

REFERENCE TITLE: telecommuting; alternative schedules; state employees

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1419

Introduced by
Senators Mendez: Gabaldon, Gonzales, Quezada, Terán; Representatives
Andrade, Dalessandro, Hernandez M, Liguori, Salman

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 8; RELATING TO STATE EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 4, Arizona Revised Statutes, is
3 amended by adding article 8, to read:

4 ARTICLE 8. TELECOMMUTING AND ALTERNATIVE WORK SCHEDULES

5 41-811. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ALTERNATE WORK LOCATION":

8 (a) MEANS AN APPROVED LOCATION OTHER THAN THE STATE EMPLOYEE'S
9 CENTRAL WORKPLACE WHERE OFFICIAL STATE BUSINESS IS PERFORMED.

10 (b) INCLUDES THE HOME OF A STATE EMPLOYEE AND A SATELLITE OFFICE.

11 2. "ALTERNATIVE WORK SCHEDULE":

12 (a) MEANS A SCHEDULE THAT DIFFERS FROM THE STANDARD FORTY-HOUR
13 WORKWEEK SCHEDULE, IF THAT SCHEDULE IS DEEMED TO PROMOTE EFFICIENT STATE
14 AGENCY OPERATIONS.

15 (b) INCLUDES FOUR TEN-HOUR DAYS, ROTATIONAL SHIFTS AND LARGE-SCALE
16 JOB SHARING.

17 3. "CENTRAL WORKPLACE" MEANS A STATE EMPLOYEE'S PLACE OF WORK WHERE
18 STATE EMPLOYEES NORMALLY ARE LOCATED.

19 4. "TELECOMMUTING" MEANS A WORK ARRANGEMENT IN WHICH SUPERVISORS
20 DIRECT OR ALLOW EMPLOYEES TO PERFORM THEIR USUAL JOB DUTIES AWAY FROM
21 THEIR CENTRAL WORKPLACE AT LEAST ONE DAY PER WEEK AND IN ACCORDANCE WITH
22 WORK AGREEMENTS.

23 5. "WORK AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN THE EMPLOYER
24 AND A STATE EMPLOYEE THAT DETAILS THE TERMS AND CONDITIONS OF THE STATE
25 EMPLOYEE'S WORK AWAY FROM THE STATE EMPLOYEE'S CENTRAL WORKPLACE.

26 41-812. Telecommuting; alternative work schedules; statewide
27 policy; state employees

28 A. THE DIRECTOR SHALL ESTABLISH A COMPREHENSIVE STATEWIDE
29 TELECOMMUTING AND ALTERNATIVE WORK SCHEDULE POLICY UNDER WHICH ELIGIBLE
30 STATE EMPLOYEES, AS DETERMINED BY THEIR RESPECTIVE STATE AGENCIES, MAY
31 TELECOMMUTE OR PARTICIPATE IN ALTERNATIVE WORK SCHEDULES. THE DIRECTOR
32 SHALL PERIODICALLY UPDATE THE POLICY AS NECESSARY.

33 B. THE TELECOMMUTING AND ALTERNATIVE WORK SCHEDULE POLICY SHALL
34 INCLUDE GUIDELINES, RULES AND PROCEDURES FOR TELECOMMUTING AND
35 PARTICIPATING IN ALTERNATIVE WORK SCHEDULES AND SHALL IDENTIFY BROAD
36 CATEGORIES OF POSITIONS THAT ARE DETERMINED TO BE INELIGIBLE TO
37 PARTICIPATE IN TELECOMMUTING AND ALTERNATIVE WORK SCHEDULES AND THE
38 JUSTIFICATION FOR THAT DETERMINATION. THE POLICY MAY ALSO INCLUDE AN
39 INCENTIVE PROGRAM, TO BE ESTABLISHED AND ADMINISTERED BY THE DEPARTMENT,
40 THAT ENCOURAGES STATE EMPLOYEES TO TELECOMMUTE OR PARTICIPATE IN
41 ALTERNATIVE WORK SCHEDULES AND STATE AGENCIES TO PROMOTE TELECOMMUTING AND
42 ALTERNATIVE WORK SCHEDULES FOR ELIGIBLE STATE EMPLOYEES.

1 41-813. Telecommuting; alternative work schedules; state
2 agency policies; targets; annual report

3 A. IN ACCORDANCE WITH THE STATEWIDE TELECOMMUTING AND ALTERNATIVE
4 WORK SCHEDULE POLICY, THE HEAD OF EACH STATE AGENCY SHALL ESTABLISH A
5 TELECOMMUTING AND ALTERNATIVE WORK SCHEDULE POLICY UNDER WHICH ELIGIBLE
6 STATE EMPLOYEES OF THE STATE AGENCY MAY TELECOMMUTE OR PARTICIPATE IN
7 ALTERNATIVE WORK SCHEDULES, OR BOTH, TO THE MAXIMUM EXTENT POSSIBLE
8 WITHOUT DIMINISHED STATE EMPLOYEE PERFORMANCE OR SERVICE DELIVERY. THE
9 POLICY SHALL IDENTIFY ALL OF THE FOLLOWING:

10 1. THE TYPES OF POSITIONS THAT ARE ELIGIBLE FOR TELECOMMUTING AND
11 ALTERNATIVE WORK SCHEDULES.

12 2. THE BROAD CATEGORIES OF POSITIONS THAT ARE DETERMINED TO BE
13 INELIGIBLE FOR TELECOMMUTING AND ALTERNATIVE WORK SCHEDULES AND THE
14 JUSTIFICATION FOR THAT DETERMINATION.

15 3. THE BENEFITS OF TELECOMMUTING, INCLUDING THE USE OF ALTERNATE
16 WORK LOCATIONS THAT ARE SEPARATE FROM THE STATE AGENCY'S CENTRAL
17 WORKPLACE.

18 4. THE BENEFITS OF PARTICIPATING IN ALTERNATIVE WORK SCHEDULES.

19 B. EACH STATE AGENCY'S POLICY SHALL PROMOTE THE USE OF STATE
20 INFORMATION TECHNOLOGY ASSETS WHERE FEASIBLE BUT MAY ALLOW ELIGIBLE STATE
21 EMPLOYEES TO USE COMPUTERS, COMPUTING DEVICES AND RELATED ELECTRONIC
22 EQUIPMENT THAT ARE NOT OWNED OR LEASED BY THE STATE AGENCY TO TELECOMMUTE,
23 IF THE USE IS TECHNICALLY AND ECONOMICALLY PRACTICABLE AND MEETS
24 INFORMATION SECURITY STANDARDS THAT ARE ESTABLISHED BY THE STATE AGENCY OR
25 THE USE RECEIVES AN EXCEPTION FROM THE INFORMATION SECURITY STANDARDS THAT
26 ARE APPROVED BY THE DEPARTMENT. EACH STATE AGENCY SHALL UPDATE THE POLICY
27 PERIODICALLY.

28 C. EACH STATE AGENCY HEAD SHALL SET ANNUAL PERCENTAGE TARGETS FOR
29 THE NUMBER OF POSITIONS THAT ARE ELIGIBLE FOR ALTERNATIVE WORK SCHEDULES.
30 ON OR BEFORE JULY 1, 2023, EACH STATE AGENCY SHALL HAVE A GOAL OF NOT LESS
31 THAN TWENTY-FIVE PERCENT OF ITS ELIGIBLE WORKFORCE PARTICIPATING IN
32 ALTERNATIVE WORK SCHEDULES. ON OR BEFORE JANUARY 1, 2024, EACH STATE
33 AGENCY, EXCEPT THE DEPARTMENT OF PUBLIC SAFETY, THE STATE DEPARTMENT OF
34 CORRECTIONS AND THE DEPARTMENT OF JUVENILE CORRECTIONS, SHALL HAVE A GOAL
35 OF NOT LESS THAN TWENTY PERCENT OF ITS ELIGIBLE WORKFORCE TELECOMMUTING.

36 D. ON OR BEFORE JANUARY 1 EACH YEAR, EACH STATE AGENCY HEAD SHALL
37 REPORT TO THE DIRECTOR ON THE STATUS AND EFFICIENCY OF TELECOMMUTING AND
38 PARTICIPATING IN ALTERNATIVE WORK SCHEDULES AND TO THE GOVERNOR REGARDING
39 SPECIFIC BUDGET REQUESTS FOR INFORMATION TECHNOLOGY, SOFTWARE,
40 TELECOMMUNICATIONS CONNECTIVITY OR OTHER EQUIPMENT OR SERVICES THAT ARE
41 NEEDED TO INCREASE OPPORTUNITIES FOR TELECOMMUTING AND PARTICIPATING IN
42 ALTERNATIVE WORK SCHEDULES.

43 Sec. 2. Effective date

44 This act is effective from and after December 31, 2022.