



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

OFFICE OF LABOR RELATIONS

**June 28, 2021**

**TO: Labor Relations Designees**

**FROM: S. Fae Brown-Brewton, Undersecretary for Labor Relations**

**RE: Clarification of the Transition Telework Agreement**

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The extensive use of telework was prompted by the sudden onset of a public health emergency due to the COVID-19 pandemic. Connecticut has largely contained the spread of this virus, with case rates and hospitalizations at their lowest points since the pandemic began and the among the highest percentage of the eligible population fully vaccinated in the nation. The magnitude of risk that required extensive teleworking has been significantly reduced.

The intent of the recent agreement between parties is to transition the workforce safely back into office settings if they are working off site due to the pandemic, while recognizing the agencies' operational needs and the parties' contractual commitment to telework and its positive aspects for the state, state services, and state employees. It is understood that 76% of eligible residents have received a vaccine and about 24% have not. It is furthermore understood that the vaccine is widely available to the eligible population and has been for months. Those who have received the vaccine have a lower risk of exposure - albeit lower, some risk remains present. We acknowledge that this situation can change or improve quickly and may require adjustments and a corresponding proportionate response. The Transition Agreement applies to those persons who have successfully teleworked during that past 14 months. It does not apply to those who have been given alternate assignments. It does not apply to those who have had a steady in-office presence prior to the Governor's May 13<sup>th</sup> announcement, including those in front-facing customer service operations. It does not apply to those in hazardous duty covered positions.

It is understood that employees are present to serve the public either directly or indirectly. If their physical presence is needed on site, they can be directed to report to the office, with reasonable notice, as long as a safe working environment can be provided there. It is understood that between the time employees are

physically present and when they are teleworking, they must be able to execute 100% of their job duties and responsibilities (not counting any adjustments that may have been made in such duties as a reasonable accommodation resulting from the ADA interactive process).

The Agreement is clear that anyone who requests to telework more than 50% of the biweekly pay period will only be granted such if the request is consistent with the work the employee performs and meets the Agency's operational needs. Such decision is at the Agency Head or, if delegated, at supervising manager's discretion. The vast majority of State agencies are returning to an at minimum 50% telework schedule effective July of 2021. For employees who were in classifications eligible to apply for telework, under the interim telework agreement, denials of said requests for up to 80% telework are subject to facilitation consistent with the interim telework agreement standard.

The agreement allows for the granting of telework greater than 50% and was intended to address such unique circumstances at the discretion of the agency head that require a higher level of teleworking including but not limited to inadequate social distancing space for agency's that have temporarily increased staffing for pandemic programmatic responses (i.e. Department of Housing and Department of Labor).

Other unique factors can be considered in the granting of an employees' request to continue teleworking at greater than 50%. For example, the employee may need to provide support to an ill or infirm family member, and the Agency may need that employee to continue to work. Granting an employees' request to continue teleworking at greater than 50%, in such situations, may be in the interests of the employer and the employee rather than mandating the employee use sick leave and not work. The agreement supports honoring the employee's request for greater than 50% but less than 80% in such unique situations.

It is understood that not every employee wants to telework, and not every job is conducive to teleworking and such determinations are at the discretion of the Agency Head. It is also understood that in some situations the employer may need employees to telework more or less than they have requested. Some Agencies, because of office space availability, social distancing, office reconfiguration and design, may need to have employees teleworking more frequently. Management may, subject to operational need, require employees to telework or work onsite more or less based on operational needs.