

Human Resources Branch Memorandum

SUBJECT: Temporary Out-of-State Telework Agreements	NUMBER: HRB 22-007
	DATE ISSUED: May 9, 2022
DISTRIBUTION: CDFW All Employees	EXPIRES: Until Superseded

Action Required

Informational Only

Control Agency Directive

PURPOSE

The purpose of this memorandum is to provide clarification to California Department of Fish and Wildlife (CDFW) employees regarding out-of-state telework.

AUTHORITY

California Department of Human Resources

[Government Code Sections 14200 -14203](#)

[CDFW Telework Policy](#)

[Statewide Telework Policy - 0181](#)

OUT-OF-STATE TELEWORK

No permanent or regular telework is permitted outside the state of California. The Statewide Telework Policy and CDFW Telework Policy were issued in accordance with Government Code Section 14200 et seq. which defines “telecommuting” as work by employees residing in California. The CDFW does not have authority to approve an employee’s request to regularly or permanently telework from an out-of-state location.

The CDFW may approve an employee’s request to telework from an out-of-state location in temporary situations only. CDFW strives to support its employees to balance work and personal obligations. As a general practice, temporary out-of-state telework approvals will be limited to 30 days or less. In extraordinary circumstances, the CDFW may approve or extend an approval beyond 30 days. Examples of situations where temporary out-of-state telework may be approved for include:

- A new employee who has accepted employment with CDFW and resides out of state at the time of acceptance, and who experiences delays in the relocation process;
- Care of a family member who lives out of state;
- Other compelling personal hardships that require an employee to be outside of the state of California for a limited duration.

Example under care of a family member:

An employee’s father lives in Colorado and is receiving in-home hospice care. The employee

needs to help care for their father part-time but can telework for four hours a day when other family members are able to care for their father.

In all cases telework shall not be used as a substitute for work. Used appropriately, telework, along with other workplace flexibilities, can facilitate the management of work and other personal responsibilities (that support the approval of a temporary out of state telework agreement). Employees may not telework with the intent of or for the sole purpose of meeting their personal obligations or dependent care responsibilities while performing their duties. While performing their duties, teleworkers are expected to arrange for dependent care or make other adjustments just as they would if they were working in the office. Employees are expected to be available and working during their approved telework schedule.

All temporary out-of-state telework agreements, [DFW 291](#), must be pre-approved by the Human Resources Branch (HRB) Chief. This agreement shall be separate from the STD Form 200 Telework Agreement required under the Statewide Telework Agreement. The DFW 291 shall serve as the approved temporary out-of-state Telework Agreement.

As with any approved telework agreement, managers/supervisors must ensure compliance with information security and privacy policies, remote access security standards, and the standards of confidentiality and security of equipment and information used in the course of an employee's duties. Refer to the Data and Technology Security section of the [CDFW Telework Policy](#) for more information.

CDFW supervisors/managers must monitor all temporary approvals to ensure any necessary extensions are requested and processed timely. All agreements are temporary, and the expectation is the employee is to return to their normal work location at the conclusion of the agreement, either at a department facility or an approved alternate work location. Any extensions must be approved in advance and will only be made for exceptional circumstances.

APPROVAL PROCESS

Employees requesting to temporarily telework from an out-of-state location must submit form DFW 291 to their manager/supervisor to initiate the process.

All requests for temporary out-of-state telework must be reviewed and approved by the employee's Executive Manager. Once approved, the Executive Manager must sign off on DFW 291 and must submit it to HRB for final approval at Telework@Wildlife.ca.gov.

All requests for temporary out-of-state telework that involve an approved FMLA/CFRA request and/or involve confidential medical information must be submitted directly to the [Employee Wellness Services \(EWS\) Unit](#) via the [RA Process](#).

VIOLATIONS

CDFW employees **shall not** telework from an out-of-state location without the HRB Chief's final approval.

All CDFW Employees, including supervisors and managers, found in violation of this policy shall be subject to disciplinary action up to and including termination.

Contact

If you have any questions or need additional information, please contact Telework@Wildlife.ca.gov.