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HOUSE BILL NO. 1386

Offered January 8, 2003

Prefiled September 17, 2002

A BILL to amend the Code of Virginia by adding in Title 40.1 a chapter numbered 10, consisting of sections numbered 40.1-143, 40.1-144 and 40.1-145, and by adding a section numbered 2.2-4310.1, relating to the Telecommuting Enhancement Act.

Patrons—Lingamfelter and Hugo

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 40.1 a chapter numbered 10, consisting of sections numbered 40.1-143, 40.1-144 and 40.1-145, and by adding a section numbered 2.2-4310.1, as follows:

§ 2.2-4310.1. Discrimination against bidders or offerors allowing telecommuting prohibited.

In the solicitation, evaluation or awarding of contracts, no public body shall discriminate against a bidder or offeror because such bidder or offeror allows its employees to telecommute.

CHAPTER 10.**TELECOMMUTING ENHANCEMENT ACT.**

§ 40.1-143. Short title; purpose.

A. This chapter may be cited as the Telecommuting Enhancement Act.

B. The General Assembly finds that telecommuting (i) can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting and (ii) may stimulate employee productivity while giving workers more flexibility and control over their lives.

§ 40.1-144. Definitions.

As used in this chapter, unless the context requires otherwise:

"Alternate worksite" means an approved location other than the central worksite or the home of an employee that is not regularly open to the public and where the business of the employer is carried out.

"Central worksite" means the principal place of business that is regularly open to the public at which the business of the employer is regularly carried out.

"Telecommuting" means a work arrangement whereby selected employees are allowed to perform the normal duties and responsibilities of their positions through the use of computers and telecommunications at home or at an alternate worksite apart from the employee's regular place of work.

§ 40.1-145. Restrictions of telecommuting prohibited.

No state law or regulation or local ordinance shall be construed to discriminate or create a different standard between or among a telecommuting worksite and traditional central worksites.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2004.

3. That the Directors of the Departments of Housing and Community Development, Labor and Industry, and General Services, the Director of the Joint Commission on Science and Technology and the Chair of the Workers' Compensation Commission or their designees shall form a joint task force to identify the barriers and impediments to telecommuting and recommend changes to existing law to increase the opportunity for telecommuting in the Commonwealth. Such task force shall submit its written findings and recommendations to the Governor and the 2004 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

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