

1.1 A bill for an act

1.2 relating to state government; establishing statewide telework requirements;
1.3 proposing coding for new law in Minnesota Statutes, chapter 43A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [43A.188] TELEWORK.

1.6 Subdivision 1. Definition. For purposes of this section, "telework" means work
1.7 activity in which an employee, whether regularly or occasionally, performs the duties
1.8 and responsibilities of the employee's position from home or a worksite other than the
1.9 employee's regular physical place of employment.

1.10 Subd. 2. Statewide telework authorization. (a) An appointing authority in the
1.11 executive branch, legislative branch, or judicial branch shall allow employees to perform
1.12 telework during at least 20 percent of the employee's normal expected hours of work
1.13 in each pay period.

1.14 (b) The telework requirement under this section does not apply to a position:

1.15 (1) which by its nature requires the employee's physical presence at the employee's
1.16 regular place of employment or at a particular location;

1.17 (2) for which telework would diminish employee performance or adversely impact
1.18 the operations of the agency; and

1.19 (3) for which telework would manifestly not be practicable.

1.20 (c) For an employee whose position includes both (1) duties and responsibilities as
1.21 identified under paragraph (b), and (2) duties and responsibilities not identified under
1.22 paragraph (b), the normal expected hours of work under paragraph (a) must be calculated
1.23 solely based on the total expected hours of work necessary to perform the duties and
1.24 responsibilities not identified under paragraph (b).

2.1 (d) Nothing in this section establishes a requirement that an agency equip or
2.2 otherwise provide infrastructure to enable an employee to perform telework, including but
2.3 not limited to information technology procurement or reimbursement for Internet access.

2.4 Subd. 3. **Telework policy.** An appointing authority may establish a telework
2.5 policy, which may include specification of positions, duties, and responsibilities to which
2.6 telework does not apply under subdivision 2, paragraph (b).

2.7 **EFFECTIVE DATE.** This section is effective July 1, 2010.