City of Milwaukee

Department of Employee Relations

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ALTERNATIVE WORK ARRANGMENTS PROGRAM AND POLICY

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I. PURPOSE

The stress of balancing competing demands between work and personal responsibilities impacts the wellbeing of City of Milwaukee employees, health care costs, absenteeism, efficiency and productivity. This policy establishes administrative procedures for the Alternative Working Arrangements (AWA) Program. This policy is intended to guide supervisors when considering alternative work options for their employees. The primary consideration for approving alternative work arrangements is the City of Milwaukee's ability to provide exceptional and responsive service to the public, while balancing the needs of employees. This policy also includes guidance on a remote work program for eligible employees. The remote work program provides flexibility for eligible employees and is a privilege that may be revoked if the policy parameters are not followed. The City supports the value of a remote work program while also promoting the presence of employees in the workplace and the benefits that adds to the work environment.

The AWA Program provides supervisors with a methodology for meeting operational and programmatic goals while allowing employees flexibility to balance their work and personal responsibilities. AWAs are offered by the City to benefit the organization, the customers we serve, and our most valuable resource, the employee. Providing flexible work arrangements can improve employee job satisfaction, increase productivity, and promote employee wellness.

The AWA program is a privilege and may be discontinued at any time if it does not meet the operational needs of the City of Milwaukee. Employees do not have a vested right to the AWA program.

II. APPLICABILITY

This policy applies to general City employees, including civilian personnel in the Fire and Police Departments.

III. AUTHORITY

This policy is created under the authority of MCO 350-209(3), which states, in part, that "Department heads, in conjunction with the Department of Employee Relations, shall develop alternative work arrangements suited to departmental operations and employees' personal needs...The Department of Employee Relations shall be responsible for developing city-wide guidelines and administrative procedures regarding alternative work arrangements."

IV. DEFINITIONS

Alternative Work Schedule (AWS): An alternative work schedule is a schedule that deviates from the City's standard hours of work of 8:00am – 4:45pm, Monday through Friday, or the department's designated standard hours of work. An AWS enables an employee to adjust their scheduled hours of work within the core hours of work, which is typically during a work unit's peak operational hours of the work. Examples of an AWS include but are not limited to an employee working four ten-hour days per week, an employee working four nine-hour days and one four-hour day per week, an employee working 7:00am to 3:30pm, Monday through Friday or

an employee working different hours on different days of the week. This does not apply to occasional flexible time or temporary schedule changes.

Department: Refers to the City of Milwaukee department that employs the impacted employee.

Job Sharing: Two employees share the duties of one full-time position, each working a proportionate and normally equal part-time schedule.

Part-Time Employment: Full-time employees who work an average of at least 20 hours but fewer than 40 hours per work week on a year-round basis, in a position that is budgeted at half-time or greater.

Employees who work an average of 20 hours per week or fewer on a year-round basis in a position that is budgeted at less than half-time are considered to be less than part-time employees and are generally not eligible for benefits.

Remote Work: On one or more days per week, an employee works at an offsite location, including their home, and is connected to the office by computer and/or telephone.

Work Models:

Hybrid Remote Work Model: Employee works from a combination of an onsite work location and a remote work location. The employee works from the onsite work location a minimum of 3 days per week.

Majority Workplace Work Model: Employee regularly works from the onsite work location, but may work at a remote work location on an ad hoc/occasional basis.

Full-Time Workplace Work Model: Position does not lend itself to any ability to work at a remote location, even on an ad hoc/occasional basis.

V. ELIGIBILITY

A. Criteria

Alternative work schedules must include working during the City's core hours of operations between 9:00 AM – 2:00PM (excluding lunch break) or the department's designated core hours of operations. Alternative work schedules shall not start before 5:00 am or end after 6:00pm or as designated by the department. This does not apply to occasional flexible time or temporary schedule changes.

Part-time, probationary and temporary employees may be considered for AWAs at the discretion of management, but full-time employees will be provided priority consideration.

The department head or designee(s) may limit the number of employees who may be regularly scheduled to be off or work remotely. The department may also identify a day or days of the work week where employees are required to be onsite due to operational needs.

Decisions to approve or to deny an AWA request shall be based on established criteria and expectations or business operational needs. Decisions regarding AWAs should be consistently and fairly applied to employees in similar circumstances.

B. Position Eligibility

The department shall determine which positions are eligible to participate in an alternative work arrangement. The department head or designee(s) shall consider the extent to which such arrangements support and enhance departmental efficiency, productivity and services to the public. The department head or designee(s) has the discretion to approve or deny AWAs based on established eligibility criteria and/or operational needs. Positions that may not qualify for an AWA include but are not limited to those that depend upon a work crew remaining intact from the start to the finish of a shift, emergency shift work and those positions that depend upon the schedules of co-workers for work flow or direction.

The department shall consider the following criteria when determining a position's eligibility for an AWA:

- Ensuring the needs of internal and external customers are met;
- Budgetary impact;
- Avoidance of additional overtime or other operational costs;
- Health or safety considerations;
- Liability issues;
- Group scheduling and shift needs;
- Communication with co-workers;
- Equipment and technology availability;
- Access to support and/or supervisory staff;
- Need for supervision, direction and support; and
- Compliance with the Fair Labor Standards Act (FLSA).

C. Remote Work Position Eligibility

The department shall determine which positions are eligible for the following work models:

1. Hybrid Remote Work Model
2. Majority Workplace Work Model
3. Full-Time Workplace Model

The department shall consider the following criteria when determining a position's eligibility for remote work:

1. The position duties are appropriate for remote work and remote work does not negatively impact the delivery of public services and programs.
2. The position does not require an employee to be physically present in City facilities to accomplish their assigned duties.
3. The position has minimal or non-existent face-to-face contact with members of the public.
4. The position's methods of communication may primarily be accomplished via telephone, e-mail, video conferencing, or other forms of electronic communication.
5. The position responsibilities include large blocks of time handling information and data, such as writing, reading, analysis, planning, computer programming, word processing, data entry, and telephonic work.
6. The position does not require or requires limited usage of City materials or special equipment.
7. The position's responsibilities are clearly defined with measurable work activities, goals and objectives.
8. The Department has available technology to support the position working remotely.

D. Employee Eligibility

Once a department determines which positions are eligible for an AWA, the department head or designee(s) has the discretion to approve or deny an AWA request based on established eligibility criteria and/or operational needs. The department head or designee(s) shall consider the extent to which such arrangements support and enhance departmental efficiency, productivity and services to the public.

The department shall consider the following criteria when determining an employee's request to have an alternative work arrangement:

1. Department Operational Needs – Business and operational needs of the department and work unit can be met.
2. Employee Leave History – Employee has not violated Department work rules related to attendance in the last calendar year.
3. Employee Disciplinary History – Employee has exhibited acceptable behavior with no discipline on file of written warning or above in the last calendar year.
4. Employee Performance – Employee has no documented performance issues in the last calendar year and can perform the expected job responsibilities without direct and constant supervision

VI. REQUEST AND APPROVAL PROCESS

A. Employee Request Process

An employee who wishes to request an AWA shall follow the process listed below:

1. Review whether or not their position is eligible for an AWA as determined by the department. If there are questions regarding the position eligibility, communicate with their supervisor.

2. Complete and submit an ***AWA Request*** form to their supervisor. Discuss the suitability of their job functions to work remotely with their supervisor.
3. If the supervisor approves the request, the supervisor and employee shall meet to establish the standards and expectations utilizing the AWA Agreement form.
4. The supervisor and employee complete and sign the ***AWA Agreement*** form. A copy of the ***AWA Agreement*** form shall also be signed and approved by the department head or designee or the department's personnel officer. The department head or designee(s) or department's personnel officer have the discretion to approve or deny the agreement based on established criteria and/or operational needs.
5. Upon receipt of the final approval, comply with the ***AWA Agreement*** and meet responsibilities listed in this policy.

B. Department Approval

When an employee requests an AWA, the department shall follow the process listed below:

1. Upon receipt of an ***AWA Request*** form, a supervisor shall determine whether or not the employee's position is eligible for an AWA.
2. The supervisor then shall review and approve or deny the request based on established criteria and departmental operational needs.
3. If the supervisor approves the request, the supervisor shall meet with the employee to establish the standards and expectations utilizing the ***AWA Agreement*** form.
4. The supervisor shall ensure that the employee's performance evaluation is up to date.
5. The supervisor and employee complete and sign the ***AWA Agreement*** form. The supervisor shall forward a copy of the ***AWA Agreement*** form to be signed and approved by the department head or designee or the department's personnel officer.
6. The department head or designee or the department's personnel officer shall sign and approve the ***AWA Agreement*** form. The department head or designee(s) or department's personnel officer have the discretion to approve or deny the agreement based on established criteria and/or operational needs.
7. Copies of completed agreement forms shall be sent to the employee and maintained in the employee's personnel file and supervisory file.
8. The supervisor shall monitor compliance with the ***AWA Agreement*** form and meet responsibilities listed in this policy.

VII. ROLES AND RESPONSIBILITIES

A. Supervisory Responsibilities

1. Communicate expectations and requirements of AWAs to employees utilizing the ***AWA Agreement*** form. A supervisor shall communicate expectations and requirements around topics, including but not limited to:

    - Regular or intermittent schedules
    - Hours of work, lunch and break periods
    - Requirements for overtime approval (non-exempt employees)
    - Expectations for performance, attendance, and conduct

- Acceptable response timeframes for external and internal customers
- Reporting and documentation responsibilities
- Dress and appearance standards

2. Establish regular communication methods to monitor employee performance and productivity.
3. Accommodate employees working remotely and in-person when scheduling meetings and other activities.
4. Evaluate ongoing operational needs and employee performance to determine if changes in work assignments are necessary.
5. Ensure inventory control for all City-owned assets, including inventory utilized by remote workers.
6. Communicate any temporary or full-time modifications to an AWA arrangement with reasonable advanced notice.
7. Provide appropriate and regular performance feedback.
8. Complete annual performance reviews.
9. Review employees' AWAs at a minimum of once per year.

B. Employee Responsibilities

1. Submit a request for AWA in accordance with this policy.
2. Acknowledge expectations and agreements as approved in the AWA.
3. Comply with all City and departmental policies and established procedures.
4. Have frequent, open communication with supervisor and colleagues.
5. Meet appropriate dress and appearance standards when virtually interacting with co-workers, leaders, and customers.
6. Maintain attendance in accordance with City policies.
7. Notify direct supervisor and submit appropriate leave for variances in AWA.
8. Respond within expected timeframes to communication and requests from internal and external customers, as established by your supervisor.
9. Follow good remote work etiquette by forwarding office phone lines to a mobile phone, checking work voicemails regularly and including a signature on emails with contact information (phone, email, etc.) and/or remote work schedule details if applicable.
10. Attend meetings and training in-person at a designated City work location as required.
11. Report any issues with remote access or other technology resources promptly. If access cannot be resolved quickly, it may be necessary to report to a City work location or to submit appropriate leave time.
12. Immediately report any work-related injuries to your supervisor.

VIII. REQUIREMENTS

A. Schedules and Time Reporting

1. Prior to beginning an AWA, the employee and supervisor should establish a work schedule that meets operational needs.

2. The Fair Labor Standards Act (FLSA) governs work performed away from City work locations. Supervisors must ensure that FLSA non-exempt (hourly) remote workers comply with City and department policies regarding hours worked. Hours worked outside of the non-exempt employee's defined schedule may qualify for overtime compensation under the FLSA or under an employee's applicable unit labor agreement. Overtime must be approved in advance by the supervisor.
3. Requests for paid leave or other time off must adhere to the City's established policies regardless of the employee's work location.
4. Employees may be required to track their work time as directed by their supervisors.

B. Timekeeping and Payroll

All AWA participants and their supervisors must ensure that work schedules comply with time keeping and payroll procedures, City compensation policies and overtime provisions of the Fair Labor Standards Act (FLSA). Work schedules should recur regularly and be as predictable as possible in order to conform to overtime rules and to avoid payroll inaccuracies. Requests to deviate from the approved schedule should be minimized and changes should only occur with appropriate management pre-approval.

Consideration for part-time employees regarding shift differentials, paid leave, holiday pay and other benefits shall be consistent with the provisions of the Milwaukee Code of Ordinances.

Some types of leave cannot have not more than eight (8) hours of time charged to the leave account per day; this includes funeral, jury duty, and holiday leave. If the employee is scheduled to work more than 8 hours per day in an AWA, the employee can use additional types of leave as appropriate (vacation, comp) to make up the remainder of the scheduled shift for that day. For other types of leave, there is no daily limit to the hours of time charged for the employee's scheduled shift; this includes sick, vacation, comp, and TVA. There is no limit to the total amount of hours per day of leave an employee is allowed to use, as long as the total leave amount for the week does not exceed 40 hours in the week for FLSA non-exempt employees or 80 hours in the pay period for FLSA exempt employees.

C. Compliance

1. Employees must follow all applicable requirements defined in City code, City policies and other state and federal laws just as if they were physically present in City workspaces including, but is not limited to, leave, conduct, and substance abuse policies.
2. Employees must to use good judgment and conduct themselves in a professional manner during all virtual interactions. This includes using appropriate language and content in chat functions and ensuring background noises are minimized and non-disruptive, virtual backgrounds should be professional, and employees should dress appropriately to allow for use of video as well as being prepared to activate their video during calls if requested.
3. FLSA non-exempt employees shall only work the hours scheduled and shown in their AWA Agreement and receive prior approval from their manager/supervisor prior to working different hours. FLSA non-exempt employees shall not work overtime hours

without prior approval by their manager/supervisor and shall immediately report any hours worked outside their scheduled work hours.

D. Remote Work Locations

1. When working remotely, employees are required to comply with all City policies and procedures and conduct standards that apply in a City work location.
2. Remote workers should manage personal business in a manner that does not interfere with the performance of job duties. Remote work is not a substitute for dependent care, except as expressly approved for emergency situations. If a remote worker needs to stop work for a long period of time to attend to personal business, they should request permission from their supervisor and use appropriate leave as necessary.
3. The City is not responsible for loss or damage to employee-owned furniture or equipment and does not assume liability for injuries to members of the employee's household or other third parties that occur on the employee's premises.
4. An employee who is on an approved remote work schedule may have their worksite office space reconfigured or may share a workspace at the onsite work location.
5. Employees must have a space around their remote workstation that is safe and free from hazards that could cause injury.
6. Employees are expected to use their own furniture. Departments should consult with their personnel officer regarding requests for exceptions based on special circumstances, such as equipment that may be provided as part of an approved accommodation under the American Disability Act or for a documented medical need.
7. The City is not responsible for the payment of a remote working employee's utilities (gas, electric, water, etc.) and is not obligated to reimburse employee for any use, wear and tear, maintenance, or damage to employee-owned property, devices, or systems.
8. Mileage between remote work location and City work location is not reimbursable.

E. Remote Work Equipment and Supplies

1. The employee must comply with the expectations and policies for equipment use set forth by the Department of Administration's Information and Technology Management Division (ITMD).
2. The City will provide a computer for the employee's primary work location. The employee is responsible for either transporting or providing the needed equipment to their secondary work location. Only computer equipment, such as laptops, tablets, docking stations and/or monitors, should be taken to the off-site work location for the purposes of working remote.
3. Hardware and software purchased by the City and work products and documents created while working remote are the property of the City. Documents created while working remotely are subject to public records requests and the City's records retention policies. These documents are subject to inspection by the City and may be considered in administrative or disciplinary investigations.
4. Any office supplies needed to perform job duties remotely must be acquired from the employee's department with supervisory approval.
5. The employee is responsible for paying the costs of internet service at their remote work location. The internet service must be reliable and able to support all remote work functions

including virtual meetings and utilization of the video function. All other required equipment must be provided by the employee.

F. Information Security for Remote Workers

Many employees handle information that is considered sensitive or confidential. Remote workers must make reasonable efforts to ensure that others in the household cannot access City systems or information related to City business.

1. Remote workers must ensure that no other persons in their remote work location use City assets. Remote workers should use passwords and screen locks to safeguard all information related to City business.
2. Remote workers should use caution when printing documents in a remote work setting, and ensure all information is secured and disposed of in accordance with City records retention and destruction policies.
3. Supervisors should clearly identify what tasks and handling of documents are appropriate for remote work locations and communicate any exceptions to their employees.

G. Safety and Workplace Injuries for Remote Workers

Remote workers are responsible for maintaining safe working conditions in their remote work location. This includes the configuration of an ergonomically sound work area and mitigation of hazards that could result in injury.

1. The workspace should be free of objects that could fall on the employee or present trip and fall hazards. Cords, cables, and other equipment should be arranged to prevent tripping hazards.
2. Employees must ensure that electrical equipment is in good condition, power strips are not overloaded, extension cords are kept to a minimum, and surge protectors are used.
3. Employees should follow recommended ergonomic guidelines for equipment configuration, seating, and body positioning while working.

The Workers' Compensation Program provides benefits to employees who are injured while performing service growing out of and incidental to their employment. In the event of an injury sustained while working remotely, the employee is required to immediately report the injury to their direct supervisor. To file a claim call the 24/7 Work Injury Nurse Triage line at 1-844-645-2567. If the incident involves a medical emergency, employees should seek immediate medical attention or call 911.

IX. CHANGES, REVOCATION, AND EXCLUSIONS

A. Position Eligibility Changes

The department has the discretion to amend positions eligible for AWAs. The department must provide reasonable written notice to employees impacted by the change.

B. Employee Approval Changes and Revocation

The department head or designee(s) has the authority to revoke an AWA agreement. An employee will be given written notice no less than seven (7) calendar days prior to the revocation of the AWA agreement. AWAs may be revoked if a situation or circumstances warrant immediate discontinuation. Justifications for revocation include, but are not limited to violation of the terms of the AWA agreement, performance deficiencies, or the arrangement no longer meets the criteria in this policy, work could be better performed at a City site, or other performance-related reasons. The department head or designee must articulate the reason for revocation in writing.

An employee may request to discontinue or amend their AWA with reasonable notice to and approval by the department head or designee(s).

C. Exceptions

Departments may work with the Employee Relations Director to identify specific classifications or unique circumstances that warrant additional remote work flexibility. Exceptions will be considered only in rare and well-justified cases to ensure they are granted sparingly and not used as a broad workaround to this policy.

D. Appeal Rights

An employee has no property right to an AWA and does not acquire such a right by being provided the opportunity to work remote for any period of time. AWAs should not be considered indefinite and shall be assessed on an annual basis at minimum. An employee cannot grieve the decision of the manager to grant, deny, amend, or revoke an AWA.

Disciplinary action arising from violation of this policy is grievable and may be appealed to City Service Commission.

E. ADA Accommodations and Medical Restrictions

The approval process outlined in this policy does not apply to requests for an AWA as an accommodation under the Americans with Disabilities Act or for temporary medical restrictions. ADA accommodations are addressed in the City of Milwaukee Department of Employee Relations ADAAA/WFEA Policy and Compliance Manual.