Statutes Related to Telework to date (July, 2009)

This legislative summary sheet was developed to give an overview of the policy and legislation related to telework. Statutes and bills can be reviewed individually, but often it is useful to view them in “themes” or “clusters” to:

- Highlight legislative activity in one particular state
- Make it easier to compare legislation between states
- Illustrate varying legislation language and content

## Telework and dependent care needs

**Missouri**

§208.339 R.S.Mo.

The office administration, division of personnel, shall explore telecommuting employment options for aid to families with dependent children recipients.

**Virginia**

Va. Code Ann. § 2.2–225.1

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## Telework relating to the environment and traffic congestion

**Arizona**

A.R.S. § 49–588

In each year of the regional program each major employer shall prepare and submit a travel reduction plan. This plan may include establishment of a program of adjusted work hours, which may include telecommuting, compressed workweeks or staggered work hours.
California

- **Cal Gov Code § 14200.1**
  The legislature finds and declares that telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting. It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

- **Cal Gov Code § 65089**
  A congestion management program shall be developed and shall contain a travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, transit, bicycles, and park and ride lots; improvements in the balance between jobs and housing, and other strategies, including flexible work hours, telecommuting, and parking management programs.

- **Cal Health & Saf Code § 44241**
  Fee revenues generated under this chapter shall be allocated by the bay district to implement the following mobile source and transportation control projects and programs: including, implementation of demonstration projects in telecommuting and in congestion pricing of highways, bridges, and public transit. No funds expended pursuant to this paragraph for telecommuting projects shall be used for the purchase of personal computing equipment for an individual's home use.

- **Cal Pub Util Code § 871.7**
  It is the intent of the Legislature that the commission initiate a proceeding investigating the feasibility of redefining universal telephone service by incorporating two-way voice, video, and data service as components of basic service. It is the Legislature's further intent that these services provide social benefits that include all of the following: a) improving the quality of life among the residents of California, b) increasing access to public and private resources for education, training, and commerce, c) increasing access to public resources enhancing public health and safety, d) assisting in bridging the "digital divide" through expanded access to new technologies by low-income, disabled, or otherwise disadvantaged Californians, d) shifting traffic patterns by enabling telecommuting, thereby helping to improve air quality in all areas of the state and mitigating the need for highway expansion.

Colorado

- **C.R.S. 24-79-101**
  A patchwork of local internet fees and taxes, or the addition of state fees and taxes to those already imposed on business activity, will tend to discourage new investment, reduce the number of jobs available in the state, and dissuade consumers and employers from enjoying the economic, social, and environmental benefits offered by use of the internet, including but not limited to telecommuting, just-in-time inventory control, and advance reservation of goods and services. The cost of foregoing these benefits, even partially and even at a local level, will be borne by all citizens of the state in the form of increased traffic congestion, air pollution, a lower quality of life, and lost time and productivity.

Illinois

- **625 ILCS 33/15**
  Owners may implement voluntary programs to encourage the use of carpooling, mass transit, vanpooling, telecommuting, compressed work weeks, clean fuel vehicles, and other measures that either reduce the number of commuting trips by their employees or reduce the emissions associated with those commuting trips for the purpose of creating emission reduction credits that may be used by the owners of stationary sources to satisfy the post-1996 emission reduction requirements under the Clean Air Act Amendments of 1990 [42 U.S.C. § 7401 et seq.].
New Jersey
  The “Congestion Buster Task Force” shall conduct a study of highway traffic congestion in the State and develop a commuter options plan that would result in peak hour vehicle trips being “capped” at 1999 levels. In developing the plan, the task force shall review relevant information and findings from other jurisdictions, both national and international. The plan shall include, but not be limited to, resources and incentives for public transportation, ridesharing, telecommuting and other travel reduction strategies.

New York
- NY CLS Econ Dev § 100
  The commissioner acting by and through the department of economic development shall have power and it shall be his duty, among other things, to develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.
- NY CLS ECL § 3–0301
  The Department of Environmental Conservation shall develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this paragraph, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.
- NY CLS Pub Ser § 5
  The public service commission shall develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the commission shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.
- NY CLS Trans § 14
  The department of transportation shall develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.

Rhode Island
  Rhode Island is dedicated to environmental protection, efficient use of resources, sound fiscal policy, and sustainable development. Therefore, the department of administration shall set up a committee on state employee transportation which shall consist of the directors of the department of administration, RIDOT, RIDEM, RIDOH and statewide planning, or their designees, the general manager of RIPTA or designee, and a representative from a state employee union, to develop, publicize, and implement a plan to give incentives to state employees to reduce vehicle miles in commuting to work. The committee will investigate employee incentives for reducing commuting vehicle miles offered by other public bodies around the country,
investigate practices developed by the environmental protection agency's "Best Workplaces for Commuters Program", consider the implementation of carpool, telecommuting, guaranteed-ride-home, bike-to-work and walk-to-work programs, and incorporate or adopt those ideas deemed appropriate for Rhode Island into the plan.

Texas

Tex. Health & Safety Code § 382.05193
The commission by rule shall establish a program to grant emissions reduction credits to a facility if the owner or operator conducts an emissions reduction project to offset the facility's excessive emissions. Qualifying emissions reduction projects must include: (1) generation of electric energy by a low-emission method, (2) the purchase and destruction of high-emission automobiles or other mobile sources; (3) the reduction of emissions from a permitted facility that emits air contaminants to a level significantly below the levels necessary to comply with the facility's permit; (4) a carpooling or alternative transportation program for the owner's or operator's employees; (5) a telecommuting program for the owner's or operator's employees; and (6) conversion of a motor vehicle fleet operated by the owner or operator to a low-sulphur fuel or an alternative fuel approved by the commission.

Virginia

Va. Code Ann. § 2.2–225.1
There is hereby established the Office of Telework Promotion and Broadband Assistance in the office of the Secretary of Technology, consisting of a director, appointed by the Secretary of Technology, and such additional telework and broadband professionals as deemed necessary. The goals of the Office are to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. In conjunction with efforts to promote telework, the Office shall work with public and private entities to develop widespread access to broadband services.

Washington

Rev. Code Wash. (ARCW) § 28B.130.005
All public and private entities that attract single-occupant vehicle drivers must develop imaginative and cost-effective ways to encourage walking, bicycling, carpooling, vanpooling, bus riding, and telecommuting. It is the intent of the legislature to revise those portions of state law that inhibit the application of imaginative solutions to the state’s transportation mobility problems, and to encourage many more public and private institutions of higher learning to adopt effective transportation demand management strategies.

2009 Wa. Ch. 427; 2009 Wa. SB 6088
An act relating to commute trip reduction for state agencies; amending RCW 70.94.541, 70.94.547, and 70.94.551 to include, “The Joint Comprehensive Commute Trip Reduction Plan must build on existing commute trip reduction programs and policies. At a minimum, the joint comprehensive commute trip reduction plan must include strategies for telework and flexible work schedules, parking management and consideration of the impacts of worksite location and design on multimodal transportation options.”

2009 Wa. Ch. 8; 2009 Wa. HB 1978
$ 150,000 of the multimodal transportation account state appropriation is provided solely as a grant for a telework pilot project to be developed, administered, and monitored by the Kitsap regional coordinating council. The primary purposes of the pilot project are to educate employers about telecommuting, develop telework policies and resources for employers, and reduce traffic congestion by encouraging teleworking in
the workplace. As part of the pilot project, the council shall recruit public and private sector employer participants throughout the county, identify telework sites, develop an employer’s toolkit consisting of teleworking resources, and create a telecommuting template that may be applied in other communities. The council shall submit to the legislature by July 1, 2009, a summary of the program results and any recommendations for future telework strategies.

Telework programs for state employees

Arizona

- A.R.S. § 41–786
  The director shall adopt rules to provide for the reimbursement of up to one hundred per cent of the cost to state employees for: 1) public transportation, vanpool or private bus service to and from their place of employment or 2) telecommuting connectivity.

California

- Cal Gov Code § 14200.1
  The legislature finds and declares that telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting. It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.
- Cal Gov Code § 14201
  Every state agency shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency. Each agency shall develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization.
- Cal Gov Code § 14202
  The Department of General Services shall establish a unit for the purpose of overseeing telecommuting programs established pursuant to this chapter. This unit shall do all of the following: 1) coordinate and facilitate the interagency exchange of information regarding the state’s telecommuting program, and establish and lead a multi-agency telecommuting advisory group for these purposes, 2) develop and update policy, procedures, and guidelines to assist agencies in the planning and implementation of telecommuting programs, 3) assist state agencies in requesting the siting of satellite work stations and develop procedures to track the needs of agencies and identify potential office locations.
- Cal Gov Code § 14203
  Each state agency shall evaluate its telecommuting program. The Department of General Services shall establish criteria for evaluating the state’s telecommuting program and recommend modifications, if necessary.

Connecticut

- Conn. Gen. Stat. § 5–248i
  The Commissioner of Administrative Services may develop and implement guidelines, in cooperation with interested employee organizations, as defined in subsection (d) of section 5–270, authorizing telecommuting and work-at-home programs for state employees where such arrangements are determined to be cost effective. Commissioner of Administrative Services shall report annually to the joint standing committee of
the General Assembly having cognizance of matters relating to labor and public employees as to the extent of
use by employees as provided pursuant to subsections (a) and (b) of this section.

Florida

- Fla. Stat. § 110.171
  The department shall: a) establish and coordinate the state employee telecommuting program and administer
  this section; b) appoint a statewide telecommuting coordinator to provide technical assistance to state
  agencies and to promote telecommuting in state government; and c) identify state employees who are
  participating in a telecommuting program and their job classifications through the state personnel payroll
  information subsystem created under s. 110.116.

- Fla. Stat. § 255.249
  By June 30 of each year, each state agency shall annually provide to the department all information regarding
  agency programs affecting the need for or use of space by that agency, reviews of lease–expiration schedules
  for each geographic area, active and planned full–time equivalent data, business case analyses related to
  consolidation plans by an agency, a telecommuting program, and current occupancy and relocation costs,
  inclusive of furnishings, fixtures and equipment, data, and communications.

Georgia

- O.C.G.A. § 50–25–4
  The Georgia Technology Authority shall have as one of its powers the ability to provide and approve as part of
  the state technology plan an implementation plan and subsequent policies and goals designed to increase the
  use of telecommuting among state employees.

Minnesota

- Minn. Stat. § 16E.05
  No state agency may propose or implement a capital investment plan for a state office building unless: (1) the
  agency has developed a plan for increasing telecommuting by employees who would normally work in the
  building, or the agency has prepared a statement describing why such a plan is not practicable; and (2) the
  plan or statement has been reviewed by the office.

- Chapter Law 101; 2009 Minn. S.F. No. 2082
  The commissioner of administration must report to the chairs and ranking minority members of the senate
  and house committees with jurisdiction over state government finance by January 15, 2010, on savings in
  state agency costs for rental space in state–owned and state–leased buildings that could be achieved by
  encouraging or requiring increased telecommuting by state employees.

Montana

- Mont. Code Anno., § 2–18–120
  An agency may authorize telework for specified employees when it is in the state’s best interest as determined
  and documented by the agency. The department shall adopt policies to encourage agencies to authorize
  telework and to provide for the uniform implementation of this section by agencies.
North Carolina
The Office of State Personnel shall implement a policy that promotes telework/telecommuting for state employees as recommended by the report of the State Auditor entitled "Establishing a Formal Telework/Telecommuting Program for State Employees" and dated October 1997. It shall be the goal of the state to reduce state employee vehicle miles traveled in commuting by twenty percent (20%) without reducing total work hours or productivity.

Oregon
ORS § 240.855
It is the policy of the State of Oregon to encourage state agencies to allow employees to telecommute when there are opportunities for improved employee performance, reduced commuting miles or agency savings. Each state agency shall adopt a written policy that: (a) defines specific criteria and procedures for telecommuting; (b) is applied consistently throughout the agency; and (c) requires the agency, in exercising its discretion, to consider an employee request to telecommute in relation to the agency's operating and customer needs.

Rhode Island
R.I. Gen. Laws § 36-6-21.1
Rhode Island is dedicated to environmental protection, efficient use of resources, sound fiscal policy, and sustainable development. Therefore, the department of administration shall set up a committee on state employee transportation which shall consist of the directors of the department of administration, RIDOT, RIDEM, RIDOH and statewide planning, or their designees, the general manager of RIPTA or designee, and a representative from a state employee union, to develop, publicize, and implement a plan to give incentives to state employees to reduce vehicle miles in commuting to work. The committee will investigate employee incentives for reducing commuting vehicle miles offered by other public bodies around the country, investigate practices developed by the environmental protection agency's "Best Workplaces for Commuters Program", consider the implementation of carpool, telecommuting, guaranteed-ride-home, bike-to-work and walk-to-work programs, and incorporate or adopt those ideas deemed appropriate for Rhode Island into the plan.

South Carolina
S.C. Code Ann. § 8-11-15
The state agency or institution may vary an employee's work schedule through the use of alternative scheduling strategies to meet the needs and service delivery requirements of the agency or institution. State agencies may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.

Virginia
Va. Code Ann. § 2.2-203.1
The Secretary, in cooperation with the Secretary of Technology, shall establish a comprehensive statewide telecommuting and alternative work schedule policy under which eligible employees of state agencies may telecommute or participate in alternative work schedules. The telecommuting and alternative work schedule policy shall include, but not be limited to, model guidelines, rules and procedures for telecommuting and

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participation in alternative work schedules, and identification of the broad categories of positions determined
to be ineligible to participate in telecommuting and the justification for such a determination. Such policy may
also include an incentive program, to be established and administered by the Department of Human Resources
Management, that may encourage state employees to telecommute or participate in alternative work schedules
and that may encourage the state agencies' management personnel to promote telecommuting and alternative
work schedules for eligible employees.

- Va. Code Ann. § 2.2–2817.1
  In accordance with the statewide telecommuting and alternative work schedule policy, to be developed by the
  Secretary of Administration pursuant to § 2.2–203.1, the head of each state agency shall establish a
telecommuting and alternative work policy under which eligible employees of such agency may telecommute,
participate in alternative work schedules, or both, to the maximum extent possible without diminished
employee performance or service delivery.

- Va. Code Ann. § 15.2–1512.3
  Each local government is authorized and encouraged to establish and implement a telecommuting policy
under which eligible employees of such local government may telecommute to the maximum extent possible
without diminished employee performance or service delivery.

Incentives to encourage telework

Georgia
- O.C.G.A. § 48–7–29.11
  For taxable years beginning or ending on or after January 1, 2008, and prior to January 1, 2012, an employer
  shall be allowed a state income tax credit against the tax imposed by Code Section 48–7–20 or Code Section
  48–7–21 for a percentage of eligible telework expenses incurred in the corresponding calendar year.

  An Act to amend Code Section 48–7–29.11 of the Official Code of Georgia Annotated, relating to income tax
  credits for teleworking, so as to extend the period of time for which such credits are granted.

Nebraska
- R.R.S. Neb. § 77–27,188
  In defining the terms of the tax credit under the Nebraska Advantage Rural Development Act, a teleworker
  working in Nebraska from his or her residence for a taxpayer shall be considered an employee of the taxpayer,
and property of the taxpayer provided to the teleworker working in Nebraska from his or her residence shall
be considered an investment.

Washington
- Rev. Code Wash. (ARCW) § 70.94.996
  To the extent that funds are appropriated, the department of transportation shall administer a performance–
based grant program for private employers, public agencies, nonprofit organizations, developers, and
property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons,
for using public transportation, for using car sharing, or for using non–motorized commuting, including
telework, before July 1, 2013, to their own or other employees.
California

- Cal Gov Code § 14202
  The Department of General Services shall establish a unit for the purpose of overseeing telecommuting programs established pursuant to this chapter. This unit shall do all of the following: (a) coordinate and facilitate the interagency exchange of information regarding the state's telecommuting program, and establish and lead a multi-agency telecommuting advisory group for these purposes, (b) develop and update policy, procedures, and guidelines to assist agencies in the planning and implementation of telecommuting programs, (c) assist state agencies in requesting the siting of satellite work stations and develop procedures to track the needs of agencies and identify potential office locations.

New Jersey

- N.J. Stat. § 27:1B-21.18
  No later than January 1, 2001, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission, in consultation with the commissioner and the State Treasurer, shall submit a report to the Legislature containing a program to identify sectors of the economy, or specific occupations, which are appropriate for telecommuting to increase telecommuting in the state.

New York

- NY CLS Econ Dev § 100
  The commissioner acting by and through the department of economic development shall have power and it shall be his duty, among other things, to develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.

- NY CLS ECL § 3–0301
  The Department of Environmental Conservation shall develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this paragraph, the department shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.

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  The public service commission shall develop a plan to maximize the use of telecommuting to conserve energy otherwise used by the personnel of the department in commuting to their assigned workplace. Within one year of the effective date of this subdivision, the commission shall submit a report to the governor and the legislature on the impact of such plan to include, but not be limited to, energy conservation, air quality, workforce acceptance, office costs and potential cost savings.

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Oregon

ORS § 240.855
The Oregon Department of Administrative Services, in consultation with the State Department of Energy, shall provide a biennial report to the Joint Committee on Technology, or a similar committee of the Legislative Assembly, containing at least the following: (a) the number of employees telecommuting; (b) the number of trips, miles and hours of travel time saved annually; (c) a summary of efforts made by the state agency to promote and encourage telecommuting; (d) an evaluation of the effectiveness of efforts to encourage employees to telecommute; and (e) such other matters as may be requested by the committee.

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Washington

2009 Wa. Ch. 8; 2009 Wa. HB 1978
$ 150,000 of the multimodal transportation account state appropriation is provided solely as a grant for a telework pilot project to be developed, administered, and monitored by the Kitsap regional coordinating council. The primary purposes of the pilot project are to educate employers about telecommuting, develop telework policies and resources for employers, and reduce traffic congestion by encouraging teleworking in the workplace. As part of the pilot project, the council shall recruit public and private sector employer participants throughout the county, identify telework sites, develop an employer’s toolkit consisting of...
teleworking resources, and create a telecommuting template that may be applied in other communities. The
council shall submit to the legislature by July 1, 2009, a summary of the program results and any
recommendations for future telework strategies.

Other

California

- Cal Pub Util Code § 60060
  Transportation funding and project prioritization decisions made by the board of directors shall endeavor to
  be mode neutral, not biased in favor of any one transportation mode with the district seeking local
  concurrence when appropriate. Those decisions shall take into account the needs of the local jurisdictions, the
  overall county needs relative to streets, roads, transit, pedestrian, bicycle, telecommuting, light rail, heavy rail,
  and other alternative transportation mode projects.

- Cal Pen Code § 637.6
  No person who, in the course of business, acquires or has access to personal information concerning an
  individual for the purpose of assisting private entities in the establishment or implementation of carpooling or
  ridesharing programs, shall disclose that information to any other person or use that information for any other
  purpose without the prior written consent of the individual. As used in this section, "carpooling or ridesharing
  programs" include, but shall not be limited to, the formation of carpools, vanpools, buspools, the provision of
  transit routes, rideshare research, and the development of other demand management strategies such as
  variable working hours and telecommuting.

Florida

- 2009 Fla. Laws ch. 226; 2009 Fla. SB 2626
  The Department of Management Services is authorized to encourage the use of broadband internet services
  through grant programs having effective strategies to facilitate the statewide deployment of broadband
  internet service. For grants to be awarded, priority must be given to projects that facilitate the development of
  applications, programs and services, including, but not limited to telework, telemedicine and e-learning.

Georgia

- O.C.G.A. § 50–18–72
  Protects information acquired by an agency for the purpose of establishing or implementing a carpooling or
  ridesharing program or for the development of other demand management strategies such as variable working
  hours and telecommuting.

Idaho

- Idaho Code § 67–5745D
  Idaho will leverage its statewide purchasing power for the Idaho Education Network to promote private sector
  investment in telecommunications infrastructure that will benefit other technology applications such as
  telemedicine, telecommuting, telegovernment and economic development.

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Nebraska

- R.R.S. Neb. § 77-5714
  Teleworkers working for wages or salaries in Nebraska from their residences for a taxpayer on tasks interdependent with the work performed at the project shall be considered to be employed at the project.

Washington

- Rev. Code Wash. (ARCW) § 28B.130.030
  Transportation fees shall be spent only on activities directly related to the institution of higher education’s transportation demand management program. These may include, but are not limited to the following activities: transit, carpool, and vanpool subsidies; ridesharing programs, and program advertising for carpools, vanpools, and transit service; guaranteed ride-home and telecommuting programs; and bicycle storage facilities.

The Network has compiled a Work–Family Bills and Statutes Database to help provide an overview of the bills that have been proposed and the laws that have been passed in various states that are relevant to work–family issues. This Database includes bills and statutes related to telework that have been proposed in previous and current legislative sessions. You can connect to this database at: http://wfnetwork.bc.edu/bills.php?area=policy