

BILL ANALYSIS

H.B. 391
By: Israel
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Over the years, many state agencies have implemented limited teleworking programs in order to reduce traffic congestion, improve employee satisfaction, and save money. After Governor Abbott directed state agencies to enact telework policies where possible as part of his March 2020 disaster declaration, many more state employees began to work from home. A number of agencies have indicated they experienced no decline in service to the public since the beginning of the COVID-19 pandemic. The success of state agency operations over the last year has demystified the practice of working from home and demonstrated that state agencies can continue to operate fully. Under current statute, state agency employees may telework on a limited, case-by-case basis after having received the direct written authorization of the head of the agency, which makes obtaining approval to work remotely difficult and distracts from the core responsibilities of the head of an agency. H.B. 391 seeks to provide flexibility for state agencies by authorizing the administrative head of a state agency to adopt a policy that authorizes the supervisor of an agency employee to permit the employee to work from an alternative work site, including the employee's personal residence, while ensuring certain safeguards to protect against abuse of that policy.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 391 amends the Government Code to authorize the administrative head of an applicable state agency to adopt a policy that authorizes the supervisor of an agency employee to permit the employee to work from an alternative work site, including the employee's personal residence, as the employee's regular or assigned temporary place of employment. The bill requires such a policy to do the following:

- identify certain factors the agency will consider in evaluating whether a position is suitable for an alternative work site;
- 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 the requirements for communicating with and reporting to the agency; and
- provide for the revocation of an employee's permission to work from an alternative work site if the position is no longer suitable for that arrangement or if the employee violates the agreement.

H.B. 391 authorizes an employee who works from an alternative work site under a policy adopted under the bill's provisions to complete all or part of the employee's work hours, not including compensatory time and overtime, at times other than regular working hours, contingent on approval from the employee's supervisor.

H.B. 391 requires the Department of Information Resources, not later than November 1 of each even-numbered year, to compile and submit a report to the legislature providing certain information about adopted alternative work site policies and their effects. The bill authorizes the Texas A&M Transportation Institute to assist in creating the report.

EFFECTIVE DATE

September 1, 2021.