



# Senate

General Assembly

**File No. 656**

January Session, 2009

Substitute Senate Bill No. 1144

*Senate, April 15, 2009*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING TELECOMMUTING OPTIONS FOR STATE EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-248i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The Commissioner of Administrative Services [may] shall,  
4 within available appropriations, develop and implement guidelines, in  
5 cooperation with interested employee organizations, as defined in  
6 subsection (d) of section 5-270, authorizing telecommuting and work-  
7 at-home programs for state employees. [where such arrangements are  
8 determined to be cost effective.] Such guidelines shall be designed to  
9 achieve the following goals: (1) Increase worker efficiency and  
10 productivity; (2) benefit the environment; and (3) reduce traffic  
11 congestion. Such telecommuting and work-at-home programs shall not  
12 be subject to collective bargaining under the provisions of chapter 68,  
13 including, but not limited to, interest arbitration, and such programs

14 and any matter involving an employee or employees participating in  
 15 such programs shall not constitute the basis for a grievance or be  
 16 subject to arbitration under any collective bargaining agreement. In no  
 17 event shall an employee be entitled to any existing or future  
 18 contractual benefit as a result of participation in a telecommuting or  
 19 work-at-home program.

20 (b) Any employee of a state agency may be authorized by the head  
 21 of such state agency to participate in a telecommuting or work-at-  
 22 home assignment. [with the approval of his appointing authority and  
 23 with the approval of the Commissioner of Administrative Services.]  
 24 Approval of such assignment may be granted only where it is  
 25 determined to be [cost effective] in compliance with the guidelines  
 26 developed pursuant to subsection (a) of this section. Any assignment  
 27 shall be on a temporary basis only, [for a period not to exceed six  
 28 months and may be extended as necessary] and may be terminated  
 29 upon agency operating needs. Each state agency shall provide the  
 30 Department of Administrative Services with a copy of any  
 31 telecommuting or work-at-home program arrangement that it  
 32 authorizes for any employee of such agency.

33 (c) The Commissioner of Administrative Services shall report  
 34 annually to the joint standing [committee] committees of the General  
 35 Assembly having cognizance of matters relating to labor and public  
 36 employees and government administration as to the extent of use by  
 37 employees as provided pursuant to subsections (a) and (b) of this  
 38 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	5-248i

Section 1	July 1, 2009	5-248i
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**Statement of Legislative Commissioners:**

In subsection (a), in the second to the last sentence, the phrase "participating in such programs" was added after "employees" for clarity.

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Dept. of Administrative Services; Various State Agencies	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

This bill requires, rather than allows, the Department of Administrative Services (DAS) to establish and implement guidelines authorizing telecommuting and work-at-home programs for state employees under certain conditions.

It is currently permissible for state employees to telecommute. It is unclear whether the bill will expand the number of employees who telecommute. To the extent that it does, a cost may result. The potential increased costs depend on the number of additional state employees that telecommute and how much, if any, equipment must be purchased by the state to create an at-home workstation. If the state has to purchase a computer, a printer, security software, various software programs and internet access, the costs could exceed \$2,000 per employee. If the employee has a personal computer, a printer, and internet service—and this equipment is deemed safe and secure by DoIT for an at-home workstation—the costs would be less.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would depend on the number of employees who telecommute and what, if any, at-home workstation equipment the state would purchase.

*Sources: Department of Administrative Services*

**OLR Bill Analysis****sSB 1144*****AN ACT CONCERNING TELECOMMUTING OPTIONS FOR STATE EMPLOYEES.*****SUMMARY:**

Current law allows the Department of Administrative Services (DAS) commissioner to establish and implement guidelines authorizing telecommuting and work-at-home programs for state employees if these programs will be cost effective. Within available appropriations, this bill requires, rather than allows, the commissioner to establish and implement these guidelines. It also (1) exempts the programs from collective bargaining, (2) eliminates the requirement that telecommuting or work-at-home arrangements occur only when cost effective, and (3) establishes guideline goals.

The bill also requires DAS to report annually to the Government Administration and Elections (GAE) and Labor committees on state employee telecommuting and work-at-home program participation. Under current law, the commissioner reports only to the Labor Committee.

EFFECTIVE DATE: July 1, 2009

**GUIDELINES AND GOALS**

Within available appropriations, the bill requires, rather than allows, the DAS commissioner to develop and implement guidelines in cooperation with interested employee organizations (i.e., labor unions). The guidelines must be designed to (1) increase worker efficiency and productivity, (2) benefit the environment, and (3) reduce traffic congestion.

**COLLECTIVE BARGAINING EXEMPTION**

The bill exempts telecommuting and work-at-home programs from collective bargaining, including interest arbitration. It specifies that any matter involving an employee or employees and these programs may not constitute the basis for a grievance or be subject to arbitration under any collective bargaining agreement. It also specifies that employees are not entitled to any existing or future contractual benefit as a result of participation in a program.

## **PARTICIPATION**

The bill, like current law, authorizes any state employee to participate in a telecommuting or work-at-home program. However, the employee's agency head alone, rather than his or her employing agency and the commissioner, determines eligibility. An agency head may grant approval only when an arrangement complies with program guidelines. Under current law, approval is dependent on cost effectiveness. The assignment remains temporary, but is no longer limited to six months under the bill.

The bill authorizes agencies to terminate arrangements based on their operating needs. It requires them to provide DAS with a copy of any telecommuting or work-at-home program arrangement they authorize.

## **BACKGROUND**

### ***Existing Guidelines and Participation***

While current law does not require the commissioner to establish telecommuting and work-at-home guidelines, in practice she has done so. During FY 07, 140 telecommuting agreements were executed for employees at six different state agencies. During FY 08, a total of 134 telecommuting agreements were executed at six different agencies. The Department of Revenue Services is the largest user of the telecommuting program, having executed 129 and 104 of the agreements, respectively, during FYs 07 and 08. (The majority of telecommuting agreements are extended since they cannot exceed six months. Thus, the number of employees participating in the program is fewer than the number of telecommuting agreements. )

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/27/2009)