

IN THE SENATE

SENATE BILL NO. 1261

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO STATE EMPLOYEE TELEWORK; AMENDING CHAPTER 10, TITLE 59, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 59-1027, IDAHO CODE, TO ESTAB-  
3 LISH CERTAIN REQUIREMENTS FOR STATE EMPLOYEE TELEWORK POLICY AND SCHED-  
4 ULES, TO DEFINE TERMS, AND TO REQUIRE CERTAIN REPORTING; AND DECLARING  
5 AN EMERGENCY.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 10, Title 59, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 59-1027, Idaho Code, and to read as follows:

11 59-1027. STATE EMPLOYEE TELEWORK -- REQUIREMENTS -- PROHIBITION. (1)  
12 The provisions of this section shall govern the state government telework  
13 employee policy for every state employee in any of the three (3) branches of  
14 state government, including institutions of higher education.

15 (2) For purposes of this section:

16 (a) "Field employee" means any state employee whose ordinary day-to-  
17 day responsibilities require work to be completed outside of an office  
18 setting or in the field. Examples of field employees include but are not  
19 limited to Idaho department of fish and game wardens, Idaho department  
20 of health and welfare social workers, staff working at state parks, and  
21 Idaho state department of agriculture inspectors.

22 (b) "In-office employee" means any state employee whose day-to-day re-  
23 sponsibilities require work to be performed primarily in an office set-  
24 ting.

25 (c) "Telework" means work performed by an in-office employee outside of  
26 a state office during regular office hours.

27 (3) If the agency administrator or department director of a state of-  
28 fice opts to participate in a telework policy schedule for its state employ-  
29 ees, no more than fifteen percent (15%) of the total number of in-office em-  
30 ployees that are scheduled to work on any given day may be permitted to tele-  
31 work on that day.

32 (4) Notwithstanding any other provision of law to the contrary,  
33 in-office employees with job responsibilities that require direct contact  
34 with the public through in-person or phone interactions shall not be eligi-  
35 ble for telework.

36 (5) In order to participate in a telework schedule, an employee must  
37 enter into a telework agreement. Failure to comply with any aspect of such  
38 telework agreement shall void the agreement and preclude the employee from  
39 participating in another telework agreement for three (3) years. A telework  
40 agreement shall be reviewed at least annually and may be reviewed at other  
41 times as circumstances require. A telework agreement shall include:

1 (a) Department or agency approval of an identified telework location,  
2 which shall be specified by address and shall be a private space. Public  
3 locations or spaces shared with members of the public shall not qualify;  
4 and

5 (b) Acknowledgment by the employee that the employee:

6 (i) Shall comply with information technology security protocols  
7 during telework. Any approved telework location shall comply with  
8 all of the requirements of such protocols;

9 (ii) Is responsible for any costs associated with physical facil-  
10 ities and communication resources required for telework;

11 (iii) Shall remain available at the designated telework location  
12 and in communication during regular work hours;

13 (iv) Shall follow time-entry guidelines;

14 (v) Shall complete telework training prior to final agreement ap-  
15 proval; and

16 (vi) Shall not provide dependent care during telework without  
17 prior approval from the employee's department director or agency  
18 administrator.

19 (6) Field employees are exempt from the provisions of this section.

20 (7) Each of the three (3) branches of state government, including in-  
21 stitutions of higher education, shall, annually by October 1, make a formal  
22 written report to the governor, the president pro tempore of the senate, the  
23 speaker of the house of representatives, and the senate and house commerce  
24 and human resources committees. Such report shall include, with respect to  
25 each branch:

26 (a) The number and percentage of employees covered by a current and  
27 valid telework agreement during the prior fiscal year;

28 (b) The percentage of time that employees worked via telework during  
29 the prior fiscal year; and

30 (c) A chart showing the percentage of time that employees worked via  
31 telework during the prior fiscal year when broken down by agency and job  
32 classification.

33 SECTION 2. An emergency existing therefor, which emergency is hereby  
34 declared to exist, this act shall be in full force and effect on and after its  
35 passage and approval.