88R482 CJC-D

By:  Flores H.B. No. 3753

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(b)  Except as provided by Subsection (c), the [~~The~~] employee's personal residence may not be 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)  The administrative head of a state agency may 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 personal residence, as the employee's regular or assigned temporary place of employment.

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

(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 state agency that establishes the employee's responsibilities and the 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)  Not later than November 1 of each even-numbered year, the Department of Information Resources shall compile and submit a report to the legislature providing information about policies adopted under Subsection (c). The Texas A&M Transportation Institute may assist in creating the report. The report must include:

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

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

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

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

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

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

SECTION 3.  This Act takes effect September 1, 2023.