



COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION

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GREG BROCKMEYER
Director of Administration

Date: February 6, 2024

To: All Employees

From: Greg Brockmeyer
Director of Administration

Subject: Temporary Exception to the Employee Benefit to Incorporate Telecommuting

Dane County has had a Telecommuting Policy in place since 2020. The attached proposed Temporary Exception would add an updated Telecommuting policy to the 2024 Employee Benefit Handbook on a provisional basis.

Telecommuting allows employees to work remotely for part of their work week. With Telecommuting, Dane County is committed to creating a work environment where the needs of residents, employees, and the organization are aligned. The County strives to be flexible in its approach to work styles and location. While not possible for all positions, Supervisors are encouraged to be flexible in determining teleworking opportunities for staff. Supervisors are also encouraged to continue to work towards expanding telecommuting to the extent possible.

Dane Co. Ord. §18.24(5)(a) authorizes the Director of Administration to make temporary exceptions to the Employee Benefit Handbook after reasonable notice to interested stakeholders. If concerns regarding the implementation of this proposed exception are raised, I will schedule a meeting with the parties. Interested stakeholders have until the end of business on February 20, 2024 to request a meeting with me to discuss their concerns.

Temporary Exception on Telecommuting

SUBJECT: TELECOMMUTING

1.0 Telecommuting Standard and Guidelines

- 1.1 All decisions made about telecommuting are management decisions.
- 1.2 Supervisors are encouraged to continue to work towards expanding telecommuting to the extent possible to attract and retain a diverse, highly-skilled workforce.
- 1.3 The employee's telecommuting arrangement must not create any additional safety, workload or liability concerns for the employee, their co-workers, or the County, and it shall not reduce or limit services to the public.
- 1.4 The duties, obligations, responsibilities and standards of performance of an employee are unchanged when telecommuting.

- 1.5 The employee's direct supervisor makes the determination of the employee's eligibility for a Telecommuting Agreement.
- 1.6 Telecommuting determinations are made on the basis of the job duties of employee(s) involved and should ensure that the productivity of the employee is maximized and that the employees' use of Telecommuting is not detrimental to the County, the employee, or services to the public.
- 1.7 Telecommuting requests shall be made by the employee or a group of employees to the employee's supervisor. Determinations shall be made by the supervisor. Supervisors are encouraged to discuss these requests with the employee(s), and their representatives.
- 1.8 Determinations should be made within a reasonable period of time and will be communicated in writing, with a copy to any representatives, and shall include the basis for the supervisor's determination.
- 1.9 Supervisors shall review Telecommuting Agreements at least annually. Departments are encouraged to review an employee's telecommuting agreement at the same time as the Department conducts the employee's Annual Performance Evaluation. Departments are encouraged to submit these documents to Employee Relations at the same time.
- 1.10 An employee approved to telecommute must sign and consent to the Dane County Telecommuting Agreement to participate.
- 1.11 A telecommuting employee must agree to continue to comply with all applicable workplace policies and procedures, including but not limited to, Dane County Civil Service Employee Work Rules, Administrative Practices Manual policies, and safety, technology, confidentiality, and payroll policies.
- 1.12 Employees shall identify their telecommuting work location. The employee must be available by telephone and email during scheduled work hours. Departments may establish additional conditions regarding communication (e.g. being logged into Skype for Business/Lync during work hours or documenting work hours and appointments on an outlook calendar).
- 1.13 Management must be able to verify the hours worked by an employee. The employee must maintain a normal workload and keep an accurate accounting of what they work on while telecommuting. Non-exempt employees should take required rest breaks and meal periods.
- 1.14 While telecommuting, employees are expected to continue reporting their time consistent with their Department's established policy. Any overtime must be approved in advance. If an employee experiences technical difficulties that cannot be immediately resolved, then the employee must report in person to work or seek approval to use benefit time. Technical difficulties must be reported to their supervisor and the employee must reach out to the Help Desk.
- 1.15 While telecommuting, employees must follow all applicable procedures for requesting and using time off from work (including, but not limited to, vacation, sick leave, holiday, wellness, FMLA).
- 1.16 While the presence of dependents in the household is not an absolute bar to teleworking, employees should not be engaging in dependent care activities when performing official duties. Telecommuting is not intended to permit staff to work at other jobs or run their own businesses during work hours and such activity is prohibited.
- 1.17 An employee may, at the discretion of their immediate supervisor and with reasonable notice, be called to work at their worksite on their regular telecommute day, during their regular work hours for any business reason, including, but not limited to: the Department's need to meet

- workload requirements or demands, for training purposes, or to respond to emergencies. A manager shall be on site to provide instruction to the employee.
- 1.18 Any employee or group of employees who have had their telecommuting request(s) denied or who have had their telecommuting agreement(s) revoked by their department, may appeal such a decision to the DOA Director. The DOA Director shall issue a written decision including the basis for the decision, with a copy to the employee(s) representative if any, and that decision shall be considered final and cannot be further grieved through the Employee Benefit Handbook process.
 - 1.19 Telecommuting equipment and services expenses (such as an additional telephone line or software) must be approved in advance by an employee's supervisor. Expenses will be paid or reimbursed only for pre-approved equipment or services and only for the period of telecommuting. It is expected that employees have and maintain reliable internet in order to participate in telecommuting.
 - 1.20 Dane County property such as computers, printers and other equipment loaned to an employee or purchased by the County remains the property of the County during the duration of a Telecommuting Agreement and must be returned upon termination of the Agreement.
 - 1.21 Furniture may not be purchased for employees working under a Telecommuting Agreement, unless the employee has an approved ADA accommodation.
 - 1.22 The County will not be responsible for home maintenance or other incidental costs associated with the use of the employee's residence.

2.0 Telecommuting Agreement and Documentation

- 2.1 Approved individuals will be required to sign and consent to Dane County's Telecommuting Agreement.
- 2.2 A signed version of the Telecommuting Agreement shall be sent to Employee Relations.
- 2.3 Telecommuting is not a benefit and it in no way changes the terms and conditions of employment.
- 2.4 Telecommuting is not an alternative work schedule. Unless otherwise pre-approved, employees are expected to maintain their established work schedule
- 2.5 Modifications to Telecommuting Agreements
 - 2.5.1 If a Department has determined that circumstances require that all Telecommuting Agreements must be rescinded, it must provide all affected employees 30 calendar days' notice prior to the effective date of the decision.
 - 2.5.2 If an employee is disciplined for performance issues, a Telecommuting Agreements may be terminated upon receipt of the issuance of discipline. If an employee is required to physically report to the office for retraining or other instruction, a manager shall be on site to provide instruction to the employees.
 - 2.5.3 Telecommuting Agreements may be temporarily suspended with reasonable notice for any business reason. For example, the need to conduct in person training, respond to work load demands, or respond to emergencies. Suspensions under this paragraph may not be indefinite.
- 2.6 Departments may adopt different conditions for newly hired employees on probation or employees who are on a trial period.

3.0 Miscellaneous Liability Issues

- 3.1 Telecommuting employees must comply with all Dane County policies and procedures concerning the handling of Protected Health Information, as well as the use of computers, internet, and email.
- 3.2 Employees shall maintain a safe work space. If the employee is injured on the job, even if the injury occurs while telecommuting, the employee must call Dane County's Worker's Compensation paperless intake system at 888-515-1563.
- 3.3 Employees should have an ergonomic work site while telecommuting. Employees are encouraged to conduct a self-evaluation of their location's ergonomics. Dane County assumes that employees are working in ergonomically correct manner and in a space free of hazards.
- 3.4 Employee are responsible for identifying any tax or legal implications associated with telecommuting. This statement shall not be construed to permit employees to live in a location where they would be unable to physically report to work in Dane County within a reasonable amount of time, as determined by their department.
- 3.5 Dane County will provide supplies as determined to be necessary by the department.

4.0 Effective Dates

- 4.1 This exception is effective as of PP1 2023-2024, December 17, 2023
- 4.2 This exception expires at the end of PP26 2023-2024, December 14, 2024

5.0 Other Limitations

- 5.1 This is a one-year temporary exception that does not create an "existing benefit" under the Employee Benefit Handbook.
- 5.2 This exception does not create a precedent.