



COLORADO
Department of Personnel
& Administration

Universal Policy

Flexible Work Arrangements

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I. Introduction and Statement of Purpose

Enhancing employee workplace flexibility requires openness to reimagining *how*, *when*, and *where* employees do their best work as the State strives to build the workforce of the future. Departments can enhance business operations by implementing flexible work arrangements (FWA), designating appropriate positions as full-time remote or hybrid work, and utilizing mobile technologies and multi-user workstations to maximize the efficiency of work processes while reducing costs associated with office space. Both FWA and designated remote work positions can positively impact retention efforts, work-life balance, workloads, staff commitment, efficiency, productivity, and the overall work culture while still allowing departments to achieve significant cost savings, meeting goals, realizing missions, and serving customers.

The State is an organization with work environments that vary widely and require specific staffing to function effectively. FWA are not appropriate for every employee or every position due to the nature of the work or other factors. FWA are entered into at the discretion of the department and must satisfy business needs. Participation in FWA is voluntary on the part of the employee.

The Universal Policy (Policy) provides the structure necessary for the consistent and effective implementation of FWA programs. Department Heads are responsible for ensuring their respective department's FWA programs comply with the provisions of this policy.

II. Scope

This Policy sets forth requirements and expectations regarding FWA work programs and sets limits for designated remote or hybrid positions as defined below for all classified employees within the state personnel system and non-classified employees in Executive Branch departments. This Policy does not include non-classified employees in institutions of higher education, and those reporting to elected officials other than the Governor and Lieutenant Governor. Institutions of higher education and elected officials may opt to implement and follow this Policy at their discretion.

FWA outlined in this policy are distinguished from positions that have been designated as full-time remote or hybrid as part of reducing the State's physical footprint or due to workforce strategy to build flexible work environments. FWA are focused on balancing employee needs with the business, whereas designated remote work is generally focused on the position and space planning. In these cases, there may be no designated State workspace to perform work or the workspace availability may be limited, and the position is

designated as full-time remote or hybrid regardless of the individual in the position. However, all limitations in this policy regarding remote or hybrid workplace FWA (e.g., limitations on out-of-state work) also apply to positions designated as remote or hybrid.

Additionally, FWA do not include employees occasionally working remotely or working a different schedule with their supervisor's approval on a short-term, day-to-day basis. Temporary changes to an employee's regular work schedule or work location in order to adjust for unplanned, short-notice, or sporadic events do not require formal agreements (e.g., periods when the building is inaccessible or commuting to work presents difficulties, such as power outages, high air pollution advisories, and adverse weather conditions when the Governor does not declare a closure). Further, this policy is not intended to address schedule modifications or scheduling assignments made by an Appointing Authority to fulfill the operational needs of the work unit.

III. Definitions

Agreements: Details the terms and conditions of the alternate work schedule or work location away from the State workplace.

Alternate Work Schedules: The two types of schedules that differ from the regular, 8-hour day are:

- **Flextime or Flexible Work Schedules:** Redesigned or restructured traditional employee work schedules over the workweek. Core business hours, or the hours all employees must be present, are generally established by the supervisor or Appointing Authority.
- **Compressed Work Schedules:** A full-time workload is compressed, and all job responsibilities completed in fewer than five days per week or fewer than ten days over two weeks.

Alignment with the State's FLSA workweek (beginning midnight Saturday and ending the following Friday at 11:59 p.m.) or the designated FLSA "work period" for certain law enforcement, healthcare, and fire protection employees is critical and must be considered when determining the alternate work schedules for nonexempt employees due to the calculation of overtime or compensatory time.

Appointing Authority: An individual who is the head of their division or office and is ultimately responsible for the business operations in their respective areas, and who has been formally delegated by the Department Head. Appointing authorities are responsible for

establishing work schedules and work locations. Appointing authorities may delegate decisions related to FWA to supervisors.

Core Business Hours: The business hours (e.g., 8:00 am - 5:00 p.m.) the Department maintains to coincide with the hours customers expect to receive services. Employees are expected to work the hours required to meet their job responsibilities as defined by their supervisor. If a FWA is in place, work hours may differ from the core business hours.

Department: All state entities covered in the scope of this policy.

Department Head: Executive Directors of principal departments and presidents of institutions of higher education.

Employee Workplace: The physical location where an employee performs their job duties in one of the following three workplaces as defined in this Policy:

1. **In-person:** The employee regularly works at a State location. An employee is considered to be in-person if the employee works 80% or more of their regularly scheduled hours per week in a State location. The employee may have temporary or ad hoc Flexplace arrangements, but does not have an established agreement for an alternate work location other than their regular State location.
 - a. The employee's position description should reflect the address of the location the employee reports to when working at a State location.
2. **Hybrid:** The employee works a combination of in-person/onsite and remote. The employee has an available workspace at a State location, which may include hoteling or using a shared space.
 - a. The employee's position description should reflect the address of the location employee reports to when working at a State location.
3. **Remote:** The employee regularly works in an alternative location(s) other than a State location but may still be required to come to a State location or alternate location based on business need. The employee does not have an assigned State location, but may use an available workspace when reporting to a State location.
 - a. **Mobile Worker:** Employees whose job responsibilities require the employee to be away from the State workplace or remote workplace for much or all of the workday due to customer or community interaction. This should be considered a position designation and not a flexible work arrangement, as job responsibilities for these positions are permanent.
 - b. Position descriptions should indicate that the work location is remote, but should not include the employee's home address. For example, the work location on the

position description may be indicated as “Home address as provided to [Department Name].

Flexible Work Arrangements: Deviations in time and/or place from the standard approach of working onsite during core business hours and/or the Employee Workplace and/or regular working hours, including:

- **Alternate work schedules** such as flextime, flex scheduling, compressed scheduling, reduced hours, and job sharing; and/or
- **Flexplace:** Alternate workspaces that differ from the Employee Workplace designated on the position description (such as working from home on certain days of the week).

Hoteling: Employee does not have an assigned workspace at a State office or facility, but the employee can reserve a workspace at a State office or facility for a period of time.

Official State Business Purposes: Activities that support the interests of the State, not the personal interests of individual employees.

State Location or Workplace: Locations where the State owns or leases a facility or office.

IV. Statement of Policy

The State of Colorado, as an employer, is committed to the use of FWA to support a strong, vibrant, productive, and engaged State workforce.

Each type of FWA is intended for a specific reason and purpose and should enhance, rather than distract from, business operations. Position suitability, employee eligibility, and other considerations (e.g., cost, security, safety, and morale) must be evaluated first to determine which type of FWA is appropriate in a department’s FWA program.

State employees must maintain Colorado residency. Colorado Constitution, Article XII, Section 13 requires that employees in the state personnel system reside in Colorado unless the work to be performed is primarily within 30 miles of Colorado’s border¹. Ongoing remote work outside of Colorado is not allowed for classified or non-classified employees except for a small number of positions specifically required and authorized to work permanently out-of-state to conduct the State’s official business in the other state. Any

¹ The Constitutional requirements states in part (6) (a) Except as set forth in paragraph (b) of this subsection (6), all appointees shall reside in the state, but applications need not be limited to residents of the state as to those positions the state personnel board or the state personnel director determines cannot be readily filled from among residents of this state. (b) If a position is for work that is to be performed primarily at a location that is within thirty miles of the state border: (I) Applications for the position are not limited to residents of the state; and (II) An appointee to the position is not required to be a resident of the state.

work performed out-of-state for other extenuating circumstances is permissible only on a temporary, non-permanent basis. Requests to work out-of-state for up to eight weeks in a calendar year may be approved by the Appointing Authority and the Human Resources Director (or a delegate of the Human Resources Director). Requests to work out-of-state for more than eight weeks in a calendar year must be approved by the Department Head. An employee who works out-of-state for more than eight weeks shall notify their department payroll office so that the State can adjust the employee's withholding to comply with local and out-of-state payroll tax requirements. If an employee does not provide such notification, the employee shall be responsible for any out-of-state taxes. When reviewing requests to work out-of-state, Departments should consider the potential impact of complying with other states' labor laws. Departments are encouraged to contact the State Office of Risk Management to assess potential liability for any extended requests.

All FWA must take into account any Federal Fair Labor Standards Act (FLSA) implications for employees covered by those provisions.

Employees working under an FWA shall be reasonably available, without distractions, by phone, video conference, chat, and email during work hours as needed or agreed upon in the FWA agreement or per department policy. Job responsibilities that require in-person interaction shall not be conducted in a hybrid or remote location. Employees working under a FWA are responsible for properly recording their work time in the timekeeping system based on the Department's timekeeping requirements. Employees understand that all applicable State and department rules, procedures, and policies apply to FWA.

Mileage reimbursement for employees must comply with the [Office of State Controller's Mileage Reimbursement Policy](#).

While many FWA may be mutual agreements between the department and employee, some positions may be designated remote or hybrid by the department based on business need and space considerations. This expectation should be clearly outlined with an employee upon hire, or upon modification, as well as any questions regarding taxes, reimbursements or expenses (see Flexible Work Arrangements Fiscal Policy). The city and county ordinances regarding taxes and other employment obligations must be reviewed for the location where the employee performs remote work in accordance with the Flexible Work Arrangements Fiscal Policy and guidance issued by the State Controller.

In accordance with State Personnel Board Rule 1-9, departments reserve the right to change the work location for a position; such changes impacting employees covered by the Partnership Agreement must comply with applicable terms of that Agreement. Employees

with an approved FWA and employees in designated remote or hybrid positions remain subject to applicable state, department, and work unit policies and procedures and federal and state laws. Departments should consider establishing a memorandum of understanding for individuals who occupy designated remote or hybrid positions or provide another method for acknowledging the expectations of this Policy.

An FWA may be a reasonable accommodation under the Americans with Disabilities Act (ADA), as amended, or as part of work restrictions placed on an employee under the Family and Medical Leave Act (FMLA). Therefore, determining whether an employee may be granted the accommodation requested shall be in accordance with the department's Reasonable Accommodation Policy. Appointing Authorities shall work with the department's ADA Coordinator or Human Resources to determine if such arrangements are appropriate based on medical needs.

International Travel and Remote Work

International remote work shall not be allowed unless the purpose of the travel is to conduct official State business. Effective July 1, 2025, international remote work must be approved by the Department Head. The HR Director should review requests and provide a recommendation to the Department Head for their consideration. Departments must consider tax implications, workers' compensation liability, and any laws applicable to the country of travel, including whether work authorizations are needed.

International remote work while traveling on official State business may be allowed in all countries except those identified under [ITAR restrictions](#). If there are emergent or unique situations that require travel to a country under ITAR restrictions, the Department Head may approve travel, however, the Departments supported by the Governor's Office of Information Technology (OIT) must notify OIT at least 30 days prior to the start of travel to ensure appropriate security protocols are in place.

For all international remote work, the traveler must complete training provided by OIT. Departments are responsible for managing compliance with the training requirements. Approvals to use digital assets for international remote work should be considered carefully and only allowed when the purpose of travel is to conduct State business. If approved, all international remote work for the purposes of conducting official State business must comply with the [Acceptable Use Policy](#).

Departments not supported by OIT must follow their internal protocols to ensure appropriate security is in place.

Department Heads are responsible for creating internal policies and procedures to ensure compliance.

V. Department Policy and Guidelines

Departments are permitted to issue a FWA policy and guidance within the framework of this Policy to serve as a practical resource for employees, supervisors, managers, and HR specialists. Regardless of approach, departments shall ensure employees have the opportunity to read and acknowledge FWA policies. Departments are encouraged to provide training and expectations to employees eligible to participate in the FWA program and all managers of these employees on flexible work best practices as determined by the department before that employee enters into a written agreement for an FWA.

Departments are not required to submit their respective FWA policies to the State Personnel Director for review; however, the policies are subject to the Director's review upon request.

Position Suitability

Departments implementing FWA programs should identify job classifications or positions eligible for FWA and consider these opportunities in the spirit of employee engagement and collaborative workplace culture. When determining whether to implement FWA, departments should ensure that the arrangement does not violate any state or federal laws not contemplated by this Policy.

Departments must designate the Employee Workplace in the position description.

Employee Eligibility

All employees in positions identified as eligible are qualified to participate in FWA with the written agreement of their Appointing Authority and contingent upon approval within applicable guidelines. An employee may not be eligible to participate in FWA for the following additional reasons:

- Employee performance.
- Prior disciplinary action.
- Documented violation of the State's Code of Conduct.
- Demonstrated diminished individual or organizational performance.
- Past violation of FWA agreement terms.

Positions that are designated as remote or hybrid do not require written agreements unless there is an approved FWA modifying either the Employee Workplace or the employee's schedule.

Approval Criteria: Alternate Work Schedules

When an employee's current job assignment can be performed during an alternative schedule that differs from core business hours, they may request a FWA, which allows them to work a different schedule for all or part of the workweek.

Requests for an alternate work schedule shall be made consistent with the Department's policy. Departments shall consider the following criteria when approving an alternate work schedule for an employee:

- Ability or requirement to perform all or part of work outside of core business hours;
- If the employee wishes to work on an alternate work schedule;
- The Department's mission, business goals, operations, and needs;
- If there is no negative impact on other employees' ability to carry out their work;
- If the alternate work schedule enhances business operations;
- If the alternate work schedule improves employees' morale; and;
- There are no documented performance issues as a result of a previous FWA involving attendance and/or productivity in the past year.

Approval Criteria: Flexplace

When an employee's current job assignment can be performed at an alternate site within the State of Colorado other than the designated State work location, they may request a FWA that allows them to work remotely at a flexplace for all or part of the workweek.

To be eligible for a flexplace, the alternate site must have adequate workspace and be free from safety and fire hazards. Employees working at a flexplace shall apply the department's security safeguards and document retention policies and the Department shall provide the necessary security means, methods and support in the same manner as in the regular office in order to protect such information from unauthorized disclosure, loss, or damage. Employees are expected to comply with all reasonable requests to complete any additional forms or documentation requested by their supervisor to establish a flexplace.

From time to time, employees whose FWA permits them to work from a flexplace may be required to work from a location other than the flexplace, including the office for good reason.

Departments shall consider the following criteria when approving a flexplace arrangement for an employee:

- Ability or requirement to perform all or part of work remotely;

- If the employee wishes to work remotely;
- Ability to effectively communicate with supervisors, team members and client remotely;
- The Department's mission, business goals, operations, and needs;
- If the direct supervisor is working remotely;
- If there is no negative impact on other employees' ability to carry out their work;
- If the flexplace arrangement enhances business operations;
- If the flexplace arrangement improves employees' morale; and;
- There are no documented performance issues as a result of a previous FWA involving attendance and/or productivity in the past year.

Agreement and Review

Departments may use this Policy (and their own, if applicable) to set expectations for remote workers or other flexible work arrangements. They may also consider FWA agreements as a way to manage expectations for employees whose arrangements are temporary in nature or a pilot of a new approach.

Approved FWA should include an acknowledgment or agreement form signed by the supervisor, Appointing Authority, and the employee. Updates to the agreement and reasonable notice when possible may be made based on employee or supervisor request, changes to the duties assigned to the position, changes to employee eligibility, changes in business need, or to address the impact of the arrangement on individual or organizational performance. The agreement should be reviewed at the time of an employee's annual evaluation or more frequently to ensure that the arrangement meets the department's needs and complies with all applicable requirements.

Changes and Modifications

The FWA may be discontinued, revoked, revised, or limited upon giving 10 days' notice to the employee if there is a change resulting in the employee no longer meeting the FWA criteria. Appointing Authorities retain the right to temporarily require modifications to the employee's FWA with less than 10 days' notice for demonstrated business reasons. While it is understood that the FWA may not be suitable for every employee or every position, nothing prevents an Appointing Authority from considering FWA on a case-by-case basis.

If an Appointing Authority determines that there is a business need to change the in-person, hybrid, or remote designation, the employees must receive at least 30 calendar days' notice.

Employees who are in a position that is designated as hybrid must receive at least 10 days'

notice if an Appointing Authority determines that there is a business need to have the employee report to a State office on an ongoing basis. This modification alone does not change the position's designation as hybrid. Appointing Authorities retain the right to temporarily require the employee to report to a State office with less than 10 days' notice for demonstrated business reasons, but are encouraged to provide a remote option if feasible.

Should an employee in a position that is designated as remote or hybrid utilize a State workplace at their own discretion and within the Department's policy, this shall not impact their Employee Workplace designation in their position description.

Equipment and Information Technology

Departments determine the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each FWA. Employees utilizing State-owned hardware, software, internet, email, and other forms of State-owned communication media shall do so in a manner consistent with the State's Acceptable Use Policy, Code of Conduct, other state laws, rules, policies, and the Tech Kit of [Guidelines and Resources for Remote Workers](#).

Employees have a responsibility to safeguard government property and are responsible for the care, security, and effective utilization of such property, including computers, tablets, phones, and related equipment used to perform official duties. Employees may be financially responsible for the property if it is lost, stolen, damaged, or destroyed as a result of negligence, improper or willful actions. Any equipment or supplies purchased with department funds, and electronic data or other information created or maintained through the use of these resources, remain the property of the State.

Expenses, Purchases, and Reimbursements

Employees who work remotely rather than performing their work at the department's location and at any time require particular equipment or other accommodation to perform the work remotely must raise those requests with their Appointing Authority. The Appointing Authority must determine whether the equipment is appropriate before any expenditure is approved.

For purposes of accommodation under the ADA, the Appointing Authority must engage the department's ADA Coordinator to conduct the interactive process before any expenditure for equipment or accommodation is approved. The State Controller's [Flexible Work Arrangements Fiscal Policy](#) and [Mileage Reimbursement Policy](#) outlines the appropriate expenses, purchases, and reimbursements allowable for FWA, including travel and mileage expenses and reimbursements for official State business purposes.

Safety, Workers' Compensation, Liability, and Property Damage

It is essential for all employees to maintain a healthy, safe, and ergonomically sound work environment while working at the alternate or remote work site. Failure to maintain a proper and safe work environment in accordance with this policy may be the cause for terminating a FWA. If an employee incurs a work-related injury while working remotely, workers' compensation laws and rules apply just as they would if such an injury occurred at the main office. Employees must notify their supervisors immediately and complete all necessary documents regarding the injury required by Department policies and procedures for reporting workplace injuries.

The State's property and equipment used and maintained at the alternate or remote work site shall be covered by the State's self-insurance coverage in the same manner as if the property was in a State office or facility. The State's self-insurance does not provide coverage for an employee's personal property or residence.

VI. Roles and Responsibilities

State Personnel Director, Department of Personnel & Administration: The Director has the ultimate responsibility for statewide FWA initiatives in State Government as follows:

- Developing statewide policies and procedures to support State departments in creating FWA.
- Ensuring compliance with relevant federal and state constitutions, statutes, Governor's executive orders and directives, and regulations.

Statewide Chief Human Resources Officer (CHRO): The CHRO has responsibility for the implementation of a statewide FWA program for those positions in the Executive Branch as follows:

- Fulfill delegated duties from the State Personnel Director.
- Monitor the State's universal written policies concerning FWA.
- Communicate and implement the State FWA program internally and externally.
- Develop guidance and FWA metrics for use by the principal departments.
- Ensure training programs, tools, and technology solutions for FWA initiatives.

Department Heads: Department Heads are responsible for their department's management of FWA and ensure alignment with strategic decision-making. This may include:

- Sponsor a design team of management and employees to explore and determine how a FWA program will benefit the department, what the FWA program would look like, and which FWA would be viable business options.
- Appoint a FWA leader or coordinator(s) to oversee and administer the department's FWA and remote work program(s).

Appointing Authorities and Management: Appointing Authorities, managers, and supervisors, as delegated, have specific responsibilities which include, but are not limited to the following:

- Collaborate with employees to find flexible options.
- Ensure FWA participation is managed and administered in a non-discriminatory, equitable, and unbiased manner.
- Ensure optimal business operations during the department's core hours and extend beyond these times, as appropriate, for business operations.
- Communicate with employees and ensure schedules are appropriately adjusted to account for operational needs, adequate staffing, leave, and holidays.
- Monitor the work time of nonexempt employees to:
 - Avoid incurring unnecessary overtime.
 - Ensure adherence to break and lunch requirements as dictated by the department or Appointing Authority.
- Ensure the accurate, appropriate, and timely reporting of an employee's time worked and leave in the time and leave keeping system by established policy and deadlines, including ensuring all paid and unpaid leave and holidays are correctly recorded, and adherence to the department policy as well as state and federal law.
- Conduct a periodic review of all approved FWA to determine if the arrangements continue to benefit the employee and department or warrant a change.
- Provide notice of changes to FWA as established in this Policy whenever possible.
- Make the final decisions related to employee schedules and balance the requests for FWA by multiple employees.
- Ensure appropriate documentation and FWA agreements are completed as necessary.

Employees: Employees utilizing a FWA have specific responsibilities depending on the approved arrangement, including, but not limited to, the following:

- Fulfill normal work requirements and ensure professionalism in terms of availability during work hours, job responsibilities, work output, and customer service in a manner that meets or exceeds the department's high standards.

- Ensure working from an alternative worksite appears invisible to customers (e.g., devoid of background noises when conversing with internal and external customers, delays in response, etc.).
- Ensure there are no disruptions to expected interactions and service delivery. This includes, but is not limited to:
 - Being accessible during the work schedule for conference calls, video conferences, and meetings, attending in-person when applicable, requested, or required.
 - Maintaining effective communication with supervisors, co-workers, and customers.
 - Setting up access to any shared or individual drives through the State's virtual private network (VPN).
 - Responding to email, voicemail, text, calls, chat, and other common internal or external communication modes timely.
 - Forwarding a work phone to the flexplace location or mobile/softphone, and answering such phones with the same greeting used when at the work location.
- Notify the supervisor when leaving the alternate worksite during the assigned shift or when unavailable, similar to what is expected when leaving the traditional office during the workday. For example, this may include doctor appointments or personal business that would require approval of time off requests.
- Make and maintain dependent care arrangements (e.g., child care, elder care) as needed to permit the consistent daily performance of work duties and concentration on work assignments at home.
- In accordance with the [Confidentiality and Non-Disclosure Universal Policy](#), maintain safety and security of all the department's property and confidential and proprietary information in all phases of possession (transportation, use, storage, and disposal). All of the department's materials should be kept in a designated work area not accessible to others.
- Conduct State business on a State-provided computer or laptop while in the office or on a flexplace arrangement in accordance with the statewide [Acceptable Use of State Data & IT Resources Policy](#) (also known as the Acceptable Use Policy or AUP).
- Understand that the FWA policy or an employee's FWA agreement may be modified at any time by management based on their assessment of work performance, how the FWA affects the overall productivity of the work unit, changes in requirements of the job, or other business reasons.

- Evaluate and cover insurance needs for an at-home office. Understand that the State's self-insurance only covers State-owned equipment, and workers' compensation insurance only covers injuries to the employee occurring in the course and scope of employment, not to third parties or property.
- Adhere to all departmental and statewide policies and procedures regardless of the nature of the FWA. Employees shall continue to follow unit processes including, but not limited to, attendance and call-in expectations, time reporting, advance leave, and overtime approval, office safety, confidentiality, and security safeguards, as well as expected levels of communication, productivity, and service.

VII. Laws, Statutes, Executive Orders and Policies

[2024 - 2027 Partnership Agreement Between the State of Colorado and COWINS](#)

[Executive Order D 2022 008 Flexible Work Arrangements in State Government](#)

[Executive Order D 2020 232 Weather and Safety Conditions](#)

[Universal Policy - Weather & Safety Conditions](#)

[Universal Policy - Confidentiality and Non-Disclosure](#)

[Executive Order D 2022 026 Concerning the Greening of State Government](#)

[Colorado Greenhouse Gas Pollution Reduction Roadmap](#) ("Climate Action Plan") Jan. 14, 2021

VIII. Disclaimer

Every attempt is made to keep the information updated. For additional information, please contact your department's HR unit. Subsequent revisions to rule or law could cause conflicts in this information. If a rule or law conflicts with the universal policy information, the law and rules are the official sources to base a ruling or interpretation.