

- SUBJECT:** State agency policies for employees to work from their residences
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 7 ayes — Cook, Farney, Farrar, Geren, Huberty, Kuempel, Minjarez
- 2 nays — Harless, Smithee
- 4 absent — Giddings, Craddick, Oliveira, Sylvester Turner
- SENATE VOTE:** On final passage, April 22 — 22-8 (Creighton, Fraser, Hall, Huffman, Kolkhorst, Nelson, Nichols, Perry)
- WITNESSES:** (*On House companion bill, HB 1839*)
- For — Chris Frandsen, League of Women Voters; (*Registered, but did not testify*: Gerardo Castillo, Greater Austin Hispanic Chamber of Commerce; Heidi Gerbracht, Real Estate Council of Austin; Dana Harris, Austin Chamber of Commerce; Ray Hymel, Texas Public Employees Association; Micah Rodriguez, Dell; Ruben Cantu; Perry Fowler; and Heather Ross)
- Against — None
- On — (*Registered, but did not testify*: Deborah Hujar, Department of Information Resources)
- BACKGROUND:** Government Code, sec. 658.006 allows normal working hours for state agency employees to be staggered for traffic regulation or public safety. Sec. 658.010 allows state agency employees who have received prior written authorization from their agency head to perform work elsewhere than the regular or assigned temporary place of employment. That section states that an employee’s personal residence may not be considered the employee’s regular or assigned temporary place of employment without prior written authorization from the agency head.
- DIGEST:** SB 1032 would allow a state agency head to adopt a policy authorizing a

supervisor to permit an employee to work from an alternative work site, including the employee's residence, as the employee's regular or assigned temporary workplace.

An agency policy would have to identify factors for consideration in evaluating whether a position would be suitable for an alternative work site, including whether:

- the position required on-site resources;
- the provision of in-person service was essential to the position; and
- in-person interaction was essential to the position.

An employee who worked from an alternative site would be required to enter into an agreement that established the employee's responsibilities and requirements for communicating with and reporting to the agency. The agency policy would have to provide for revocation of permission if the position was no longer suitable for an alternative work site or the employee violated the agreement.

An employee working from an alternative site could, with a supervisor's approval, complete all or part of the employee's working hours, including compensatory time and overtime, at times other than the regular agency working hours of 8 a.m. to 5 p.m. Such an employee would be subject to existing agency compensatory and overtime policies.

The Texas Department of Information Resources would be required to compile and submit a report to the Legislature, which would have to include:

- a list of agencies that had adopted a policy;
- a description of the policies' requirements;
- an estimate of the number of employees who worked from an alternative work site;
- an assessment of the productivity, efficiency, and value to taxpayers of employees working from an alternative work site;
- an assessment regarding the policies' effect on congestion; and

- any other relevant information.

The Texas A&M Transportation Institute would be allowed to assist in creating the report, which would be due by November 1 of each even-numbered year.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

SB 1032 would allow state agencies to implement policies allowing certain employees to work from home, or telecommute, to reduce costs, enhance productivity, and improve traffic congestion in downtown Austin where many state agencies are located. Tens of thousands of state employees add to rush hour traffic and air quality issues in the Austin metro area. Lowering the number of commuters could save money by reducing the need for office and garage space.

Current law requires state employees to gain approval from agency heads to work from home. The bill would allow an agency to have a policy, rather than handling requests on a case-by-case basis. Many private businesses allow employees to work from home and consider it helpful for attracting and retaining employees. The bill would allow telecommuting only for appropriate positions and would include safeguards to ensure employees fulfilled their responsibilities. The Department of Information Resources (DIR) would assess the productivity, efficiency, and value of the policies to taxpayers and report the findings biennially to the Legislature.

In 2014, DIR surveyed state agency and higher education human resources and information technology leaders on telework. The survey found that, on average, one of five agency and higher education employees worked from home, and most of those did so one day or less per week. Lack of executive and high-level support was cited as the most common reason not to have a telework policy. The bill would allow more agencies to develop such policies.

OPPONENTS

SB 1032, by allowing state employees to work from home, could lead to

SAY: reductions in employee productivity, as well as to additional costs to taxpayers.

Allowing employees to work from an alternative site would make it difficult for supervisors to oversee employees and to verify that they were actually working during the hours claimed. As a result, taxpayers could end up paying more and getting less from their state government.

NOTES: The House companion bill, HB 1839 by Israel, was reported favorably by the House State Affairs Committee on April 9 and sent to the House Calendars Committee on April 20.