

BILL ANALYSIS

C.S.H.B. 5196
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Delivery of Government Efficiency
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that since 2020, the workplace has evolved to address several critical needs within the state's workforce management, allowing expanded telework opportunities for state employees, but that the state has not had a formal, statewide telework policy in statute. Recently, Governor Abbott issued a directive to end telework policies, requiring employees to return to offices, but the bill author has further informed the committee that allowing some employees to continue their teleworking with certain parameters in place will allow agencies more flexibility with a lack of physical office space and associated costs. C.S.H.B. 5196 seeks to establish a clear framework for telework arrangements, ensuring that both employees and agency heads understand the associated conditions and expectations.

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

C.S.H.B. 5196 amends the Government Code to authorize the administrative head of an applicable state agency in the executive or judicial branch to enter into an agreement with an employee authorizing telework in order to address a lack of available office space for the agency or provide reasonable flexibility that enhances the agency's ability to achieve its mission. The bill defines "telework," for purposes of provisions relating to state officer and employee hours of labor, including the bill's provisions, as a work arrangement that allows an employee of a state agency to conduct on a regular basis all or some agency business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours. The bill does the following with regard to such a telework agreement:

- requires the agreement to meet the following conditions:
 - be in writing;
 - include the reasons telework is being authorized;
 - state the terms under which the agreement may be revoked; and
 - be renewed at least once each year after the employee begins telework;
- authorizes the agreement to be revoked by the state agency at any time and without notice;
- prohibits a state agency from offering telework as a condition of employment by the agency; and

- expressly establishes that an agreement does not prohibit the employing state agency from requiring an employee to report to the employee's regular or assigned temporary place of employment or another work location on a day on which the agreement otherwise authorizes telework for a meeting, special event, or other engagement for which the agency determines in-person interaction is necessary.

C.S.H.B. 5196 requires a state agency that authorizes telework under the bill's provisions to develop a plan that addresses the agency's telework policies and procedures. An agency telework plan must:

- establish the following:
 - criteria for evaluating the ability of an employee to satisfactorily perform the employee's job duties while teleworking;
 - performance standards that ensure a teleworking employee maintains satisfactory performance;
 - a system for monitoring the productivity of a teleworking employee that ensures that the employee's work remains satisfactory and that the employee's duties remain suitable for telework; and
 - appropriate physical and information security controls at teleworking sites;
- ensure that a teleworking employee is subject to the same rules and disciplinary actions as any other agency employee; and
- prohibit a teleworking employee from conducting in-person business at the employee's personal residence.

The bill requires a state agency that develops an agency telework plan under these provisions to publish the agency's telework plan on the agency's publicly accessible website.

C.S.H.B. 5196 revises statutory provisions regarding the places where applicable state agency employees may perform work by changing one of the circumstances triggering an exception to the requirement for an employee, during normal office hours, to conduct agency business only at their regular or assigned temporary place of employment from the employee having received prior written authorization from the appropriate administrative head to perform work elsewhere to the employee having received authorization to telework under the bill's provisions.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5196 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the introduced version's authorization for the administrative head of an applicable state agency to award telework to an employee for certain purposes with an authorization for the administrative head of an applicable state agency to enter into an agreement with an employee authorizing telework for such purposes. The substitute version's provisions regarding those telework agreements are substantially similar to the introduced version's provisions regarding the award of telework, except that the substitute includes a provision that was not in the introduced establishing that an agreement does not prohibit the employing state agency from requiring an employee to report to the employee's regular or assigned temporary place of employment or another work location on a day on which the agreement otherwise authorizes telework for a meeting, special event, or other engagement for which the agency determines in-person interaction is necessary.

Additionally, whereas the introduced subjected the introduced version's authorization to award telework to statutory provisions regarding the place where applicable state agency employees may perform work, the substitute revises those statutory provisions to change one of the circumstances triggering an exception to the requirement for an employee, during normal office hours, to conduct agency business only at their regular or assigned temporary place of employment from the employee having received prior written authorization from the appropriate administrative head to perform work elsewhere to the employee having received authorization to telework under the substitute version's provisions.

The substitute includes provisions, absent from the introduced, that do the following:

- require a state agency that authorizes telework under the substitute version's provisions to develop a plan that addresses the agency's telework policies and procedures;
- establish certain requirements and criteria for such an agency telework plan; and
- require a state agency that develops an agency telework plan to publish the plan on the agency's publicly accessible website.