

By: Senator(s) Blackwell, Younger,
Chassaniol, McMahan, Polk, Norwood

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2810

1 AN ACT TO AMEND SECTION 25-1-98, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THE TERMS AND CONDITIONS FOR ALLOWING STATE EMPLOYEES TO
3 ENGAGE IN TELEWORK; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 25-1-98, Mississippi Code of 1972, is
6 amended as follows:

7 25-1-98. (1) (a) In addition to any other times required
8 by statute, all state offices shall be open and staffed for the
9 normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday
10 through Friday, except on legal holidays as set forth in Section
11 3-3-7. The Governor may designate certain state offices and
12 institutions as providers of essential services and require that
13 they be open and staffed on legal holidays. The Board of
14 Directors of the Mississippi Industries for the Blind may, in its
15 discretion, require that its offices and operations be open and
16 staffed on legal holidays. Employees required to work on legal
17 holidays shall earn compensatory leave under the provisions of
18 Section 25-3-92. No employee shall receive additional vacation or



19 sick leave benefits for working on a legal holiday, nor shall this
20 section be construed to authorize any additional compensation as
21 an alternative to the accrual of compensatory leave except as
22 specifically provided for in a legislative appropriation. The
23 provisions of this section shall not be construed to limit the
24 hours of operation of any agency or to abrogate any action taken
25 during hours other than those stated, nor shall these provisions
26 apply to any offices that do not customarily stay open five (5)
27 days a week. The provisions of this section shall not apply to
28 the military department of the State of Mississippi or to the
29 armories, field training sites, air bases or other installations
30 of the Mississippi National Guard.

31 (b) A workday for a state employee in a full-time
32 employment position shall be eight (8) hours in duration at a
33 minimum exclusive of time off for meals. The appointing authority
34 shall develop work schedules which ensure that each full-time
35 employee works a full workday and shall provide the State Auditor
36 with a copy of the regular work schedule of the appointing
37 authority.

38 (2) An appointing authority may authorize telework for one
39 or more of its employees in the following instances:

40 (a) When the Governor has declared an emergency under
41 Title 33, Chapter 15, Mississippi Code of 1972, authorizing
42 appointing authorities to allow telework.



43 (b) When the appointing authority has determined that
44 an employee has a medical condition that necessitates such
45 employee be protected from exposure to members of the agency staff
46 or the public.

47 (c) When an employee is responsible for the care of a
48 person who is under order to quarantine by the Department of
49 Health.

50 (d) When access to the workplace is barred by inclement
51 weather or other conditions which make it dangerous for employees
52 to report to their assigned place of work.

53 (3) In order to implement a telework policy for one or more
54 of its employees, an appointing authority shall:

55 (a) Determine whether or not telework is in the best
56 interest of the agency. In doing so, the appointing authority
57 shall seek guidance from the State Personnel Board in determining
58 what forms of work activities can be effectively and efficiently
59 managed through a telework arrangement.

60 (b) Establish procedures to protect any information
61 that is privileged or confidential under state or federal law.

62 (c) Require all teleworking employees to sign a
63 telework agreement that includes their work schedule, provides for
64 supervisory oversight through the review of work product and
65 deliverables on a regular basis, requires the protection of
66 privileged or confidential information that is managed remotely on
67 an agency computer or other devices, establishes protocols for



68 accessibility to co-workers and clients, workplace safety, and any
69 other matters deemed appropriate by the appointing authority.

70 (d) Establish work schedules that ensure that some
71 personnel are at the appointing authority's offices to provide
72 direct contact with the public.

73 (4) For purposes of subsections (2) and (3) of this section,
74 the term "telework" shall mean a work flexibility arrangement
75 under which an employee performs duties, responsibilities, or
76 other authorized activities from an approved worksite other than
77 the location from which the employee would otherwise work.

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2022.

