
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. The legislature finds that the global
2 coronavirus disease 2019 pandemic has placed a historic strain
3 on the continuity of state and local government operations. As
4 leaders were forced to choose between providing critical
5 services in a traditional manner and the health and safety of
6 their employees, agencies across the State and counties
7 scrambled to enact adequate telework policies to enable the
8 provision of essential services. As the largest employers in
9 the State, the State of Hawaii and the counties faced a
10 significant risk of contributing to the State's growing
11 infection count had they not quickly moved to employee telework
12 policies.

13 The legislature further finds that even in times of non-
14 emergency, the strain on the State's infrastructure, including
15 its roadways and facilities, could be significantly reduced if
16 broad, comprehensive, and coordinated telework policies were
17 embraced throughout state and local governments. In addition,



1 these efforts would align with the State's larger goals of
2 reducing carbon emissions through the reduction of overall
3 traffic congestion on the State's roadways.

4 The legislature finds that the federal government took a
5 momentous step in 2010 to enact extensive telework policies
6 throughout its executive agencies. The enacting legislation,
7 H.R. No. 1722 (2010), received broad bipartisan support in the
8 United States Congress, including unanimous support from the
9 Hawaii delegation, which included the late Senator Daniel K.
10 Akaka, and late President Pro Tempore Daniel K. Inouye. The
11 measure would go on to be signed into law by President Barack
12 Obama.

13 Accordingly, the purpose of this Act is to mirror the
14 actions of the federal government in its embrace of telework as
15 a means of more effectively delivering government services,
16 enhancing its continuity of operations in times of emergency,
17 and reducing its strain on infrastructure and resources.

18 SECTION 2. The Hawaii Revised Statutes is amended by
19 adding a new chapter to be appropriately designated and to read
20 as follows:

21 "CHAPTER



1 TELEWORK

2 § -1 Definitions. As used in this chapter:

3 "Department" has the same meaning as defined in section
4 76-11.5 "Employee" has the same meaning as defined in section
6 76-11.7 "Telework" or "teleworking" means a flexible work
8 arrangement under which an employee performs the duties and
9 responsibilities of that employee's position, and other
10 authorized activities, from an approved worksite other than the
11 location from which the employee would otherwise work.12 § -2 Department requirements. (a) The head of each
13 department shall:14 (1) Establish a policy under which eligible employees of
15 the department may be authorized to telework;16 (2) Determine the eligibility for all employees of the
17 department to participate in telework; and18 (3) Notify all employees of the department of the
19 employees' eligibility to telework.

20 (b) The policy described in subsection (a) shall:



- 1 (1) Ensure that telework does not diminish employee
- 2 performance or departmental operations;
- 3 (2) Require a written agreement that:
- 4 (A) Is entered into between a department manager and
- 5 an employee authorized to telework, that outlines
- 6 the specific work arrangement that is agreed to;
- 7 and
- 8 (B) Is mandatory in order for any employee to
- 9 participate in telework;
- 10 (3) Provide that an employee may not be authorized to
- 11 telework if the performance of that employee does not
- 12 comply with the terms of the written agreement between
- 13 the department manager and that employee;
- 14 (4) Except in emergency situations as determined by the
- 15 head of a department, not apply to any employee of the
- 16 department whose official duties require on a daily
- 17 basis:
- 18 (A) Direct handling of secure materials determined to
- 19 be inappropriate for telework by the department
- 20 head; or



1 (B) On-site activity that cannot be handled remotely
2 or at an alternate worksite; and

3 (5) Be incorporated as part of the continuity of
4 operations plans of the department in the event of an
5 emergency.

6 § -3 Training and monitoring. (a) The head of each
7 department shall ensure that:

8 (1) An interactive telework training program is provided
9 to:

10 (A) Employees eligible to participate in the telework
11 program of the department; and

12 (B) All managers of teleworkers;

13 (2) Except as provided under subsection (b), an employee
14 has successfully completed the interactive telework
15 training program before that employee enters into a
16 written agreement to telework described under
17 section -2(b)(2);

18 (3) Teleworkers and non-teleworkers are treated the same
19 for purposes of:

20 (A) Periodic appraisals of job performance of
21 employees;



1 (B) Training, rewarding, reassigning, promoting,
2 reducing in grade, retaining, and removing
3 employees;

4 (C) Work requirements; or

5 (D) Other acts involving managerial discretion; and

6 (4) When determining what constitutes diminished employee
7 performance, the department shall consult any
8 performance management guidelines of the department of
9 human resources development issued pursuant to
10 section -4.

11 (b) The head of a department may provide for an exemption
12 from the training requirements under subsection (a), if the head
13 of that department determines that the training would be
14 unnecessary because the employee is already teleworking under a
15 work arrangement in effect before the date of enactment of this
16 chapter.

17 § -4 Policy and support. (a) Each department shall
18 consult with the department of human resources development in
19 developing telework policies.

20 (b) The department of human resources development shall:



- 1 (1) Provide policy and policy guidance for telework in the
2 areas of pay and leave, departmental closure,
3 performance management, official worksite, recruitment
4 and retention, and accommodations for employees with
5 disabilities;
- 6 (2) Assist each department in establishing appropriate
7 qualitative and quantitative measures and teleworking
8 goals; and
- 9 (3) Consult with the office of enterprise technology
10 services on policy guidance for telework in the areas
11 of telework centers, travel, technology, and
12 equipment.
- 13 (c) The director of human resources development, in
14 coordination with the office of enterprise technology services
15 and department of accounting and general services, shall issue
16 guidelines to ensure the adequacy of information and security
17 protections for information and information systems used while
18 teleworking. Guidelines issued under this subsection shall, at
19 a minimum, include requirements necessary to:
- 20 (1) Control access to departmental information and
21 information systems;



- 1 (2) Protect departmental information, including personally
2 identifiable information, and information systems;
3 (3) Limit the introduction of vulnerabilities;
4 (4) Protect information systems not under the control of
5 the department that are used for teleworking;
6 (5) Safeguard wireless and other telecommunications
7 capabilities that are used for teleworking; and
8 (6) Prevent inappropriate use of official time or
9 resources.

10 (d) The director of human resources development, in
11 coordination with the office of enterprise technology services
12 and the department of accounting and general services, shall
13 issue policy guidance requiring that, when purchasing computer
14 systems, each department purchase computer systems that enable
15 and support telework, unless the head of the department
16 determines that there is a mission-specific reason not to do so.

17 § -5 Telework managing officer. (a) The head of each
18 department shall designate an employee of the department as the
19 telework managing officer within each department's applicable
20 human resources division.

21 (b) The telework managing officer shall:



1 (1) Develop and implement policies related to departmental
2 telework programs; and

3 (2) Serve as:

4 (A) An advisor for departmental leadership, including
5 the applicable human resources officer;

6 (B) A resource for managers and employees; and

7 (C) A primary departmental point of contact for the
8 department of human resources development on
9 telework matters.

10 § -6 Reports. The department of human resources
11 development shall submit an annual report to the legislature no
12 later than twenty days prior to the convening of each regular
13 session, which shall include the following:

14 (1) The degree of participation by employees of each
15 department in teleworking during the period covered by
16 the report, including:

17 (A) The total number of employees in the department;

18 (B) The number and percentage of employees in the
19 department who are eligible to telework; and

20 (C) The number and percentage of eligible employees
21 in the department who are teleworking;



1 (2) An assessment of the progress each department has made
2 in meeting departmental participation rate goals
3 during the reporting period, and other departmental
4 goals relating to telework, including the impact of
5 telework on:

6 (A) Efficient use of office space;

7 (B) Energy use;

8 (C) Program productivity;

9 (D) Recruitment and retention; and

10 (E) Employee attitudes and opinions regarding
11 telework; and

12 (3) The best practices in departmental telework programs.

13 § -7 Telework research. (a) The director of human
14 resources development shall:

15 (1) Research the utilization of telework by public and
16 private sector entities that identify best practices
17 and recommendations for the State;

18 (2) Review the outcomes associated with an increase in
19 telework, including the effects of telework on energy
20 consumption, job creation and availability, urban
21 transportation patterns, and the ability to anticipate



1 the dispersal of work during periods of emergency;
2 provided that the director of human resources
3 development may require the cooperation of any
4 relevant subject matter department as the director
5 deems necessary to effectuate this subsection; and

6 (3) Make any studies or reviews performed under this
7 subsection available to departments and the public.

8 (b) The director of human resources development may enter
9 into contracts to carry out this section pursuant to chapter
10 103D."

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



Report Title:

Department of Human Resources Development; Telework; Policies

Description:

Requires that each state department, board, commission, or agency develop policies under which eligible employees may be authorized to telework. (Proposed SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

