

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 2.2-225.1 and 2.2-2817.1 of the Code of Virginia and to repeal § 2.2-203.2 of the Code of Virginia, relating to telework.*

[H 1660]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-225.1 and 2.2-2817.1 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-225.1. (Expires July 1, 2018) Office of Telework Promotion and Broadband Assistance.

A. There is hereby established the Office of Telework Promotion and Broadband Assistance in the office of the Secretary of Technology, consisting of a director, appointed by the Secretary of Technology, and such additional telework and broadband professionals as deemed necessary. The goals of the Office are to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. In conjunction with efforts to promote telework, the Office shall work with public and private entities to develop widespread access to broadband services. It shall be the duty of the ~~director~~ *Director* of the Office to advise the Secretary and the Board of Directors of the Innovative Technology Authority, generally.

B. The ~~director~~ *Director* shall have the following duties:

1. Promote and encourage use of telework alternatives for public and private employees, including but not limited to appropriate policy and legislative initiatives. *Upon request, the Director may advise and assist private sector employers in the Commonwealth in planning, developing, and administering programs, projects, plans, policies, and other activities for telecommuting by private sector employees and in developing incentives provided by the private sector to encourage private sector employers in the Commonwealth to utilize employee telecommuting.*

2. ~~Assist state agencies in establishing telework policies.~~ *Advise and assist state agencies, and upon request of the localities, advise and assist localities in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state agencies or localities.*

3. Support the efforts of both public and private entities within the Commonwealth to enhance or facilitate the deployment of, and access to competitively priced, advanced electronic communications services (commonly known as broadband) and Internet access services of general application throughout the Commonwealth.

4. Specifically work towards establishing affordable, accessible broadband services to unserved areas of the Commonwealth and monitor advancements in communication that will facilitate this goal.

5. Advocate for, and facilitate the development and deployment of, applications, programs, and services including, but not limited to telework, telemedicine, and e-learning that will bolster the usage of and demand for broadband level telecommunications.

6. Serve as a broadband information and applications clearinghouse for the Commonwealth and a coordination point for broadband-related services and programs in the Commonwealth.

7. Advise the Secretary on broadband adoption, deployment, and application issues.

8. Coordinate activities regarding telework with, and regularly report to, a panel consisting of the Secretaries of Administration, Commerce and Trade, Finance, Technology, and Transportation. The Secretary of Technology shall serve as chair of the panel. Additional members may be designated by the Governor. Staff support for the panel shall be provided by the offices of the Secretaries of Technology and Transportation and the Governor shall designate additional agencies to provide staff support as necessary.

9. *The Director, under the direction of the Secretary of Technology and with the assistance of the Secretaries of Administration and Transportation, shall report annually to the General Assembly on telework participation levels and trends of both private and public sector employees in the Commonwealth.*

C. The Office shall not have the power to consolidate or otherwise have authority over advanced communications projects being conducted by public or private bodies outside of the executive branch of government.

§ 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

57 agency may telecommute, participate in alternative work schedules, or both, to the maximum extent  
58 possible without diminished employee performance or service delivery. The policy shall identify types of  
59 employees eligible for telecommuting and alternative work schedules, the broad categories of positions  
60 determined to be ineligible for telecommuting and the justification therefor, any benefits of  
61 telecommuting including the use of alternate work locations that are separate from the agency's central  
62 workplace, and any benefits of using alternative work schedules. The policy shall promote use of  
63 Commonwealth information technology assets where feasible but may allow for eligible employees to  
64 use computers, computing devices, or related electronic equipment not owned or leased by the  
65 Commonwealth to telecommute, if such use is technically and economically practical, and so long as  
66 such use meets information security standards as established by the Virginia Information Technologies  
67 Agency, or receives an exception from such standards approved by the CIO of the Commonwealth or  
68 his designee. The policy shall be updated periodically as necessary.

69 B. The head of each agency shall set annual percentage targets for the number of positions eligible  
70 for alternative work schedules. By July 1, 2009, each state agency shall have a goal of not less than 25  
71 percent of its eligible workforce participating in alternative work schedules. By January 1, 2010, each  
72 state agency, except the Department of State Police, shall have a goal of not less than 20 percent of its  
73 eligible workforce telecommuting.

74 C. The head of each state agency shall annually report to the (i) Secretary of Administration or his  
75 designee on the status and efficiency of telecommuting and participation in alternative work schedules;  
76 ~~including~~ and (ii) *Secretary of Technology or his designee concerning* specific budget requests for  
77 information technology, software, telecommunications connectivity (i.e., broadband Internet access,  
78 additional telephone lines, and online collaborative tools), or other equipment or services needed to  
79 increase opportunities for telecommuting and participation in alternate work locations.

80 D. As used in this section:

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

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

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

89 "Telecommuting" means a work arrangement in which supervisors direct or permit employees to  
90 perform their usual job duties away from their central workplace at least one day per week and in  
91 accordance with work agreements.

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

94 **2. That § 2.2-203.2 of the Code of Virginia is repealed.**