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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3726**

March 22, 2010

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to state government; establishing statewide telework requirements;  
1.3 appropriating money; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 43A.

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

1.6 Section 1. **[43A.188] TELEWORK.**

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

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

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

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

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

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

1.21 (c) For an employee whose position includes both (1) duties and responsibilities as  
1.22 identified under paragraph (b), and (2) duties and responsibilities not identified under  
1.23 paragraph (b), the normal expected hours of work under paragraph (a) must be calculated

2.1 solely based on the total expected hours of work necessary to perform the duties and  
2.2 responsibilities not identified under paragraph (b).

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

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

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

2.10 **Sec. 2. APPROPRIATION; TELEWORK REPORT.**

2.11 (a) \$200,000 is appropriated in fiscal year 2010 from the trunk highway fund to the  
2.12 commissioner of transportation for a grant to the Board of Regents of the University of  
2.13 Minnesota for the Hubert H. Humphrey Institute of Public Affairs to produce a report on  
2.14 highway congestion reduction through telework activities. This is a onetime appropriation  
2.15 and is available in fiscal years 2010 through 2012.

2.16 (b) The commissioner shall submit the report to the chairs and ranking minority  
2.17 members of the legislative committees with jurisdiction over transportation policy and  
2.18 finance. The commissioner shall submit a preliminary draft by January 15, 2012, and  
2.19 a final report by June 30, 2012.

2.20 (c) At a minimum, the report must:

2.21 (1) document reductions in the number of commuting trips and vehicle miles  
2.22 traveled, and other transportation impacts, resulting from telework activity of all state  
2.23 employees;

2.24 (2) identify barriers to increasing the number of employees who telework; and

2.25 (3) estimate the benefits accruing from increased telework activities, including, but  
2.26 not limited to, reductions in highway congestion.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.