

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 421

An Act to amend and reenact §§ 2.2-203.1 and 2.2-2817.1 of the Code of Virginia, relating to telecommuting and alternative work schedules for state employees.

[H 2612]

Approved March 21, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-203.1 and 2.2-2817.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-203.1. Secretary to establish telecommuting policy.

A. The Secretary, in cooperation with the Secretary of Technology and in consultation with the Council on Technology Services, shall establish a comprehensive statewide telecommuting and alternative work schedule policy under which eligible employees of state agencies, as determined by state agencies, may telecommute or participate in alternative work schedules, and the Secretary shall periodically update such policy as necessary.

B. The telecommuting and alternative work schedule policy described in subsection A shall include, but not be limited to, model guidelines, rules and procedures for telecommuting and participation in alternative work schedules, *and identification of the broad categories of positions determined to be ineligible to participate in telecommuting and the justification for such a determination*. Such policy may also include an incentive program, to be established and administered by the Department of Human Resources Management, that may encourage state employees to telecommute or participate in alternative work schedules and that may encourage the state agencies' management personnel to promote telecommuting and alternative work schedules for eligible employees.

§ 2.2-2817.1. State agencies to establish alternative work schedules; reporting requirement.

A. In accordance with the statewide telecommuting and alternative work schedule policy, to be developed by the Secretary of Administration pursuant to § 2.2-203.1, the head of each state agency shall establish a telecommuting and alternative work policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both, to the maximum extent possible without diminished employee performance or service delivery. The policy shall identify types of employees eligible for telecommuting and alternative work schedules, *the broad categories of positions determined to be ineligible for telecommuting and the justification therefor*, any benefits of telecommuting including the use of alternate work locations that are separate from the agency's central workplace, and any benefits of using alternative work schedules. The policy shall be updated periodically as necessary.

B. The head of each agency shall set annual percentage targets for the number of positions eligible for alternative work schedules. By July 1, 2009, each state agency shall have a goal of not less than 25 percent of its eligible workforce participating in alternative work schedules.

C. The head of each state agency shall annually report to the Secretary of Administration or his designee on the status and efficiency of telecommuting and participation in alternative work schedules, *including specific budget requests for information technology, software, or other equipment needed to increase opportunities for telecommuting and participation in alternate work locations*.

D. As used in this section:

"Alternate work locations" means approved locations other than the employee's central workplace where official state business is performed. Such locations may include, but not be limited to the home of an employee and satellite offices.

"Alternative work schedule" means schedules that differ from the standard workweek, 40-hour workweek schedule, if such schedules are deemed to promote efficient agency operations. Alternative work schedules may include, but not be limited to, four 10-hour days, rotational shifts, and large-scale job sharing.

"Central workplace" means an employer's place of work where employees normally are located.

"Telecommuting" means a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace, in accordance with work agreements.

"Work agreement" means a written agreement between the employer and employee that details the terms and conditions of an employee's work away from his central workplace.