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HOUSE BILL NO. 1023

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 1.2, consisting of sections numbered 30-19.21, 30-19.22, and 30-19.23, relating to telecommuting for employees within the legislative branch of state government.*

Patrons—Hugo and Herring

Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 1.2, consisting of sections numbered 30-19.21 through 30-19.23, as follows:

CHAPTER 1.2.

GENERAL ASSEMBLY PERSONNEL ACT.

§ 30-19.21. Definitions.

As used in this chapter:

"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 eight-hour day, 40-hour workweek schedule, provided such schedules are compatible with agency operations. Alternative work schedules shall include, but not be limited to, four 10-hour days, shift work, 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.

§ 30-19.22. Alternative work schedules and telecommuting; eligible employees.

A. The head of each agency within the legislative branch of state government shall establish a telecommuting and alternative work schedule policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both. Such policy shall authorize eligible employees to participate in a telecommuting or alternative work schedule program for up to eight days per month, provided such participation does not diminish employee performance or service delivery. The head of each agency may adopt a policy authorizing participation in a telecommuting or alternative work schedule program for more than eight days per month. The policy adopted by each agency shall prohibit the use of telecommuting and alternative work schedules during any session or special session of the General Assembly. Nothing in this chapter shall be construed to require any employee to participate in a telecommuting program or alternative work schedule.

B. The policy shall identify types of employees and the positions eligible for telecommuting and alternative work schedules and identify the categories of positions determined to be ineligible for telecommuting or alternative work schedules. For those positions determined ineligible for telecommuting or alternative work schedules, the policy shall state the justification for the ineligibility.

C. The policy shall promote use of Commonwealth information technology assets where feasible but may allow for eligible employees to use computers, computing devices, or related electronic equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets information security standards of the Division of Legislative Automated Systems. The policy shall be updated periodically as necessary.

§ 30-19.23. Exemptions from alternative work schedules and telecommuting.

This chapter shall not apply to the Capitol Police.