

BILL ANALYSIS

Senate Research Center

S.B. 1032
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits full-time state agency employees from working at their residence without prior written authorization from the administrative head of the state agency. Current law also sets normal office hours for state agencies and requires that they have at least one person on duty during these hours. These provisions discourage state agencies from adopting telework and flexible work hour policies—both of which could reduce congestion and improve employee hiring and retention.

A recent report by the Texas A&M Transportation Institute spoke directly to this issue and its effect on the Austin area. It found that the State of Texas is the single largest employer in the Austin area, “that state workers telework at levels much lower than their counterparts in Austin and in peer state agencies,” and “that state agencies can influence congestion through programs that lead to modified work commutes.” Furthermore, the report made the following recommendation: “Because state agencies seek to attract and retain top talent, management should consider work schedules and capital purchases that would support increased levels of teleworking.”

S.B. 1032 authorizes agency administrative heads to adopt a policy permitting supervisors to allow their employees to regularly work from an alternative work site, including an employee’s residence. S.B. 1032 further provides that employees working from an alternative work site may complete their work outside of the regular working hours, provided that they obtain their supervisor’s approval.

S.B. 1032 amends current law relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 658.006, Government Code, as follows:

Sec. 658.006. New heading: **VARIED WORKING HOURS**. (a) Creates this subsection from existing text. Authorizes normal working hours for employees of a state agency to be staggered for traffic regulation or public safety.

(b) Authorizes an employee who works from an alternative work site as part of a policy approved under Section 658.010 (Place Where Work Performed) to, with the approval of the employee's supervisor, complete all or part of the employee's working hours, including compensatory time and overtime, at times other than the regular working hours established under Section 658.005 (Regular Office Hours for State Employees). Provides that an employee who works from an alternative work site is subject to existing agency compensatory time and overtime policies.

SECTION 2. Amends Section 658.010, Government Code, by amending Subsection (b) and adding Subsections (c), (d), and (e), as follows:

(b) Prohibits the employee's personal residence, except as provided by Subsection (c), from being considered the employee's regular or assigned temporary place of employment without prior written authorization from the administrative head of the employing state agency.

(c) Authorizes the administrative head of a state agency to adopt an agency policy that authorizes the supervisor of an employee of the agency to permit the employee to work from an alternative work site, including the employee's residence, as the employee's regular or assigned temporary place of employment.

(d) Requires that a policy adopted under Subsection (c):

(1) identify factors the state agency will consider in evaluating whether a position is suitable for an alternative work site, including whether:

(A) the position requires on-site resources;

(B) the provision of in-person service is essential to the position; and

(C) in-person interaction is essential to the position;

(2) require an employee who will work from an alternative work site to enter into an agreement with the agency that establishes the employee's responsibilities and requirements for communicating with and reporting to the agency; and

(3) provide for the revocation of an employee's permission to work from an alternative work site if:

(A) the position is no longer suitable for an alternative work site based on the factors identified under Subdivision (1); or

(B) the employee violates the agreement entered into under Subdivision (2).

(e) Requires the Texas Department of Information Resources (DIR), not later than November 1 of each even-numbered year, to compile and submit a report to the legislature regarding the agencies that have adopted a policy under Subsection (c). Authorizes the Texas A&M Transportation Institute to assist in creating the report. Requires that the report include the following information:

(1) a list of agencies that have adopted a policy;

(2) a description of the policies' requirements;

(3) an estimate of the number of employees who work from an alternative work site under a policy;

(4) an assessment of the productivity, efficiency, and value to taxpayers of employees working from an alternative work site under a policy;

(5) an assessment regarding the policies' effect on congestion; and

(6) any other information DIR determines to be relevant and beneficial.

SECTION 3. Effective date: September 1, 2015.