

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H2/21/23

# A Bill

HOUSE BILL 1326

5 By: Representative J. Mayberry  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE UNIFORM REMOTE WORK POLICY ACT;  
10 TO ESTABLISH STATE AGENCY GUIDELINES FOR REMOTE WORK;  
11 AND FOR OTHER PURPOSES.  
12  
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### Subtitle

15 TO CREATE THE UNIFORM REMOTE WORK POLICY  
16 ACT; AND TO ESTABLISH STATE AGENCY  
17 GUIDELINES FOR REMOTE WORK.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 21, Chapter 1, is amended to add an  
23 additional subchapter to read as follows:  
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#### Subchapter 10 – Uniform Remote Work Policy Act

##### 21-1-1001. Title.

28 This subchapter shall be referred to and may be cited as the “Uniform  
29 Remote Work Policy Act”.  
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##### 21-1-1002. Legislative purpose and intent.

32 It is the purpose and intent of this subchapter to establish a uniform  
33 remote work policy for all affected state employees of departments, agencies,  
34 boards, and commissions covered by this subchapter.  
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##### 21-1-1003. Definitions.

  
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1 As used in this subchapter:

2 (1) "Critical-need employee" means a person designated by a  
3 state agency under the Uniform Attendance and Leave Policy Act, § 21-4-201 et  
4 seq.;

5 (2) "Employee" means a person regularly appointed or employed in  
6 a position of state service by a state agency for which he or she is  
7 compensated on a full-time basis;

8 (3) "Probationary employee" means a person certified from a list  
9 of eligible applicants or employed through a work test appointment who is  
10 -serving a probationary period;

11 (4) "Provisional employee" means a person who has been appointed  
12 to fill a position pending the establishment of a register for such a  
13 position;

14 (5) "Remote work" means a work flexibility arrangement under  
15 which an employee performs the duties and responsibilities of the employee's  
16 position and other authorized activities from an approved worksite other than  
17 the location from which the employee would normally work;

18 (6) "State agency" means all agencies, departments, boards,  
19 commissions, bureaus, councils, state-supported institutions of higher  
20 education, or other agencies except the following excluded agencies or  
21 positions within agencies:

22 (A) The elected constitutional officers of this state and  
23 their employees;

24 (B) Members of the Supreme Court, members of the Court of  
25 Appeals, the Administrative Office of the Courts, circuit courts, and  
26 prosecuting attorneys;

27 (C) The Arkansas Department of Transportation; and

28 (D) All administrative, academic, or other nonclassified  
29 employees of the state-supported institutions of higher education; and

30 (8) "Work day":

31 (A) Means all regularly prescribed days of employment in  
32 which the employee performs those duties for which he or she was hired; and

33 (B) Is eight(8) hours in duration.

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35 21-1-1004. Remote work requirement.

36 (a) Each state agency shall:

1 (1) Establish a policy under which eligible employees of the  
2 state agency may be authorized to perform remote work;

3 (2)(A) Determine the eligibility for all employees of the state  
4 agency, including critical-need employees, to participate in remote work.

5 (B) The following employees shall not be eligible to  
6 participate in remote work:

7 (i) An employee disciplined for violations of the  
8 state agency's absenteeism policy within the previous year;

9 (ii) Probationary employees; and

10 (iii) Provisional employees or temporary employees;

11 (3) Notify all employees of the state agency of their  
12 eligibility to perform remote work;

13 (4) Ensure that the remote work policy does not diminish employee  
14 performance or state agency operations;

15 (5) Establish a method for determining the benefits or return on  
16 investment for the state agency by employing a remote work policy; and

17 (6) Provide training to all employees regarding the duties and  
18 responsibilities of performing remote work, including without limitation all  
19 policies concerning:

20 (A) The use of state-owned equipment and technology;

21 (B) What constitutes diminishing employee performance by  
22 an employee;

23 (C) State equipment liability and responsibility;

24 (D) Data security and confidentiality responsibilities;

25 (E) Record retention policies; and

26 (F) Performance review of remote work.

27 (b) The policy established under subsection (a) of this section shall:

28 (1) Include a written agreement that:

29 (A) Is entered into between the administrative head of a  
30 state agency, or his or her designee, and an employee authorized to perform  
31 remote work that outlines the specific work arrangement that is agreed to  
32 between the employee and the state agency; and

33 (B) Is mandatory in order for an employee to participate  
34 in remote work;

35 (2) Include a statement that an employee shall not be authorized  
36 to perform remote work if the performance of the employee does not comply

1 with the terms of the written agreement between the state agency and the  
2 employee;

3 (3) Include an explanation as to how remote work will be  
4 incorporated as a part of the continuity of operations plans of the state  
5 agency in the event of an emergency;

6 (4) Provide that all tax implications for the employee are the  
7 sole responsibility of the employee, including without limitation choosing to  
8 work from a location outside of the state;

9 (5) Detail the process and requirements between the employer and  
10 employee regarding:

11 (A) High-speed internet; and

12 (B) Telecommunication with the state agency; and

13 (6) Establish a process for the termination of the remote work  
14 agreement by both the state agency and the employee.

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16 21-1-1005. Reporting.

17 (a) Annually by October 1, each state agency shall provide a report  
18 of a remote work policy established under this subchapter to the Senate  
19 Committee on State Agencies and Governmental Affairs and the House Committee  
20 on State Agencies and Governmental Affairs for review.

21 (b) The report under subsection (a) of this section shall include:

22 (1) A copy of the remote work policy in use by a state agency  
23 for the preceding year;

24 (2) The number of employees from each state agency performing  
25 remote work during the period covered by the report;

26 (3) The total number of employees in the state agency;

27 (4) The number and percentage of employees in the state agency  
28 who are eligible for remote work;

29 (5) The number and percentage of eligible employees in the state  
30 agency who are participating in remote work for the following number of work  
31 days:

32 (A) All days worked as remote work days;

33 (B) Three (3) or more work days per pay period;

34 (C) One (1) or two (2) work days per pay period;

35 (D) One (1) work day per month; and

36 (E) On an occasional, episodic, or short-term basis; and

1                   (6) An assessment of the impact remote work has had on the state  
2 agency's:

3                   (A) Emergency readiness;

4                   (B) Energy use;

5                   (C) Recruitment;

6                   (D) Retention;

7                   (E) Performance;

8                   (F) Productivity;

9                   (G) Overhead costs;

10                  (H) Savings made by the state agency; and

11                  (I) Employee attitudes and opinions regarding remote work.

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