

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-2817.1 of the Code of Virginia, relating to state officers and employees;*  
 3 *state agencies to establish alternative work schedules; reporting requirement.*

4 [H 554]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-2817.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-2817.1. State agencies to establish alternative work schedules; reporting requirement.**

9 A. In accordance with the statewide telecommuting and alternative work schedule policy, to be developed  
 10 by the Secretary of Administration pursuant to § 2.2-203.1, the head of each state agency shall establish a  
 11 telecommuting and alternative work policy under which eligible employees of such agency may  
 12 telecommute, participate in alternative work schedules, or both, to the maximum extent possible without  
 13 diminished employee performance or service delivery. The policy shall identify:

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

19 ~~The policy shall promote~~ 2. *Promote use of Commonwealth information technology assets where feasible*  
 20 *but may allow for eligible employees to use computers, computing devices, or related electronic equipment*  
 21 *not owned or leased by the Commonwealth to telecommute, if such use is technically and economically*  
 22 *practical, and so long as such use meets information security standards as established by the Virginia*  
 23 *Information Technologies Agency, or receives an exception from such standards approved by the CIO of the*  
 24 *Commonwealth or his designee.*

25 ~~The policy shall be~~ 3. *Be updated periodically, as necessary.*

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

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

33 1. *The status and efficiency of telecommuting and participation in alternative work schedules and*  
 34 *concerning specific, including what percentage of changes to the number of employees participating in*  
 35 *telecommuting and alternative work is a result of changes in workforce size, a reclassification of positions, or*  
 36 *an expansion of telecommuting and alternative work opportunities;*

37 2. *The number of employees approved and denied telecommuting and alternative work eligibility; and*

38 3. *Specific budget requests for information technology, software, telecommunications connectivity (i.e.,*  
 39 *broadband internet internet access, additional telephone lines, and online collaborative tools), or other*  
 40 *equipment or services needed to increase opportunities for telecommuting and participation in alternate work*  
 41 *locations.*

42 D. *The Department of Human Resource Management shall review the statewide telecommuting and*  
 43 *alternative work schedule policy established pursuant to § 2.2-203.1 every two years. Upon completion of*  
 44 *each such review and approval by the Secretary of Administration, the Department of Human Resource*  
 45 *Management shall publish such policy, including any revisions made as a result of such review, on the*  
 46 *Department of Human Resource Management's website. The Secretary of Administration shall ensure that*  
 47 *each published version of such policy indicates the date on which such policy was last reviewed and the date*  
 48 *on which any revision became effective.*

49 E. As used in this section:

50 "Alternate work locations" means approved locations other than the employee's central workplace where  
 51 official state business is performed. Such locations may include, ~~but not be limited to~~ the home of an  
 52 employee and satellite offices.

53 "Alternative work schedule" means schedules that differ from the standard workweek, 40-hour workweek  
 54 schedule, if such schedules are deemed to promote efficient agency operations. Alternative work schedules  
 55 may include, ~~but not be limited to~~, four 10-hour days, rotational shifts, and large-scale job sharing.

56 "Central workplace" means an employer's place of work where employees normally are located.

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57 "Telecommuting" means a work arrangement in which supervisors direct or permit employees to perform  
58 their usual job duties away from their central workplace at least one day per week and in accordance with  
59 work agreements.

60 "Work agreement" means a written agreement between the employer and employee that details the terms  
61 and conditions of an employee's work away from his central workplace.