Appendix U: Teleworking
HB567, SB1252, And HB936
A BILL FOR AN ACT

RELATING TO EMPLOYMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that the ongoing coronavirus pandemic has profoundly impacted women and their ability to support themselves and their families. Women have experienced the majority of job losses since the start of the pandemic, and child care center and school closures have further undermined the ability of women to maintain paid employment. According to the United States Department of Labor, women left the job market at four times the rate of men in September 2020. Between August and September 2020, 865,000 women dropped out of the United States workforce compared to 211,000 men. The New York Times has referred to the loss of women from the workforce as a "shecession."

Disruptions to the child care and education system have required women to function simultaneously as both an employee and a caregiver. The duality of roles is more challenging than ever. Working from home is preferable to being forced out of the workforce en masse due to strict return-to-office policies.
The legislature further finds that the State continues to implement an outdated telework policy that wrongly prohibits caregiving while teleworking. Women are unfairly penalized by this policy because societal norms reinforce stereotypes of women as primary caregivers. When Hawaii public schools closed their doors in mid-March 2020 and thrust educational responsibilities onto parents, women overwhelmingly performed those additional tasks. Child care centers also closed for all but essential employees. Within state government, emergency telework was not uniformly extended to public workers despite the child care crisis. As schools and child care programs reopened with reduced capacities, many women and families were left with no choice but to continue working and caregiving at the same time.

The legislature also finds that states like Virginia, Maryland, and California have invested in telework for their state employees prior to the pandemic because telework increases productivity, increases employee quality of life, and may reduce costs associated with staff turnover and office space. Telework may also help employers retain women employees for the remainder
of the pandemic and continue to support women in the workforce thereafter.

The purpose of this Act is to adopt telework and alternative work schedules for state employees, establish caregiving as a valid reason to telework, and allow state employees to telework and act as caregivers at the same time.

SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

"§78- Telework; alternative work schedule. (a) Each department shall establish a telework and alternative work schedule policy. The telework and alternative work schedule policy shall include standards and procedures for telework and use of alternative work schedules.

(b) The telework and alternative work schedule policy shall:

(1) Identify types of employees eligible for telework or an alternative work schedule;

(2) Identify the broad categories of positions determined to be ineligible for telework or an alternative work schedule, and provide a justification for theirineligibility;
(3) Unless doing so would create an undue burden for the department, allow any employee who acts as a caregiver for a household member to telework or use an alternative work schedule;

(4) Promote the benefits of telework and alternative work schedules;

(5) Include the use of alternative work locations as a location from which to telework;

(6) Where feasible, promote the use of state information technology assets;

(7) Allow eligible employees to use computers, computing devices, or related electronic equipment not owned or leased by the State to telework; provided that the use is technically and economically practical and the use satisfies information security standards established by the department or the use is exempted from the standards approved by the department; and

(8) Be updated periodically, as necessary.

(c) The telework and alternative work schedule policy may include an incentive program established and administered by the State to encourage:
(1) Employees to telework or use alternative work schedules; and

(2) Managers to promote telework and alternative work schedules for eligible employees.

(d) The head of each department shall establish annual percentage targets for the number of positions eligible for telework or an alternative work schedule. By July 1, 2025, each department shall have not less than thirty per cent of the eligible positions participating in telework or using an alternative work schedule.

(e) No later than twenty days prior to the convening of each regular session, the department of human resources development shall submit a report to the legislature on:

(1) The status and efficiency of telework and alternative work schedules pursuant to this section; and

(2) Recommendations for specific budget requests to fund information technology, software, telecommunications connectivity, expansion of broadband Internet access, additional telephone lines, online collaborative tools, and other equipment or services necessary to
increase telework and use of alternative work
schedules.

(f) As used in this section:
"Alternative work location" means approved locations other
than the employee's central workplace where official state
business is performed, including employee homes and satellite
offices.

"Alternative work schedule" means a schedule that is
different from the standard forty-hour workweek schedule, if the
schedule is deemed to promote efficient agency operations. An
alternative work schedule may include four days of ten-hours
each, rotational shifts, and large-scale job sharing.

"Central workplace" means an employer's place of work where
employees would normally perform their work duties.

"Telework" means a work arrangement in which a supervisor
directs or permits an employee to perform the employee's usual
job duties away from the central workplace at least one day per
week and in accordance with a work agreement.

"Work agreement" means a written agreement between an
employer and employee that details the terms and conditions of
the employee's work away from a central workplace."
SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2021.

INTRODUCED BY: 

JAN 2 2 2021
Report Title:
Telework; Telecommuting; Alternative Work Schedule; Work From Home

Description:
Requires each department to establish a telework and alternative work schedule policy. Establishes a minimum percentage of eligible employees who are required to telework or use an alternative work schedule policy. Where feasible, requires departments to allow employees who act as a caregiver to telework or use an alternative work schedule.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.
A BILL FOR AN ACT

RELATING TO TELEWORK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§78- Public employee telework program. (a) An employer may establish and implement a telework program as:

(1) An integral part of the employer's normal business operations, and require that specific job functions be performed through telework;

(2) Part of an employer's continuity of operations plan where appropriate; or

(3) An optional alternative work arrangement to support and accommodate employee needs.

(b) An employer that has a telework program shall:

(1) Establish a telework policy and post it on the employer's internet website to allow access by its employees and the public. The telework policy shall, at a minimum, set forth:
(A) The positions and job functions that the employer deems appropriate for telework;

(B) The eligibility criteria for employees to be authorized to telework;

(C) The performance standards and system to monitor and evaluate the teleworking employee's work performance to ensure that teleworking does not diminish the employee's work performance;

(D) Requirements that the teleworking employee must satisfy to ensure the appropriate use and maintenance of any equipment provided by the employer for teleworking purposes;

(E) The physical and electronic information security controls that must be maintained by the teleworking employee at the telework site;

(F) That teleworking employees are subject to the same policies and rules as similarly situated employees who are not teleworking; and

(G) The terms and conditions upon which the telework arrangement shall be terminated;
(2) Provide teleworking employees the equipment and supplies, including but not limited to a computer, printer, and scanner, that are reasonably necessary for the employee to perform the employee's job functions from the telework site. The employer may establish procedures that require a teleworking employee to obtain prior approval to purchase equipment reasonably necessary to perform the employee's job functions; and

(3) Reimburse the teleworking employee for communication costs, such as internet and telephone expenses, to the extent those costs are reasonably necessary for the employee to perform the employee's job functions. The reimbursement to the employee may be made by:

(A) Payment of the exact amount incurred by the teleworking employee to perform the employee's job functions; or

(B) A monthly voucher, the amount of which is based upon the teleworking employee's reasonable estimate of the reimbursable expenses provided for in this subsection.
The employer may require a teleworking employee to provide documentation to support the employee's reimbursable communication costs or the reasonable estimate thereof.

(c) As used in this section:

"Position" has the same meaning as defined in section 76-11.

"Telework" means a work arrangement that allows an employee to conduct all or part of the employee's job functions away from the employee's official worksite during all or a portion of the employee's established work hours on a temporary or regular basis. "Telework" does not include duties and responsibilities that, by their nature, are performed routinely in the field away from the official worksite."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:
Report Title:
Teleworking; Government Employees; Physical Equipment

Description:
Allows public employers to establish and implement a telework program. Requires public employers with a telework program to establish a telework policy and post it on the employer's internet website; provide the teleworking employees with equipment that is reasonably necessary to perform their job functions at the teleworking site; and reimburse teleworking employees with communication costs incurred by teleworking.

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A BILL FOR AN ACT

RELATING TO INCOME TAX CREDITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI’I:

SECTION 1. The legislature finds that there are significant benefits to the State, employers, and employees when employers allow their employees to telework. Encouraging employers to allow employees to telework will benefit Hawaii’s job market, improve the expansion of internet and broadband in rural communities, reduce traffic congestion and carbon emissions, and provide benefits to employees by significantly improving job satisfaction.

The purpose of this Act is to establish a telework tax credit to encourage employers to allow their employees to telework.

SECTION 2. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§235- Telework tax credit. (a) There shall be allowed to each taxpayer subject to the tax imposed by this chapter a telework tax credit for an employer who allows at
least thirty per cent of the employer's workforce to telework. The tax credit shall be deductible for the taxpayer's net income tax liability, if any, imposed by this chapter for the taxable year in which the credit is properly claimed.

(b) The amount of the tax credit shall be equal to $______ per employee who is allowed to telework at least two-thirds of the time that the employee is expected to work; provided that the amount of the tax credit shall not exceed $______ in any taxable year.

(c) If the tax credit under this section exceeds the taxpayer's net income tax liability, the excess of credit over liability may be used as a tax credit against the taxpayer's net income tax liability in subsequent years until exhausted. All claims for tax credits under this section, including any amended claims, shall be filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with the foregoing provision shall constitute a waiver of the right to claim the credit.

(d) The director of taxation shall prepare any forms that may be necessary to claim a tax credit under this section. The director may also require the taxpayer to furnish information to
ascertain the validity of the claims for credit made under this
section and may adopt rules necessary to effectuate the purposes
of this section pursuant to chapter 91.

(e) For the purposes of this section:

"Employer" means any employer upon whom an income tax is
imposed by this chapter.

"Telework" means an alternative work arrangement whereby
employees perform the normal duties and responsibilities of
their positions through the use of telecommunication devices,
either at home or another place apart from the employees' usual
place of work."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act, upon its approval, shall apply to
taxable years beginning after December 31, 2020.

INTRODUCED BY: 

JAN 25 2021
Report Title:
Telework; Tax Credits; Employers; Employees

Description:
Establishes a telework tax credit for employers who allow telework for at least thirty per cent of their employees. Applies to taxable years beginning after 12/31/20.

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