

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6898**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

In simplest terms, teleworking is a work arrangement in which employees do not commute or travel to a central place of work, such as an office building, warehouse, or store. Teleworkers in the 21st century often use mobile telecommunications technology such as Wi-Fi-equipped laptops or tablet computers and smartphones to work from coffee shops; others may use a desktop computer and a landline phone at the comfort of their own homes.

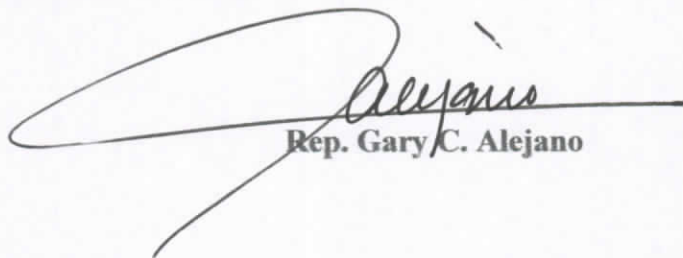
While it may seem that teleworking is a particularly new practice, a report of the International Labour Organization traced that the trend has started as early as the 1980s. Indeed, in the digital age, more people including of course, Filipinos are starting to favor flexible work options instead of the usual 8AM-5PM jobs. In a 2011 report published by Regus, of which a portion of the respondents are Filipinos, part of the conclusion stipulated that teleworking is becoming a contemporary norm.

This demand is not without good reason too. Flexible working, which is cost-effective than fixed office working, offers the attractive perks of lower stress and better work to existing and prospective employees. It also provides a low-cost solution to attracting and retaining those top-performing workers. 72% of global businesses report that increased productivity is a direct result of flexible working practices while 68% of interviewed firms stated that flexible working has led to staff generating increased revenue. This is particularly true in emerging economies that appear to have made flexible working a key part of their development.

There is little reason, therefore not to adopt a particularly successful and effective practice in government service. As the cultural and technological zeitgeist of the 21st century continues to advance, the government is compelled to adapt to these changes by enacting laws that will proactively harness the technological advantages that this era enjoys.

Under this Act, executive agencies shall be required to establish and implement policies with regards to teleworking. Research and promotion of teleworking shall also be ensured.

In view of the foregoing, approval of this measure is earnestly sought.


Rep. Gary C. Alejano

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AN ACT

**TO REQUIRE THE HEAD OF EACH EXECUTIVE AGENCY TO ESTABLISH AND
IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE AUTHORIZED TO
TELEWORK, AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. Short Title. – This Act shall be known as the “Telework Enhancement Act of
2010.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to innovate on
certain work practices and promote flexible work options. As such, under this Act, each executive
agency shall be required to establish telework as a viable work option and for such purpose,
implement policies under which employees of different executive agencies shall be authorized to
telework.

SEC. 3. Definitions. – For purposes of this Act:

Employee the term employee means any such person currently employed in any
executive agency.

Executive Agency has the meaning as provided in section (2)(4) of E.O. No. 292, also
known as the Administrative Code of 1987.

Telework or teleworking refers to a work flexibility arrangement under which an
employee performs the duties and responsibilities of such employee’s position, and other
authorized activities, from an approved worksite other than the location from which the
employee would otherwise work.

SEC. 4. Executive agencies telework requirement. –

a) Telework Eligibility.—

1
2 1) In general.—Not later than 180 days after the date of enactment of this Act,
3 the head of each executive agency shall—

4 A) establish a policy under which eligible employees of the agency may
5 be authorized to telework;

6
7 B) determine the eligibility for all employees of the agency to
8 participate in telework; and

9
10 C) notify all employees of the agency of their eligibility to telework.
11

12 2) Limitations.—An employee may not telework under a policy established
13 under this if—

14
15 A) the employee has been officially disciplined for being absent
16 without permission for more than 5 days in any calendar year; or

17
18 B) the employee has been officially disciplined for violations of
19 R.A.No. 6713 also known as the "Code of Conduct and Ethical
20 Standards for Public Officials and Employees."
21

22 b) Participation.—The policy described under subsection (a) shall—
23

24 1) ensure that telework does not diminish employee performance or agency
25 operations;

26
27 2) require a written agreement that—
28

29 A) is entered into between an agency manager and an employee
30 authorized to telework, that outlines the specific work arrangement that
31 is agreed to; and

32
33 B) is mandatory in order for any employee to participate in telework;
34

35 3) provide that an employee may not be authorized to telework if the
36 performance of that employee does not comply with the terms of the written
37 agreement between the agency manager and that employee;

38
39 4) except in emergency situations as determined by the head of an agency, not
40 apply to any employee of the agency whose official duties require on a daily
41 basis (every work day)—
42

43 A) direct handling of secure materials determined to be inappropriate
44 for telework by the agency head; or
45

1 B) on-site activity that cannot be handled remotely or at an alternate
2 worksite; and

3
4 5) be incorporated as part of the continuity of operations plans of the agency in
5 the event of an emergency.

6
7 **SEC. 5. Training and Monitoring. —**

8
9 a) In general.—The head of each executive agency shall ensure that—

10
11 1) an interactive telework training program is provided to—

12
13 A) employees eligible to participate in the telework program of the
14 agency; and

15
16 B) all managers of teleworkers;

17
18 2) except as provided under subsection (b), an employee has successfully
19 completed the interactive telework training program before that employee
20 enters into a written agreement to telework described under section (4)(b)(2);

21
22 3) teleworkers and nonteleworkers are treated the same for purposes of—

23
24 A) periodic appraisals of job performance of employees;

25
26 B) training, rewarding, reassigning, promoting, reducing in grade,
27 training, and removing employees;

28
29 C) work requirements; or

30
31 D) other acts involving managerial discretion; and

32
33 4) when determining what constitutes diminished employee performance, the
34 agency shall consult the guidelines as provided for by the Strategic
35 Performance Management System (SPMS) of the Civil Service Commission.

36
37 b) Training Requirement Exemptions.—The head of an executive agency may provide
38 for an exemption from the training requirements under subsection (a), if the head of that
39 agency determines that the training would be unnecessary because the employee is already
40 teleworking under a work arrangement in effect before the date of enactment of this Act.

41
42 **SEC. 6. Policy and Support.—**

43
44 a) Agency Consultation with the Civil Service Commission.—Each executive agency
45 shall consult with the Civil Service Commission in developing telework policies.

1 b) Guidance and Consultation.—The Civil Service Commission shall—

2 1) provide policy and policy guidance for telework in the areas of pay and
3 leave, agency closure, performance management, official worksite, recruitment
4 and retention, and accommodations for employees with disabilities; and

5
6 2) assist each agency in establishing appropriate qualitative and quantitative
7 measures and teleworking goals.

8
9 c) Security Guidelines.—

10
11 1) In general.—The Secretary of the Department of Budget and Management,
12 in coordination with the Department of Information and Communications
13 Technology, shall issue guidelines not later than 180 days after the date of
14 enactment of this Act to ensure the adequacy of information and security
15 protections for information and information systems used while teleworking.

16
17 2) Contents.—Guidelines issued under this subsection shall, at a minimum,
18 include requirements necessary to—

19
20 A) control access to agency information and information systems;

21
22 B) protect agency information (including personally identifiable
23 information) and information systems;

24
25 C) limit the introduction of vulnerabilities;

26
27 D) protect information systems not under the control of the agency that
28 are used for teleworking;

29
30 E) safeguard wireless and other telecommunications capabilities that
31 are used for teleworking; and

32
33 F) prevent inappropriate use of official time or resources that violates
34 the Code of Conduct and Ethical Standards for Public Officials and
35 Employees.

36
37 d) Continuity of Operations Plans.—

38
39 1) Incorporation into Continuity of Operations Plans.—Each executive agency
40 shall incorporate telework into the continuity of operations plan of that agency.

41
42 2) Continuity of Operations Plans Supersede Telework Policy.—During any
43 period that an executive agency is operating under a continuity of operations
44 plan, that plan shall supersede any telework policy.

45
46 e) Telework Website.—The Civil Service Commission shall—

1
2 1) maintain a central telework website; and

3
4 2) include on that website related—

5
6 A) telework links;

7
8 B) announcements;

9
10 C) guidance developed by the Civil Service Commission.

11
12 f) **Policy Guidance on Purchasing Computer Systems.**—Not later than 120 days after
13 the date of the enactment of this Act, each executive agency shall issue policy guidance
14 requiring that when purchasing computer systems, to purchase computer systems that enable
15 and support telework, unless the head of the agency determines that there is a mission-specific
16 reason not to do so.

17
18 **SEC. 7. Telework Managing Officer.**—

19
20 a) **Designation.**—The head of each executive agency shall designate an employee of
21 the agency As the Telework Managing Officer. The Telework Managing Officer shall be
22 established within the human resource department or a comparable department with similar
23 functions.

24
25 b) **Duties.**—The Telework Managing Officer shall—

26
27 1) be devoted to policy development and implementation related to agency
28 telework programs;

29
30 2) serve as—

31
32 A) an advisor for agency leadership, including the head of the human
33 resource department;

34
35 B) a resource for managers and employees; and

36
37 C) a primary agency point of contact for the Civil Service Commission
38 on telework matters; and

39
40 3) perform other duties as the applicable delegating authority may assign.

41
42 c) **Status within agency.**—The Telework Managing Officer of an agency shall be a
43 senior official of the agency who has direct access to the head of the agency.
44

d) Rule of Construction Regarding Status of Telework Managing Officer.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this Act.

SEC. 8. Reports.—

a) Reports by the Civil Service Commission.—

1) Submission of reports.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Chairman of the Civil Service Commission, in consultation with the human resource offices of each executive agency shall—

A) submit a report addressing the telework programs of each executive agency to:

i) the Committee on Civil Service and Government and Reorganization of the Senate; and

ii) the Committee on Civil Service and Professional Regulation of the House of Representatives; and

B) transmit a copy of the report to the Department of Budget and Management.

2) Contents.—Each report submitted under this subsection shall include—

A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and each executive agency, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

i) the total number of employees in the agency;

ii) the number and percent of employees in the agency who are eligible to telework; and

iii) the number and percent of eligible employees in the agency who are teleworking—

I) 3 or more days per pay period;

II) 1 or 2 days per pay period;

III) once per month; and

IV) on an occasional, episodic, or short-term basis;

B) the method for gathering telework data in each agency;

C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

i) emergency readiness;

ii) energy use;

iii) recruitment and retention;

iv) performance;

v) productivity; and

vi) employee attitudes and opinions regarding telework; and

G) the best practices in agency telework programs.

b) Chief Human Resource Officer Reports.—

1) In general.—Each year the chief human resource officer of each executive agency, in consultation with the Teleworking Managing Officer of that agency shall submit a report to the Civil Service Commission on agency management efforts to promote telework.

SEC. 9. Telework Research.—

a) Research by DOLE on telework.—The Secretary of Labor and Employment shall—

1 1) research the utilization of telework by public and private sector entities that
2 identify best practices and recommendations for the national government;

3
4 2) review the outcomes associated with an increase in telework, including the
5 effects of telework on energy consumption, job creation, and availability, urban
6 transportation patterns, and the ability to anticipate the dispersal of work during
7 periods of emergency; and

8
9 3) make any studies or reviews performed under this subsection available to
10 the public.

11
12 b) *Use of contract to carry out research.*—The Secretary of Labor and Development
13 may carry out subsection (a) under a contract entered into by the Secretary using competitive
14 procedures.

15
16 c) *Use of other executive agencies.*—The heads of executive agencies with relevant
17 jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the
18 Secretary of Labor and Employment to carry out the subsection, if the Secretary determines
19 that coordination is necessary to fulfill obligations under the subsection.

20
21 **SEC. 10. *Implementing Rules and Regulations.*** — The respective agencies covered by this
22 Act shall promulgate the necessary rules and regulations for the implementation of this Act's
23 provisions.

24
25 **SEC. 11. *Appropriations.*** — The amount necessary for the implementation of the provisions
26 of this Act shall be charged to the annual appropriated funding of the respective executive agencies
27 covered by this Act.

28
29 **SEC. 12. *Separability Clause.*** — If any provision, section or part of this Act shall be declared
30 unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other provisions,
31 sections or parts thereof.

32
33 **SEC. 13. *Effectivity.*** — This Act shall take effect immediately.

Approved,