



MEMORANDUM

LEGISLATIVE REFERENCE BUREAU

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To: Ald. Scott Spiker
From: Christopher Hillard, Legislative Fiscal Analyst-Lead
Date: 12/2/2023
Subject: Alternative Work Arrangement Policies in Peer Cities

This memo is in response to your request for information regarding alternative work policies at peer cities. This memo includes information on hybrid work policies in Atlanta, GA, Baltimore, MD, Chicago, IL, Detroit, MI, Denver, CO, Madison, WI, Minneapolis, MN, San Francisco, CA, Seattle, WA, and Tulsa, OK.

Atlanta: Atlanta offers a broad and flexible “telework” policy based on the circumstances of employees and the types of work they are expected to do. Building off the “directed” or mandatory telework that was implemented during COVID-19, the new policy “is not an employee benefit, but rather an alternative method of meeting the needs of the employer”. The policy specifies that teleworking may not be appropriate for certain positions and that the terms for teleworking must be negotiated and agreed upon between the teleworker and their supervisor. The only other conditions are compliance with any applicable policies or laws and responsible management of City assets and resources while teleworking.

Baltimore: Baltimore has a telework policy that has a number of specific requirements. Employees must:

1. Annually complete a Telework Agreement for their agency. The agreement must be refilled by the employee with the Agency’s HR Division whenever:
 - a. The employee has a change in direct supervision.
 - b. The employee changes their position, regardless of whether the new position is inside or outside of the Agency.
 - c. There is a change in the employee’s job classification.
2. Adhere to the approved telework schedule and work from an approved worksite.
3. Seek prior approval for any deviation from the approved telework schedule, including overtime and compensatory time.
4. Be available by telephone or email during scheduled work hours, with the exception of breaks.
5. Account for and report time spent at the alternative work location in the same manner as if the employee reported for work at the main office location.
6. Maintain a level of performance that meets the expectations and timelines for completing all assignments and tasks associated with the position.
7. Not use telework as a substitution for the appropriate use of sick leave.

Employees eligible to participate in the telework program must also acknowledge and agree that:

1. A specific work space is designated at the alternate work location. The employee's alternate work location will be considered an extension of the City's main office location. Therefore, under the policy, the City continues to be liable for job-related accidents of employees that occur in the alternate work location during the employee's working hours. Workers' compensation liability is limited to the designated work space as opposed to all areas of the alternate work location. A photograph of the alternate location must accompany the telework agreement.
2. Under the policy, teleworking is not a substitute for dependent care.
3. The employee's supervisor retains the right to require an employee who teleworks to commute to a City office on a regularly scheduled telework day should a work situation warrant such an action. This situation is expected to be only an occasional occurrence. If the employee is frequently required to return to a City office during a regularly scheduled telework day, the supervisor must reevaluate the compatibility of the employee's position and job responsibilities with teleworking.

Supervisors/Managers of eligible telework employees must review and submit the eligible employee's telework agreement to the HR Division. If the request to telework is not approved, the Supervisor/Manager must still forward the request to the Agency's HR Division with a written reason why they are denying the request and any evidentiary support. Supervisors must also discuss any changes and issues regarding the telework agreement with the employee and hold regularly scheduled conferences with the telework employee to discuss assignments during the telework period and any work-related issues while at the alternative work location.

Agency heads are required to ensure that all employees eligible to participate in the telework program and all supervisors or managers of teleworkers participate in a telework training program offered by the agency or the telework training program offered by the Department of Human Resources. Agency heads are also responsible for establishing a procedure under which eligible employees of the agency may request approval to telework and making final determinations whether employees within are eligible.

The Human Resources Division is responsible for:

1. Reviewing all Telework Agreements for consistency with City Policy and place signed form in the employee's official personal file.
2. Maintaining a record of all Telework Agreements within the Agency.
3. Notifying all employees of their eligibility to telework.

Chicago: Effective May 24, 2021, Chicago began transitioning into a hybrid work model that gradually brought employees back to in-person work. All employees who were

formerly working from home were expected to return to the office 4 days a week, with the option to work from home during the fifth day. An exception is made for employees with health concerns or employees who cannot be vaccinated against COVID-19. Chicago's offices fully reopened on June 28 of the same year, with the expectation that employees be back at the office full time. An exception was made for employees facing childcare difficulties due to closed facilities, as well as employees with compromised immune systems, although this was to be handled on a case-by-case, individual basis by department heads. In addition, the policy empowered department heads to make flexible work schedules expressly to reduce the number of employees in the office at a given time, provided these schedules did not adversely impact department operations and provided employees still worked 5 days a week, and not merely the hourly equivalent. What exactly constitutes a "flexible work schedule" is not detailed and it seems the department heads have a great deal of discretion in shaping what this policy looks like.

Detroit: Detroit's Flexible Work Schedule (FWS) Program was created "to promote work efficiency while maintaining a high-level of customer service and reducing costs to the participating employee; including but not limited to costs associated with commuting, parking and gas".

Under the FWS Program, employees have the following 4 options:

- **Telework:** Work a normal shift for one or more days at an approved alternate location.
- **Compressed 4/10's (Non-Exempt Employees):** Work 4 10-hour days both weeks in a pay period.
- **Compressed 9/80 (Non-Exempt Employees):** Work 4 10-hour days one week and 5 8-hour days the other week.
- **Compressed (Exempt Employees):** Work any combination of hours that ensure a minimum of 80 hours worked per pay period. This is the only compressed schedule option for Exempt employees.

There are a few conditions attached to these policies. All FWS applications are evaluated on a case-by-case basis, and applications take into account the employee's employment record, inclusive of performance history and disciplinary history in addition to an assessment of the employee's job functions shall be reviewed by the supervisor to determine if the employee can be placed on a FWS. In addition, FWS is not a universal employee benefit, and employees do not have a "right" to participate in the program. Employees who desire to participate in the FWS program must apply and receive approval of their supervisors, department director or designee and Human Resources before the FWS can begin or continue. In addition, employees may not combine telework and compressed schedules.

Denver: Denver allows for 3 different teleworking scenarios: recurring teleworking, occasional teleworking, and emergency teleworking.

Recurring Teleworking: Before establishing a formal, recurring telecommuting arrangement, the employee and supervisor, with the guidance of human resources, should evaluate the suitability of such an arrangement, reviewing the following areas:

The position for which telecommuting is proposed is suitable for such arrangement, given the department/agency workplace strategy, with the ability to provide high-quality service to the public or internal clients/customers while telecommuting being the most significant determining factor. There should be no disruption to service or decline in the quality of services being provided by the department/agency to the public or internal clients/customers as a result of telecommuting. Generally, this will include positions that are: independent in nature, primarily knowledge-based, lend themselves to measurable deliverables, and do not require frequent in-person interactions or the employee's immediate presence at a regular worksite.

Occasional Telecommuting: Occasional telecommuting is telecommuting that is not used on a regularly recurring or scheduled basis and is generally limited to one business day. It is a flexible work option that may be offered to or required of certain employees. These arrangements are approved on an as needed basis only, with no expectation of ongoing continuance. Occasional telecommuting is most suitable to exempt employees but may be offered to non-exempt employees, where appropriate. The decision to allow occasional telecommuting is up to each department/agency and requires approval of the employee's supervisor.

Emergency Telecommuting: Emergency telecommuting is telecommuting that is used out of necessity due to extraordinary circumstances, such as during national emergency due to a pandemic, approved on an as-needed basis only.

Madison: Madison offers both teleworking arrangements and several flexible work schedules depending on the employee and the nature of their job description.

Teleworking: According to Madison's policy, employees' specific job duties may be suitable for teleworking if they:

- Have limited in-person public interaction at the regular worksite.
- Do not slow down critical workflow.
- Can be done on certain days/times to allow for the employee to telework.
- Do not require hands-on installation and maintenance of infrastructure.
- Do not require in-person field checks and/or on-site inspections.
- Do not require transporting members of the public or being a first responder

Even if a position at times includes some of the above duties, that does not mean all work duties are required to be done in person. Under the policy, supervisors are encouraged to think creatively when weighing which work duties may or may not be eligible for teleworking. An example given in the policy is a scenario where, although a job duty may require in-person public contact that job duty may be able to be shared

among other employees or could occur on specific days of the week so that the employee could telework on days where in-person public contact is not required.

An employee's telework agreement may be revoked under the policy when the employee no longer demonstrates:

- Adequate attendance and responsiveness.
- Adequate ability to meet project/work deadlines.
- Effective and timely communicate with supervisors, coworkers, and customers
- Consistent productivity with measurable or quantifiable work product.

Employees' work performance must be reviewed by supervisors during a predetermined 30-60-90 day evaluation period (based on the telework agreement) to assess employees' abilities and performance expectations. If an employee has already been working at home 90 days or longer, the supervisor may consider the time already spent working at home for the predetermined evaluation period.

Employees who are not upholding City obligations, such as meeting performance or conduct expectations, are not eligible to telework. An employee may not be eligible for teleworking if the employee has any current or recent performance-related discipline (including performance improvement plans) on record within the last 6 months from the date of the request. Employees who do not live in Wisconsin may not be eligible to telework due to potential additional tax liability for the City of Madison. Telework requests from employees living outside Wisconsin will be evaluated on a case-by-case basis.

Madison's teleworking agreements may be on a regular and recurring, or an occasional basis.

Regular and recurring: Under this agreement an employee works away from the regular worksite on an established day or days, and on a recurring schedule. Employees who telework on a regular and recurring basis must be available to work at the regular worksite on teleworking days if needed. In non-emergency situations, supervisors will provide 5 business days' notice to the employee if the employee is needed to come to the regular worksite on a previously scheduled telework day (unless less notice is agreed to by mutual agreement between the employee and supervisor). Similarly, in non-emergency situations, employees will provide at least 3 days' notice to their supervisor, and obtain authorization, to change a regularly scheduled telework day (unless less notice is agreed to by mutual agreement between the employee and supervisor).

The policy expects requests to change a regularly scheduled telework day to be rare, and if changes are occurring more than 3 times per month, the supervisor and/or employee should modify the telework schedule. Emergency situations are defined as childcare, school cancellations, elder care, health emergency, inclement weather and other unforeseen circumstances that require immediate attention.

Employees may engage in minor activities while teleworking that would not be permitted at the regular work site (dependent care such as preparing a meal, assisting with personal care needs) provided that such activities do not exceed the allowed break time.

Occasional teleworking: Under this policy an employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

Flexible Scheduling: Madison offers 3 flexible scheduling options, subject to the same eligibility standards as teleworking:

1. **Flex-Time:** Employees work 38.75 or 40 hours, based on their classification or work unit, in 5 days, but with flexible starting and ending times other than the standard workday. Flex-time may also look like split shifts and may suit employees with family care needs or virtual schooling.
2. **Short-Term Flexible Scheduling:** This may be used on a short-term basis for various reasons and should be discussed with the immediate supervisor as needed. It is not a permanent request, and is expected to have a limited duration (might be for a week or up to six months). Examples may include needs as: medical appointments, family care, continuing education and inclement weather conditions.
3. **Compressed Work Week:** Employees work 38.75 or 40 hours, based on their classification, in less than 5 full workdays. Examples of Compressed Work Weeks are:
 - Four 10-hour days.
 - Four 9-hour days and one 4-hour day.

Minneapolis: Minneapolis offers 5 different hybrid work options:

1. **Compressed Workweek:** A 40-hour workweek is completed in less than five full workdays or an 80 hour work schedule is completed over a two week pay period in less than 10 work days.
2. **Flextime:** A 40-hour workweek (for full-time employees) is completed but there is flexibility in establishing daily start and end times. Days of the workweek may have varying start and end times, but the pattern should recur predictably over each workweek.
3. **Job Share:** More than one employee shares the duties of one full-time budgeted position. Work hours of each employee may vary.
4. **Gradual Retirement:** The practice of allowing individual employees nearing retirement to develop work schedules that allow them to retire gradually rather

than going from full-time to retired in a very short period of time such as a single day.

5. Telework: Telework is the practice of an employee working remotely. Remote worksites include homes, mobile worksites, customer sites, or other remote locations. Teleworkers generally use information technologies at the remote worksite to perform their work-related responsibilities.

Department heads (or their designees) may authorize alternative work options for employees as a means of accomplishing business objectives. Under the City's policy, authorizations for alternative work options must be approved in a manner that protects the assets of the City of Minneapolis and its employees to the maximum possible extent, and any arrangements may be terminated at the discretion of the department head or their designee. The policy specifies that arrangements may not be available depending on the kind of work being done by the employee, and no employee is entitled or guaranteed the opportunity to enter into them.

San Francisco: San Francisco's telecommuting program has a number of requirements for eligibility, and discretion is ultimately left to supervisors or a departments, who may deny, end, or modify a telecommuting agreement for any business reason that is not arbitrary or capricious.

Eligibility for telecommuting is based on both the position and the employee, and an employee's position may be suitable for telecommuting when the job duties:

- Are independent in nature.
- Are primarily knowledge-based.
- Lend themselves to measurable deliverables.
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or the public, in person or by phone.
- Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible.
- Are not essential to the management of on-site workflow.

Employees may be considered suitable for telecommuting when their personal characteristics, as determined by the supervisor, include:

- Demonstrated dependability and responsibility.
- Effective communication with supervisors, coworkers, and clients.
- Demonstrated motivation.
- The ability to work independently.
- A consistently high rate of productivity.
- A high level of skill and knowledge of the job.
- The ability to prioritize work effectively.
- Good organizational and time management skills.

The City's Telecommuting Policy and Program is intended to be cost-neutral, and under the policy San Francisco is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite, and assumes no responsibility for set-up or operating costs.

Departments have the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. Departments providing equipment, software, or other supplies to telecommuting employees must reasonably allocate those resources based on operational and workload needs. Departments have the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting, and departments that agree to reimburse costs are required to address this clearly in the employee's telecommuting agreement.

Agreement Options: Under San Francisco's policy, telecommuting agreements may be on a regular and recurring, or an occasional basis.

Regular and recurring means an employee works away from the regular worksite on an established day or days, and on a recurring schedule. Employees who telecommute on a regular and recurring basis must be available to work at the regular worksite on telecommuting days if needed.

Occasional requests by employees to change their regularly scheduled telecommute days should be accommodated by the supervisor if possible. Employees must obtain prior authorization to change a regularly scheduled telecommute day. Occasional telecommuting means an employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

Finally, all employees with telecommute agreements and all supervisors with telecommuting employees must complete the appropriate telecommute eLearning module at least once. Supervisors have the discretion of requiring employees to retake the module.

Seattle: Under Seattle's teleworking policy, an employee may request, and the appointing authority may approve, telecommuting work arrangements when the appointing authority determines that the employee's work can be effectively carried out and accounted for under such conditions. Terms and conditions of individual telecommuting arrangements must be set forth in completed and signed telecommuting agreements. Any changes to the arrangement require another review of the feasibility of the telecommuting arrangement. Factors that the appointing authority may, but is not obligated to, use in evaluating a telecommuting arrangement, are the following:

1. Impacts on customers and other employees.

2. Employees' demonstrated ability to maintain quality, quantity, and timeliness of service or product.
3. Whether or not there exists a good working relationship between supervisors and employees.
4. Whether an employee's job consists of tasks that can be effectively accomplished without the resources of the primary worksite immediately accessible to the employee.
5. Whether or not the alternative worksite meets essential workplace safety standards and is generally free from excess distractions during the employee's designated work hours.
6. Whether the location of proposed alternative worksite provides for convenient access to the employee's supervisor or management representative.

An hourly employee's core work hours must be authorized by his or her supervisor and may only be changed with the supervisor's prior approval, and hourly employees may not work more than their scheduled hours without the explicit prior approval of their supervisor. Unless the employee is on pre-approved leave time, the employee must be available for communication with their supervisor or delegated management representative by telephone or computer as directed during their designated core work hours.

Tulsa: Tulsa allows employees, on a temporary basis, to work at a remote location. Telecommuting is not considered appropriate for all positions, and no employee or job categories are entitled to or guaranteed the opportunity to telecommute, with the exception for those hired for a few designated positions. Under the policy, election for participation in the telecommuting program requires a great deal of trust that the employee will devote the proper time and attention to their work and be productive in the absence of direct supervision.

The type of work appropriate for telecommuting depends on job content rather than job title, type of position or work schedule. Jobs acceptable for telecommuting are those that can be performed at an alternate worksite without diminishing the quality of the work or disrupting the productivity of the City Worksite office.

Telecommuting is only available with the approval of an employee's director supervisor, department head, personnel director, and IT Security. Under Tulsa's policy, the Mayor, or designee, has final authority regarding approval of telecommuting and may terminate the telecommuting program or an individual telecommuting acknowledgement at any time.

Qualifications: Employees must meet the following qualifications to be considered for telecommuting:

- Employees must be self-motivated and be able to productively work with little supervision, direct guidance, assistance, or approval from others.

- Employees must have a thorough knowledge and understanding of his or her job functions.
- The nature of work suitable for telecommuting requires minimal face-to-face interaction with external customers, other city employees, or dedicated project workgroups.
- The Telecommuting Worksite must not be a distraction to the employee.
- The employee shall have demonstrated, to the supervisor's satisfaction, his or her capability to work productively without direct supervision. Indicators of this capability include consistently high performance, excellent attendance, a positive attitude toward assigned work, and an absence of discipline problems in the employee's work history.
- Department heads will take the supervisory status of the employee requesting telecommuting into consideration before granting approval.

Expectations: Telecommuting acknowledgements are required for each telecommuting employee and will be considered for approval on an individual basis:

- Participation in telecommuting will not be approved if cost to the employer is prohibitive.
- Employees approved for telecommuting are required to devote their full time and attention to City business during work hours and may be required to maintain in office periods, attend scheduled meetings, or interact directly with other staff at the City Worksite.
- Telecommuting employees must be available to respond to the City Worksite at the request of their department heads or department heads' designees during the agreed upon telecommuting work hours. The telecommuting employee's on and off-site work schedule must be approved by their department heads or the department heads' designees.
- Telecommuting employees must be accessible during the work hours specified in the Telecommuting Acknowledgement and reachable through electronic means such as telephone, email, or video conferencing, regardless of work location. Meetings will not be held at a Telecommuting Worksite.
- Telecommuting is not a substitute for dependent care or child care.
- Telecommuting employees are required to make dependent care and child care arrangements during the work hours outlined in the Telecommuting Acknowledgement.
- The Telecommuting Acknowledgement details an arrangement between the City and an employee and will be maintained in the employee's personnel file with the Human Resources Department. Telecommuting Acknowledgements are approved for no longer than 12 months at a time. However, they may be altered to better meet the needs of the City and/or terminated at any time, with the exception of positions exclusively designated as telecommuting.
- Telecommuting does not change the terms and conditions of employment as a City employee. A telecommuting employee's salary, job responsibilities, benefits and insurance do not change as a result of telecommuting.

- The City is not liable for damages to telecommuter-owned equipment and the City will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities, telephone, Internet access, etc.) associated with the use of the Telecommuting Worksite.
- Tax liabilities associated with the Telecommuting Worksite are the sole responsibility of the telecommuting employee.
- Out-of-pocket expenses for supplies normally available in the office will not be reimbursed.

Off-site Requirements: Telecommuting employees will take all precautions necessary and are responsible for securing and safely maintaining information, documents and equipment off-site and in route to their home to prevent unauthorized access, theft or damage to any City system, equipment or information. The equipment used must conform to City standards for security, technical support and maintenance. Equipment usage for telecommuting is subject to the following conditions:

- The City may provide computer equipment and/or data communication lines to the Telecommuting Worksite.
- The City may provide technical support for City owned computer(s) or telecommunications equipment.
- In case of equipment malfunction which hampers a telecommuting employee's ability to complete assigned duties, he or she must promptly notify their direct supervisor.
- Only City-approved software may be used for connecting with the City's network from the Telecommuting Worksite.
- Telecommuting employees must follow all City of Tulsa information security rules. If it is determined that any employee's computer used at the Telecommuting Worksite is responsible for the virus infection of any City computers or files, this may result in the immediate termination of the Telecommuting Acknowledgement.
- The City's governing rules, regulations, and policies, including those regarding time and attendance, leave, compensatory time, and overtime, apply to both telecommuting and non-telecommuting employees. When supervising telecommuting employees, a proper reporting process must be established and maintained to satisfy any questions regarding time worked, productivity, and the meeting of established goals.
- All employees, both exempt and non-exempt, are responsible for approving their time worked and/or leave taken within the appropriate time and attendance system used by the City. Telecommuting employees will periodically meet with their department heads or department heads' designees to discuss the working arrangement and resolve any related issues.
- If a request for telecommuting relates to a reasonable accommodation under the Americans with Disabilities Act (ADA) or prolonged use of leave for medical reasons, the Human Resources Department (HR) must be notified immediately.
- In case of a condition, such as a power failure, that affects the telecommuting employee's ability to work off City premises but not on City premises, the

telecommuting employee may be required to report to the employee's regular office location on City premises or the employee may be allowed to use vacation time, compensatory time, or take leave without pay. If an office closure or emergency excuses other employees from working and work can proceed at the Telecommuting Worksite, telecommuting employees are not excused from working.

- The City's travel policy applies to telecommuting employees. In the case of telecommuting, City Hall is the official station for travel expense voucher purposes. For a telecommuting employee, travel to and from any location within 150 miles of the Telecommuting Worksite is non-reimbursable. Mileage to and from locations outside a 150 mile radius is reimbursable. This includes travel to and from the employee's City Worksite and Telecommuting Worksites.

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