

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

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2810
(As Sent to Governor)

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 of any state service agency
39 within the meaning of Section 25-9-107 may authorize telework for
40 one or more of its employees in accordance with a telework policy,
41 approved by the State Personnel Board, as provided in subsection
42 (3) of this section.



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

45 (a) Determine whether or not telework is in the best
46 interest of the agency. In doing so, the appointing authority
47 shall seek guidance from the State Personnel Board in determining
48 what forms of work activities can be effectively and efficiently
49 managed through a telework arrangement;

50 (b) Establish procedures to protect any information
51 that is privileged or confidential under state or federal law;

52 (c) Require all teleworking employees to sign a
53 telework agreement that includes their work schedule, provides for
54 supervisory oversight through the review of work product and
55 deliverables on a regular basis, requires the protection of
56 privileged or confidential information that is managed remotely on
57 an agency computer or other devices, establishes protocols for
58 accessibility to coworkers and clients, workplace safety, and any
59 other matters deemed appropriate by the appointing authority; and

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

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



68 (5) All agencies that allow employees to telework shall
69 report to the State Personnel Board the names of the employees,
70 their job titles, office schedule and telework schedule, who are
71 performing telework for their agencies. On or before December 31
72 of each year, the State Personnel Board shall make a report
73 related to the utilization of telework policies to the Chairmen of
74 the House and Senate Appropriations Committees, the
75 Accountability, Efficiency and Transparency Committees, and the
76 Joint Legislative Committee on Performance Evaluation and
77 Expenditure Review.

78 (6) The State Personnel Board may promulgate rules for the
79 administration of this section which shall be binding upon state
80 service agencies within the meaning of Section 25-9-107.

81 (7) Subsections (2) through (6) of this section shall stand
82 repealed on July 1, 2023.

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

