

JAN 27 2021

A BILL FOR AN ACT

RELATING TO TELEWORK.

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

1 SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§78- Public employee telework program. (a) An
5 employer may establish and implement a telework program as:

6 (1) An integral part of the employer's normal business
7 operations, and require that specific job functions be
8 performed through telework;

9 (2) Part of an employer's continuity of operations plan
10 where appropriate; or

11 (3) An optional alternative work arrangement to support
12 and accommodate employee needs.

13 (b) An employer that has a telework program shall:

14 (1) Establish a telework policy and post it on the
15 employer's internet website to allow access by its
16 employees and the public. The telework policy shall,
17 at a minimum, set forth:



- 1 (A) The positions and job functions that the employer
2 deems appropriate for telework;
- 3 (B) The eligibility criteria for employees to be
4 authorized to telework;
- 5 (C) The performance standards and system to monitor
6 and evaluate the teleworking employee's work
7 performance to ensure that teleworking does not
8 diminish the employee's work performance;
- 9 (D) Requirements that the teleworking employee must
10 satisfy to ensure the appropriate use and
11 maintenance of any equipment provided by the
12 employer for teleworking purposes;
- 13 (E) The physical and electronic information security
14 controls that must be maintained by the
15 teleworking employee at the telework site;
- 16 (F) That teleworking employees are subject to the
17 same policies and rules as similarly situated
18 employees who are not teleworking; and
- 19 (G) The terms and conditions upon which the telework
20 arrangement shall be terminated;



- 1 (2) Provide teleworking employees the equipment and
2 supplies, including but not limited to a computer,
3 printer, and scanner, that are reasonably necessary
4 for the employee to perform the employee's job
5 functions from the telework site. The employer may
6 establish procedures that require a teleworking
7 employee to obtain prior approval to purchase
8 equipment reasonably necessary to perform the
9 employee's job functions; and
- 10 (3) Reimburse the teleworking employee for communication
11 costs, such as internet and telephone expenses, to the
12 extent those costs are reasonably necessary for the
13 employee to perform the employee's job functions. The
14 reimbursement to the employee may be made by:
- 15 (A) Payment of the exact amount incurred by the
16 teleworking employee to perform the employee's
17 job functions; or
- 18 (B) A monthly voucher, the amount of which is based
19 upon the teleworking employee's reasonable
20 estimate of the reimbursable expenses provided
21 for in this subsection.



1 The employer may require a teleworking employee to
2 provide documentation to support the employee's
3 reimbursable communication costs or the reasonable
4 estimate thereof.

5 (c) As used in this section:

6 "Position" has the same meaning as defined in section
7 76-11.

8 "Telework" means a work arrangement that allows an employee
9 to conduct all or part of the employee's job functions away from
10 the employee's official worksite during all or a portion of the
11 employee's established work hours on a temporary or regular
12 basis. "Telework" does not include duties and responsibilities
13 that, by their nature, are performed routinely in the field away
14 from the official worksite."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY: 



S.B. NO. 1252

Report Title:

Teleworking; Government Employees; Physical Equipment

Description:

Allows public employers to establish and implement a telework program. Requires public employers with a telework program to establish a telework policy and post it on the employer's internet website; provide the teleworking employees with equipment that is reasonably necessary to perform their job functions at the teleworking site; and reimburse teleworking employees with communication costs incurred by teleworking.

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