

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 2.2-225.1 and 2.2-2817.1 of the Code of Virginia and to repeal
3 § 2.2-203.2 of the Code of Virginia, relating to telework.

4 [H 1660]
5 Approved

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

7 **1. That §§ 2.2-225.1 and 2.2-2817.1 of the Code of Virginia are amended and reenacted as follows:**
8 § 2.2-225.1. (Expires July 1, 2018) Office of Telework Promotion and Broadband Assistance.

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

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

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

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

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

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

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

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

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

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

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

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

53 § 2.2-2817.1. State agencies to establish alternative work schedules; reporting requirement.

54 A. In accordance with the statewide telecommuting and alternative work schedule policy, to be
55 developed by the Secretary of Administration pursuant to § 2.2-203.1, the head of each state agency
56 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.**