not be used to provide child or other dependent care needs during an employee's work hours. While performing work at the alternative 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.
11. Failure to meet performance goals and expectations will generally result in withdrawal of approval for a Telework arrangement.

C. Equipment, Services, Maintenance, Repair, and Replacement

1. DMA will provide employees the equipment and/or technology required to perform their assigned work duties at the employee's alternative work site.
2. DMA 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 must be approved by DMA prior to installation to ensure the security and integrity of DMA computer equipment, systems and data. The employee will use a surge protector with DMA furnished hardware.
3. It is intended that access to and use of equipment, software, data, supplies, materials, records and documents provided by DMA for employee use at the alternative work site shall be limited to employees for appropriate 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 alternative work site. All equipment, software, data supplies, materials, records and documents shall be kept in the designated work area at the alternative work site in a secure condition, free from hazards and accessible only to authorized personnel.

4. DMA 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 DMA equipment or in the course of performing work for DMA are the sole property of DMA. In the event any state equipment malfunctions, is stolen or needs replacement, repair or maintenance, the employee must contact her/his supervisor immediately. DMA 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.

D. Information Security

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

E. Health and Safety

1. It is important for all employees to maintain a healthy, safe and ergonomically sound work environment while working in the office or at an alternative work site. The major difference between the employer's office and the alternative work site is ownership and control over the workplace. Failure to maintain a proper and safe work environment in accordance with this policy may be cause for terminating the telework arrangement.
2. It is recommended that employees view the [Office Ergonomics Self-Tutorial](#) available on Enterprise Learning Management (ELM).
3. Employees are encouraged to have the following at their alternative work site: smoke detectors, surge protectors, outlet strips, desk, proper lighting, and an ergonomic chair.
4. If an employee incurs a work-related injury while working at an alternative work site, 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.
5. DMA employees or agents may make on-site visits at the employee's alternative work site for conferring with the employee, and/or maintaining, repairing, inspecting, and/or retrieving DMA equipment, materials, software, supplies, data, records and/or documents.

6. If legal action would be necessary to regain possession of DMA equipment, materials, software, supplies, data, records and/or documents, the employee will be responsible to pay the legal costs incurred by DMA, including attorney's fees, should DMA prevail.

F. Worker's Compensation, Liability, and Property Damage

1. 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.
2. DMA property and equipment used and maintained at the alternative work site shall be covered by DMA self-insurance coverage in the same manner as if the property was in a State of Wisconsin office facility. DMA self-insurance does not provide coverage for employee's personal property or residence.
3. Employees are prohibited from hosting business functions or visitors in their home during the teleworking arrangement.

G. Tax, Other Legal or Financial Issues

1. 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.
2. As a voluntary program, employees should have no expectation of financial compensation for internet access or personal phone usage.

H. Annual Review: As part of an employee's annual performance evaluation, supervisors will review and recertify the appropriateness of the telework arrangement and document continued approval, modification, or termination of the telework arrangement.

I. Termination of Telework

1. A supervisor may modify or terminate a telework agreement at any time and require the employee to return to the primary office location, provided the reasoning is not arbitrary and capricious, with the following exceptions and except as may be required by law.
2. For employees who telework due to a disability, a telework agreement may not be terminated without discussion between the employee and supervisor and approval from the State Human Resources Director.
3. For employees who telework pursuant to an appointment letter that makes telework a condition of employment, a telework agreement may not be terminated without mutual agreement between the employee and supervisor and approval from the State Human Resources Director.
4. Where telework is not a condition of employment, an employee may terminate the agreement at any time and return to their primary office location, providing a reasonable amount of time for the supervisor to prepare for their return.

5. DMA will not be responsible for costs, damages or losses resulting from the cessation of the employee's participation in the program.
6. The supervisor will document the reasons for terminating a telework agreement on DMA Form 3.110 (Attachment A) and a copy will be provided to the employee and submitted to State Human Resources.

IV. PROCEDURES

- A. Prior to submitting a telework request, employee will review this policy bulletin.
- B. Employees will complete and submit DMA Form 3.110 (Attachment A) to their immediate supervisor for consideration.
- C. The supervisor will review the request to determine if telework is feasible for the employee, taking into consideration the following factors:
 1. Job Responsibilities and Contacts
 - a) Does the employee's job lend itself to working from an alternative 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?
 - d) Does the employee's job involve field work or travel?
 - e) Would telework 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 alternative location?
 - b) Does the employee need close supervision or input from others that is only available at the work site?
 - 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?
 - e) Does the employee have any disciplinary or attendance-related issues?
 4. Equipment and Supplies
 - a) Is there a burden for the department to provide necessary equipment and supplies at the alternative worksite 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 alternative worksite?
- e) Can the employee establish, operate and maintain the home office and equipment at the alternative 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 alternative worksite?

- D. Supervisors will discuss any concerns with the employee and attempt to remove barriers, provided the employee is well-suited for telework and an arrangement will not negatively affect operations.
- E. Supervisors or management designees will ensure their leadership is supportive of the agreement prior to approving an agreement with the employee.
- F. Requests which are denied by the supervisor or management designee will be forwarded to State Human Resources inbox DMASHR@wisconsin.gov for review.
- G. If the supervisor or management designee approves, signatures will be attached, and the request will be routed to State Human Resources inbox DMASHR@wisconsin.gov for review and approval.
- H. State Human Resources will return approved/denied requests to the employee, with a copy to the supervisor. Approved requests will be added to employee personnel files.
- I. State Human Resources will record the following information for reporting and program evaluation:
 - 1. Employee name
 - 2. Employee ID
 - 3. Job title
 - 4. Employing unit
 - 5. Type of agreement [regular and recurring or situational]
 - 6. Approval date

Attachment: 3.110.1 DMA Form 3.110 State Human Resources Telework Agreement

NOTE: The terms and conditions of this policy 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 directives.