

IN THE SENATE

SENATE BILL NO. 1219

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE PERSONNEL SYSTEM; AMENDING CHAPTER 53, TITLE 67, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 67-5344, IDAHO CODE, TO ESTABLISH
3 CERTAIN REQUIREMENTS FOR STATE EMPLOYEE TELEWORK, TO PROVIDE CERTAIN
4 LIMITATIONS, TO PROVIDE FOR AN EXCEPTION, AND TO DEFINE TERMS; AMEND-
5 ING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
6 67-5345, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR SALARY ADJUSTMENTS AND
7 SAVINGS; AND DECLARING AN EMERGENCY.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 53, Title 67, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 67-5344, Idaho Code, and to read as follows:

13 67-5344. STATE EMPLOYEE TELEWORK -- REQUIREMENTS -- PROHIBITION. (1)
14 Every state department listed in section 67-2402(1), Idaho Code, including
15 every state agency organized under such departments, shall be subject to the
16 provisions of this section.

17 (2) In-office employees shall work in state offices at least seventy-
18 five percent (75%) of their scheduled workdays during a two (2) week pay cy-
19 cle. During the remaining twenty-five percent (25%) of their scheduled work
20 days, state departments or agencies may approve an in-office employee for
21 telework as long as that employee complies with the state telework policy.

22 (3) Notwithstanding any other provision of law to the contrary,
23 in-office employees with job responsibilities that require direct contact
24 with the public through in-person or phone interactions shall not be eligi-
25 ble for telework.

26 (4) In-office employees, except those employees who are identified in
27 subsection (3) of this section, may be exempted from the provisions of sub-
28 section (2) of this section if:

29 (a) There are no state offices within fifty (50) miles of the employee's
30 home address;

31 (b) The employee works in a job classification designated through rule
32 and approved by the legislature for telework; or

33 (c) The employee has requested and been approved for telework as an ac-
34 commodation for a documented illness or disability.

35 (5) Telework requires an employee to enter into a telework agreement.
36 Failure to comply with any aspect of such telework agreement shall void the
37 agreement and preclude the employee from participating in another telework
38 agreement for three (3) years. A telework agreement shall be reviewed at
39 least annually and shall be reviewed when the circumstances providing an
40 in-office employee with exempted status pursuant to the provisions of sub-
41 section (4) of this section change or may have changed. A telework agreement
42 shall include:

1 (a) Department or agency approval of an identified telework location,
 2 which shall be specified by address and shall be a private space. Public
 3 locations or spaces shared with members of the public shall not qualify;
 4 and

5 (b) Acknowledgment that the employee:

6 (i) Shall comply with information technology security protocols
 7 during telework. Any approved telework location shall comply with
 8 all of the requirements of such protocols;

9 (ii) Is responsible for any costs associated with physical facil-
 10 ities and communication resources required for telework;

11 (iii) Shall remain available at the designated telework location
 12 and in communication during regular work hours;

13 (iv) Shall follow time-entry guidelines;

14 (v) Shall complete telework training prior to final agreement ap-
 15 proval; and

16 (vi) Shall not provide dependent care during telework without
 17 prior approval from the employee's department director or agency
 18 administrator.

19 (6) Field employees are exempt from the provisions of this section.

20 (7) For purposes of this section:

21 (a) "Field employee" means any state employee whose ordinary day-to-
 22 day responsibilities require work to be completed outside of an office
 23 setting or in the field. Examples of field employees include but are not
 24 limited to Idaho fish and game wardens, Idaho department of health and
 25 welfare social workers, staff working at state parks, and Idaho state
 26 department of agriculture inspectors.

27 (b) "In-office employee" means any state employee whose day-to-day re-
 28 sponsibilities require work primarily in an office setting.

29 (c) "Telework" means work performed by an in-office employee outside of
 30 a state office property during regular office hours.

31 SECTION 2. That Chapter 53, Title 67, Idaho Code, be, and the same is
 32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 33 ignated as Section 67-5345, Idaho Code, and to read as follows:

34 67-5345. REQUIREMENTS-- SALARY ADJUSTMENTS AND SAVINGS. (1) Except
 35 in individual circumstances provided for by the requirements of this chap-
 36 ter, employee salary increases awarded as a result of additional funding
 37 provided by the legislature shall take effect on July 1 of the year of such
 38 appropriation.

39 (2) Agencies shall track salary savings and shall use such savings for
 40 personnel costs in the same fiscal year as such funds were appropriated or
 41 else return such moneys to the general fund. For the purposes of this sec-
 42 tion, "salary savings" means the difference between an amount appropriated
 43 for an agency's personnel budget and the agency's actual personnel costs.

44 (3) The transfer of appropriated personnel costs for fiscal year 2025
 45 shall not be transferred to other categories during that fiscal year.

46 SECTION 3. An emergency existing therefor, which emergency is hereby
 47 declared to exist, this act shall be in full force and effect on and after its
 48 passage and approval.