**1.1.C.9 Staff Alternative Work Schedule and Remote Work**

**I Policy Index:**

- **Date Signed:** February 07, 2022
- **Distribution:** Public
- **Replaces Policy:** N/A
- **Supersedes Policy Dated:** 12/12/2019
- **Affected Units:** All Units
- **Effective Date:** February 08, 2022
- **Scheduled Revision Date:** November 2022
- **Revision Number:** 18
- **Office of Primary Responsibility:** DOC Administration

**II Policy:**

The Department of Corrections (DOC) encourages supervisors to accommodate staff members’ scheduling requests through an alternative work schedule or approval of remote work, when possible.

**III Definitions:**

None

**IV Procedures:**

1. **Alternative Work Schedule Guidelines:**
   
   A. Guidelines for alternative and remote work schedules are available within the Bureau of Human Resources (BHR) Alternative Work Schedule Policy (See Attachment 1), and Remote Work Schedule Policy (See Attachment 3) which are located on the BHR website (http://bhr.sd.gov/).
   
   B. Sufficient staff shall be scheduled for each workday to ensure the safe, and efficient operation of the institution or unit.
   
   C. Approval of alternative work schedules and remote work requests will be considered on a case-by-case basis.
   
   D. Once approved, the alternative work schedule shall remain in effect until terminated by either the DOC or the staff person.
   
   E. Supervisors may discontinue or temporarily suspend alternative work schedules and remote work agreements when necessary. Alternative work schedules and remote work agreements may also be altered if work needs change, or if safety, security or the disciplined operation of the institution or unit is or may be adversely affected.
   
   F. Alternative work schedules will not be approved in place of when an appropriate extended leave request, such as Family and Medical Leave Act or sick leave is required.
2. Application for an Alternative Work Schedule:

   A. Eligible staff may complete the *Request for an Alternative Work Schedule (AWS)* form to request an alternative work schedule (See Attachment 2).

   B. The *Request for an Alternative Work Schedule (AWS)* may also be obtained on the BHR website.

   C. Staff must forward the completed *Request for an Alternative Work Schedule (AWS)* form to their supervisor.

   D. Supervisors shall forward a copy of the staff member’s completed *Request for an Alternative Work Schedule (AWS)* form and their decision to the request, whether approved or denied, to the respective Human Resource Manager assigned to the facility or unit.

3. Remote Work Policy

   A. Eligible staff may complete the *Remote Work* documents to request a remote work schedule (See Attachments 3-6).

   B. Staff are encouraged to review the Remote Work Policy (Attachment 3).

   C. Staff must complete and submit the Remote Work Request Form (Attachment 4).

   D. Staff must complete and submit the Remote Work Safety Checklist to your supervisor (Attachment 5).

   E. If the request for remote work is approved, then staff must complete and submit the Remote Work Agreement to their supervisor (Attachment 6).

V Related Directives:

BHR Policy – *Alternative Work Schedule Policy*

BHR Policy – *Remote Work Policy*

VI Revision Log:


**November 2010:** Revised formatting of Section I.

**January 2012:** Deleted “Non-Public” and Replaced with “Public”.

**December 2012:** Deleted “Bureau of Personnel” and Replaced with “Bureau of Human Resources” throughout policy.

**November 2013:** Reviewed with no changes.

**November 2014:** Reviewed with no changes.

**November 2015:** Reviewed with no changes.

**November 2016:** Reviewed with no changes.

**November 2017:** Reviewed with no changes.

**November 2018:** Reviewed with no changes.

**December 2019:** Added B, C, D, and E. to Section 1.

**January 2022:** Policy Title: Added “and Remote Work”; 1.A: Added “Remote Work” and attachment reference; 1.C: Added “and remote work requests”; Added a new 1.D: “Once approved, the alternative work schedule shall remain in effect until terminated by either the DOC or the staff person.”; Added “3. Remote Work Policy and subsections A-E”; 1.E: Added “and

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<tr>
<th>Doug Clark <em>(Original signature on file)</em></th>
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<td>Doug Clark, Interim Secretary of Corrections</td>
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Attachment 1: Alternative Work Schedule Policy

The Alternative Work Schedule Policy is located on the BHR website.

Alternative Work Schedule Policy
It is the goal of the state of South Dakota to provide employees with a work environment that allows them to balance work and life activities. As an employer, the State recognizes the need for flexibility in scheduling to provide employees the opportunity to participate in family and community activities. To achieve this goal, employees and supervisors are encouraged to use alternative work schedules. Alternative work schedules will enable managers to meet their program goals and provide better customer service while, at the same time, allowing employees to be more flexible in scheduling their personal activities.

Alternative Work Schedules Available

Flexible work schedule: With supervisory approval, employees may select alternative starting and stopping times during the workweek. The starting and stopping times and the lunch period are fixed for the duration of the flexible schedule unless the supervisor discontinues or temporarily suspends the flexible work schedule. Salaried employees on a flexible work schedule may be required to work additional hours or adjust their schedule to meet the requirements of their position.

Permanent reduced work schedule: With supervisory approval, hourly and salaried employees may reduce the number of hours worked each week. Employees on a reduced work schedule will be considered permanent part-time employees and will earn less leave and pay based on the reduced number of hours worked. If employees work less than 20 hours per week, they are not entitled to health, life, or retirement benefits. This is a permanent schedule and is not intended for seasonal fluctuation.

Flex time: With supervisory approval, employees may occasionally modify their daily work schedule. Adjustments may be made at any time to allow employees flexibility in their schedule during the week. Hourly employees must make up hours flexed at a different time during the work period. Hourly employees who are unable to make up hours flexed during the work period must take either paid or unpaid leave. Salaried employees may not flex an entire day.

Compressed work schedule: With supervisory approval, full-time hourly and salaried employees may work their normally scheduled number of hours each work period in less than 5 days.

Examples are four 10-hour days or four 9-hour days and one 4-hour day. Since full-time employees are entitled to a maximum of 8 hours for a holiday, hourly employees working a compressed work week may be required to adjust their work week or take paid or unpaid leave during a work period that includes a holiday. Salaried employees must have a set schedule and take leave for any day in which they will be absent during all scheduled hours regardless of the number of hours worked during the week. Salaried employees on a compressed work schedule may be required to work additional hours or adjust their schedule to meet the requirements of their position.

Work Adjust: Work adjust is adjusting hours for work performed outside the normal work schedule to meet the requirements of the agency. Work adjust is intended for short term changes to an employee’s schedule to meet workload requirements. Work adjust applies to hourly employees and is not appropriate for salaried employees.
Eligibility for Alternative Work Schedules
Supervisors will work with employees and attempt to accommodate their scheduling requests. Alternative work schedules, however, may not be available to every employee at any time because of customer service requirements. If alternate work schedules are not possible, the supervisor should explain why the request for an alternative work schedule cannot be honored.

Guidelines
Principal administrative offices will be open during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, including the noon hour. Service to both internal and external customers must be maintained or improved.

Rest periods are a normal part of the work schedule and cannot be accumulated or be included as a basis for a flexible work schedule. A lunch break of at least 30 minutes of uninterrupted time is recommended.

Responsibilities
Teamwork among employees and agency management is an important factor in implementing alternative work schedules and achieving positive benefits associated with alternative work schedules. Meaningful work must be available for the employee during the entire alternate work schedule. Supervisors and employees are mutually responsible for ensuring successful alternative work scheduling programs.

Supervisors shall:
1. Ensure adequate, not minimal, staff is available to serve the needs of the public. Both internal and external “customer” needs will be considered to determine adequate staffing.
2. Ensure that alternative work schedules are administered consistently and equitably.
3. Ensure alternative work schedules do not cause or contribute to the need for additional staff or overtime work.
4. Ensure work that requires regular supervision or essential interaction with other staff is scheduled when supervisors and interacting staff are available.
5. Ensure the work site has adequate supervisory and management coverage at all times.

Employees shall:
1. Plan and organize their time to meet the job requirements established by the supervisor. This includes answering your phone during all alternative work hours.
2. Participate in the resolution of conflicts between the job and the alternative work schedule and inform the supervisor when coverage is not adequate.
3. Be able to meet workload requirements and be available for scheduled conferences and meetings. The requirements of the job always take precedence over the alternative work schedule.
4. Not engage in excessive socializing prior to the beginning of their workday when employees are already engaged in their work schedule. This can be disruptive to the work patterns of employees with earlier starting times.
5. Record actual hours worked for each day on the time form.
**Procedures for Requesting an Alternative Work Schedule**
A Request for an Alternative Work Schedule (AWS) form must be completed by the employee and submitted to the supervisor for approval if the employee wants to participate in a flexible work schedule, a permanent reduced work schedule or a compressed work schedule. A copy of this form should be sent to your Human Resource Manager to be placed in the employee’s personnel file. A form is not required to participate in occasional flex time.

**Changes to Work Schedules**
Alternative schedules do not alter the responsibility and authority of supervisors to establish and change work schedules without prior notice. Supervisors may discontinue or temporarily suspend alternative work schedules when necessary. Alternative work schedules may also be altered if work needs change or if service is impaired.

To ensure an opportunity for all employees to request an alternative work schedule and to ensure the schedule remains workable for the employee and the agency, requests for flexible work schedules, permanent reduced work schedules, and compressed work schedules will be submitted and reevaluated at least every six months.

Please contact your agency human resource manager if you have any questions relating to the alternative work schedule policy.
Attachment 2: Request for an Alternative Work Schedule (AWS)

The Request for an Alternative Work Schedule (AWS) form is located on the BHR website.

[Image of the form]

Forward all forms approved and signed to agency human resource manager.
Attachment 3: Remote Work Policy

The Remote Work Policy is located on the BHR website.
I. Implementation. A remote worker who is scheduled to work at a remote work office on a day when state offices in the same county have been closed due to an emergency is expected to work as scheduled unless excused from working by his or her supervisor.

J. Taxes. Federal tax implications of remote working and use of a home office are the responsibility of the remote worker.

IV. EQUIPMENT AND MATERIALS
A. Agency-provided Equipment. State agencies may provide, at their sole discretion, office equipment and supplies deemed necessary to perform work offsite. State agencies will maintain an inventory of provided property and equipment.

B. Remote Work Office. By entering into a remote work agreement, the employee agrees that the remote work office is subject to review and approval by the supervisor.

C. Employee-owned Equipment. State agencies may allow the remote worker to use employee-owned computer hardware and software that is necessary to perform assigned work offsite. The remote worker is responsible for insuring and properly maintaining employee-owned equipment.

D. Repair of Employee-owned Equipment. State agencies may elect to provide maintenance and repair for employee-owned equipment, hardware, and software. Such an arrangement must be included in the Remote Work Agreement.

E. Facility Costs and Responsibilities. The remote worker is responsible for establishing and maintaining a safe and secure office in the home, including ensuring that adequate and reliable utility resources are present (ie. phone and internet services). The remote worker is responsible for all costs related to modification of the remote work office, including but not limited to remodeling or electrical modifications.

The agency is not responsible for operating costs, home maintenance, or any other costs (eg. utilities, internet service, furniture) associated with the use of the remote worker’s home as the remote work office.

F. Commuting. If a remote worker’s remote work office and home station work sites are different, mileage between the two is considered commuting mileage and is not subject to reimbursement. Similarly, the remote worker will not be reimbursed for time spent commuting between the remote work office and the home station work site during normal working hours.

V. DATA AND SECURITY
The remote worker and supervisor must agree on data security and a transfer process necessary to meet the needs of the agency, to protect the security of data, and to comply with applicable federal and state laws, policies, and procedures. Data, in whatever form (paper or electronic) created or maintained during a remote work agreement is and remains the property of the State and is subject to South Dakota open records laws and agency records retention policies.

VI. LIABILITY
A. Extension of State Agency. The remote work office is considered an extension of the state agency during the agreed upon work hours. The remote worker must protect the work space from hazards and dangers that could affect the remote worker or equipment.

The employee must complete and return to the agency a State of South Dakota Remote Work Office Safety Checklist which will verify that the remote work office complies with the listed requirements to ensure the safety of the workplace. This checklist must be completed and approved by the supervisor prior to remote work beginning. The checklist will be placed in the employee’s personnel file.

B. State-owned Equipment. A state agency representative may make visits to the remote work office during regular scheduled work hours to ensure that the work environment and work sites are free from hazards, and to maintain, repair, inspect, or retrieve state-owned equipment, software, data, or supplies. State agencies are responsible for insuring state-owned equipment.

C. Third Party Liability. Agencies do not assume responsibility for third party injury or property damage that may occur at the remote work office, such as injuries to a co-worker driver. The agency will not be liable for damages to the remote worker’s property resulting from participation in a remote work agreement. If the remote work office is the remote worker’s home, the remote worker must have adequate renter’s or homeowner’s insurance. By signing the Remote Work Agreement, the remote worker agrees to hold the State harmless against any and all claims, excluding workers compensation claims. The remote worker assumes responsibility for maintaining the security, condition, and confidentiality of agency equipment and materials that are at the remote work office. If an agency representative is visiting the remote work office on state business and is injured, the injury may be covered by workers compensation. If the remote work office is the remote worker’s home, the remote worker cannot conduct business or agency-related business at the remote work office.
3. Worker’s Compensation: A remote worker is covered by the State’s workers compensation laws while in remote work status (i.e., working). Any injury that occurs within the course and scope of employment must be reported to the supervisor immediately, within 3 business days.

The remote worker’s office is considered an extension of state work space only during scheduled remote work hours for purposes of workers’ compensation. The agency assumes no liability for injuries occurring to the remote worker at the remote work office when the injuries are not sustained in conjunction with the employee’s regular duties. The remote worker is liable for any injuries sustained by visitors to the remote work office if it is located at the remote worker’s home.

When the remote worker performs any part of his or her state job duties in a remote work office located outside the boundaries of the State of South Dakota, it may be necessary for the agency to purchase workers’ compensation liability coverage in the state where the remote work office is located. In such a situation, the agency should contact the Department of Labor and Regulation Workers’ Compensation Program or the agency’s attorney prior to establishing a remote work agreement.

VI. TERMINATION OF REMOTE WORK AGREEMENT

The State will not be held responsible for costs, damages, or losses resulting from cessation of participation in a remote work agreement.

VII. REMOTE WORK AGREEMENT

A. Agreement Required: State agencies shall conclude a Remote Work Agreement when authorizing the use of this policy with an employee. (See State of South Dakota Remote Work Agreement.) Any employee who works in an agency-approved remote work arrangement prior to the effective date of this policy must comply with this policy, including entering into a new or amended Remote Work Agreement.

B. Termination or Amendment of Agreement: The agency has the right to terminate or amend the Remote Work Agreement and instruct the employee to return to work at a designated work site at any time. The agency reserves no right to terminate work if a remote work agreement has been revised when the remote worker has performance issues, there is a change in job responsibilities, or when the agency’s needs are not being met. An appropriate transition plan will be developed given the specific of the situation leading to the termination or amendment of the agreement.

The remote worker may also terminate the agreement at any time. The remote worker must give advance notice to his or her supervisor of the termination of the Agreement to provide the supervisor with time to ensure that adequate space is available at an agency work site, to maintain employee schedules, and to ensure that business needs are met.

IX. RESPONSIBILITIES

Agencies are responsible for complying with the terms of this policy, managing the implementation of remote work in their agency, and drafting any corresponding agency-specific remote work procedures they deem necessary.

FORMS AND INSTRUCTIONS

State of South Dakota Remote Work Office Safety Checklist
State of South Dakota Remote Work Request Form
State of South Dakota Remote Work Agreement
Attachment 4: Remote Work Request Form

The Remote Work Request Form is located on the BHR website.
Attachment 5: Remote Work Safety Checklist

The Remote Work Safety Checklist is located on the BHR website.

![Remote Work Safety Checklist](image-url)
Attachment 6: Remote Work Agreement

The Remote Work Agreement is located on the BHR website.