

By: Israel, Cyrier, Goodwin, et al.

H.B. No. 391

A BILL TO BE ENTITLED

AN ACT

1
2 relating to authority for certain state employees to work flexible
3 hours and to work from home or other authorized alternative work
4 sites.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 658.006, Government Code, is amended to
7 read as follows:

8 Sec. 658.006. VARIED [~~STAGGERED~~] WORKING HOURS. (a)
9 Normal working hours for employees of a state agency may be
10 staggered for traffic regulation or public safety.

11 (b) An employee who works from an alternative work site as
12 part of a policy approved under Section 658.010 may, with the
13 approval of the employee's supervisor, complete all or part of the
14 employee's work hours, not including compensatory time and
15 overtime, at times other than the regular working hours established
16 under Section 658.005.

17 SECTION 2. Section 658.010, Government Code, is amended by
18 amending Subsection (b) and adding Subsections (c), (d), and (e) to
19 read as follows:

20 (b) Except as provided by Subsection (c), the [~~The~~]
21 employee's personal residence may not be considered the employee's
22 regular or assigned temporary place of employment without prior
23 written authorization from the administrative head of the employing
24 state agency.

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

6 (d) A policy adopted under Subsection (c) must:

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

10 (A) the position requires on-site resources;

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

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

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

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

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

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

27 (e) Not later than November 1 of each even-numbered year,

1 the Department of Information Resources shall compile and submit a
2 report to the legislature providing information about policies
3 adopted under Subsection (c). The Texas A&M Transportation
4 Institute may assist in creating the report. The report must
5 include:

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

8 (2) a description of the requirements of each agency's
9 policy;

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

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

15 (5) an assessment regarding the collective effect of
16 agency policies on traffic congestion; and

17 (6) any other information the Department of
18 Information Resources determines to be relevant and beneficial.

19 SECTION 3. This Act takes effect September 1, 2021.