

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/21/23
A Bill

HOUSE BILL 1326

By: Representative J. Mayberry

By: Senator J. English

For An Act To Be Entitled

AN ACT TO CREATE THE UNIFORM REMOTE WORK POLICY ACT;
TO ESTABLISH STATE AGENCY GUIDELINES FOR REMOTE WORK;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE UNIFORM REMOTE WORK POLICY
ACT; AND TO ESTABLISH STATE AGENCY
GUIDELINES FOR REMOTE WORK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 21, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 10 – Uniform Remote Work Policy Act

21-1-1001. Title.

This subchapter shall be referred to and may be cited as the “Uniform Remote Work Policy Act”.

21-1-1002. Legislative purpose and intent.

It is the purpose and intent of this subchapter to establish a uniform remote work policy for all affected state employees of departments, agencies, boards, and commissions covered by this subchapter.

21-1-1003. Definitions.



As used in this subchapter:

(1) "Critical-need employee" means a person designated by a state agency under the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.;

(2) "Employee" means a person regularly appointed or employed in a position of state service by a state agency for which he or she is compensated on a full-time basis;

(3) "Probationary employee" means a person certified from a list of eligible applicants or employed through a work test appointment who is serving a probationary period;

(4) "Provisional employee" means a person who has been appointed to fill a position pending the establishment of a register for such a position;

(5) "Remote work" means a work flexibility arrangement under which an employee performs the duties and responsibilities of the employee's position and other authorized activities from an approved worksite other than the location from which the employee would normally work;

(6) "State agency" means all agencies, departments, boards, commissions, bureaus, councils, state-supported institutions of higher education, or other agencies except the following excluded agencies or positions within agencies:

(A) The elected constitutional officers of this state and their employees;

(B) Members of the Supreme Court, members of the Court of Appeals, the Administrative Office of the Courts, circuit courts, and prosecuting attorneys;

(C) The Arkansas Department of Transportation; and

(D) All administrative, academic, or other nonclassified employees of the state-supported institutions of higher education; and

(8) "Work day":

(A) Means all regularly prescribed days of employment in which the employee performs those duties for which he or she was hired; and

(B) Is eight(8) hours in duration.

21-1-1004. Remote work requirement.

(a) Each state agency shall:

(1) Establish a policy under which eligible employees of the state agency may be authorized to perform remote work;

(2)(A) Determine the eligibility for all employees of the state agency, including critical-need employees, to participate in remote work.

(B) The following employees shall not be eligible to participate in remote work:

(i) An employee disciplined for violations of the state agency's absenteeism policy within the previous year;

(ii) Probationary employees; and

(iii) Provisional employees or temporary employees;

(3) Notify all employees of the state agency of their eligibility to perform remote work;

(4) Ensure that the remote work policy does not diminish employee performance or state agency operations;

(5) Establish a method for determining the benefits or return on investment for the state agency by employing a remote work policy; and

(6) Provide training to all employees regarding the duties and responsibilities of performing remote work, including without limitation all policies concerning:

(A) The use of state-owned equipment and technology;

(B) What constitutes diminishing employee performance by an employee;

(C) State equipment liability and responsibility;

(D) Data security and confidentiality responsibilities;

(E) Record retention policies; and

(F) Performance review of remote work.

(b) The policy established under subsection (a) of this section shall:

(1) Include a written agreement that:

(A) Is entered into between the administrative head of a state agency, or his or her designee, and an employee authorized to perform remote work that outlines the specific work arrangement that is agreed to between the employee and the state agency; and

(B) Is mandatory in order for an employee to participate in remote work;

(2) Include a statement that an employee shall not be authorized to perform remote work if the performance of the employee does not comply

with the terms of the written agreement between the state agency and the employee;

(3) Include an explanation as to how remote work will be incorporated as a part of the continuity of operations plans of the state agency in the event of an emergency;

(4) Provide that all tax implications for the employee are the sole responsibility of the employee, including without limitation choosing to work from a location outside of the state;

(5) Detail the process and requirements between the employer and employee regarding:

(A) High-speed internet; and

(B) Telecommunication with the state agency; and

(6) Establish a process for the termination of the remote work agreement by both the state agency and the employee.

21-1-1005. Reporting.

(a) Annually by October 1, each state agency shall provide a report of a remote work policy established under this subchapter to the Senate Committee on State Agencies and Governmental Affairs and the House Committee on State Agencies and Governmental Affairs for review.

(b) The report under subsection (a) of this section shall include:

(1) A copy of the remote work policy in use by a state agency for the preceding year;

(2) The number of employees from each state agency performing remote work during the period covered by the report;

(3) The total number of employees in the state agency;

(4) The number and percentage of employees in the state agency who are eligible for remote work;

(5) The number and percentage of eligible employees in the state agency who are participating in remote work for the following number of work days:

(A) All days worked as remote work days;

(B) Three (3) or more work days per pay period;

(C) One (1) or two (2) work days per pay period;

(D) One (1) work day per month; and

(E) On an occasional, episodic, or short-term basis; and

(6) An assessment of the impact remote work has had on the state agency's:

(A) Emergency readiness;

(B) Energy use;

(C) Recruitment;

(D) Retention;

(E) Performance;

(F) Productivity;

(G) Overhead costs;

(H) Savings made by the state agency; and

(I) Employee attitudes and opinions regarding remote work.

/s/J. Mayberry