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HOUSE BILL NO. 554

House Amendments in [] - February 6, 2026

A BILL to amend and reenact § 2.2-2817.1 of the Code of Virginia, relating to state officers and employees; state agencies to establish alternative work schedules; reporting requirement.

Patron Prior to Engrossment—Delegate Anderson

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2817.1 of the Code of Virginia is amended and reenacted as follows:****§ 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 *have the discretion to* establish a telecommuting and alternative work policy under which eligible employees of such agency may telecommute, participate in alternative work schedules, or both, to the maximum extent possible without diminished employee performance or service delivery. *For state agencies with geographically distinct operations, such policy shall be developed and implemented regionally by the regional head of such state agency.* The policy shall identify:

1. Identify (i) types of employees eligible for telecommuting and alternative work schedules by *operational need and duties performed, not job title*, (ii) the broad categories of positions ~~determined to be~~ ineligible for telecommuting and the justification therefor, (iii) any benefits of telecommuting including the use of alternate work locations that are separate from the agency's central workplace, and (iv) any benefits of using alternative work schedules.

~~The policy shall promote~~ 2. 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 as established by the Virginia Information Technologies Agency, or receives an exception from such standards approved by the CIO of the Commonwealth or his designee.

~~The policy shall be~~ 3. Implement a procedure to keep a record of any denial of telecommuting and alternative work eligibility citing the justification based on diminished employee performance or service delivery. Employees with substantially similar duties shall be treated consistently in eligibility determinations, unless the agency provides justification based on diminished employee performance or service delivery. Such determination would constitute a denial pursuant to this subdivision.

4. Implement a procedure to allow employees denied telecommuting and alternative work eligibility to appeal such denial to the agency head or designee to confirm such denial is consistent with this section and the telecommuting and alternative work policy of the state agency.

5. Prohibit retaliatory conduct against any employee who requests eligibility to participate in telecommuting and alternative work schedules [; ~~including adverse performance evaluations~~]. Employees may submit a report of potential retaliatory action for review to the agency head or designee appointed pursuant to subdivision 4.

6. [~~Restore~~ To the extent practicable, restore] telecommuting and alternative work agreements to positions with such agreements held prior to July 5, 2022, unless [an employee failed to receive a performance rating of "successful" or higher on his most recent performance evaluation or] restoring such agreement causes diminished employee performance or service delivery. Should such state agency not restore such agreement, the state agency shall document the justification as a denial pursuant to subdivision 3.

7. Implement a procedure to make available to the public the telecommuting and alternative work policy of such agency documenting any revisions to such policy since August 16, 2002. Such publicly available resource shall be updated whenever the state agency revises the telecommuting and alternative work policy.

8. Be updated periodically, as necessary.

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

C. The head of each state agency shall annually report to the Secretary of Administration or his designee on the:

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HB554E

59 1. *The status and efficiency of telecommuting and participation in alternative work schedules and*
60 *concerning specific, including the status of meeting goals set out in subsection B and what percentage of*
61 *changes to the number of employees participating in telecommuting and alternative work is a result of*
62 *changes in workforce size, a reclassification of positions, or an expansion of telecommuting and alternative*
63 *work opportunities;*
64 2. *The number of employees approved and denied telecommuting and alternative work eligibility and the*
65 *justifications of such denials documented pursuant to subdivision A 3; and*
66 3. *Specific budget requests for information technology, software, telecommunications connectivity (i.e.,*
67 *broadband ~~Internet~~ internet access, additional telephone lines, and online collaborative tools), or other*
68 *equipment or services needed to increase opportunities for telecommuting and participation in alternate work*
69 *locations.*
70 D. As used in this section:
71 "Alternate work locations" means approved locations other than the employee's central workplace where
72 official state business is performed. Such locations may include, ~~but not be limited to~~ the home of an
73 employee and satellite offices.
74 "Alternative work schedule" means schedules that differ from the standard workweek, 40-hour workweek
75 schedule, if such schedules are deemed to promote efficient agency operations. Alternative work schedules
76 may include, ~~but not be limited to~~, four 10-hour days, rotational shifts, and large-scale job sharing.
77 "Central workplace" means an employer's place of work where employees normally are located.
78 "Telecommuting" means a work arrangement in which supervisors direct or permit employees to perform
79 their usual job duties away from their central workplace at least one day per week and in accordance with
80 work agreements.
81 "Work agreement" means a written agreement between the employer and employee that details the terms
82 and conditions of an employee's work away from his central workplace.