

Department of Planning and Budget

2021 Fiscal Impact Statement

1. **Bill Number:** HB 2246

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** LaRock

3. **Committee:** Committee Referral Pending

4. **Title:** State agencies; automatic workforce management verification software.

5. **Summary:** Requires all state agencies with more than 20 full-time teleworking employees to use automatic workforce management verification software to verify the hours employees worked while teleworking by counting and reporting to the agency all keystroke, mouse event, and screenshot data. The bill requires all such data collected by the software to be considered personnel records belonging to the agency; however, agencies are prohibited from selling or transferring such data or using it for any purpose or in any manner other than to verify hours worked for the agency.

6. **Budget Amendment Necessary:**

7. **Fiscal Impact Estimates:**

7a. **Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021			
2022			
2023			
2024			
2025			
2026			
2027			

7b. **Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2021		
2022		
2023		
2024		
2025		
2026		
2027		

8. **Fiscal Implications:** This legislation, if passed, would require purchasing the software, installing and maintaining it on the applicable computers, using network bandwidth to transmit the data, storing the data, managing the data generated by this software in accordance with

applicable laws (including handling requests for such records), and information security analysis and management of the software and of the security of the data. For example, the requirement to take screenshots every six minutes will require that the data be encrypted on the device, in transit, and on the servers where it is stored. Oversight of these processes will be needed to protect the state records and data displayed in the screenshots.

The legislation does not define “state agency” and thus it is not clear whether it includes agencies outside of the executive branch, such as legislative, judicial, independent, or other public bodies. The legislation also does not exempt any agencies, such as law enforcement or taxation, whose employees may use sensitive data and records or data controlled by federal authorities. Moreover, the number of full time teleworking employees each agency will have post COVID cannot be known.

Based on software license pricing published by a purveyor of such software (\$30/user monthly), however, the cost of software licenses alone likely would amount to millions of dollars annually (if only 10% of state employees remain in full time telework, $\$30 \times 12 \times 6,000 = \$2,160,000$). In addition, the requirement to take screenshots every six minutes will entail substantial storage and networking capacity. Because the legislation does not indicate how long these records are to be retained, it is unclear what ongoing storage costs would be incurred. In addition, at least 1-2 FTEs may be needed at the Virginia Information Technologies Agency for the work described above.

9. Specific Agency or Political Subdivisions Affected: All state agencies.

10. Technical Amendment Necessary:

11. Other Comments: The fiscal impact of this legislation is indeterminate.