

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6764



Introduced by Representative Roman T. Romulo

EXPLANATORY NOTE

Great strides in technology have been made in the recent years which have made once cumbersome practices now efficient and effective. In many ways, these technological advancements have indeed made the world smaller. Through the various developments in information and communications technology and connectivity, it is now possible to connect with others, loved ones and colleagues alike, with the mere press of a virtual button. One can now collaborate and contribute in the comfort of our homes or other places away from the usual workplace. Being open to changes or developments in the traditional workplace is important, especially in times as the current circumstances would dictate.

Telecommuting is a work arrangement where the employees need not be in a central workplace. This flexible work arrangement has once been perceived as inconvenient, from the standpoint of management, where the usual manner of measuring one's productivity is the hours spent in the workplace, as well as the workers whose resources are located in the workplace. It used to be effective only in certain industries, where the nature of the work allowed such an arrangement. However, as previously stated, we are now faced with the fact that the true measure of a person's productivity is the output produced and not the hours spent in a workplace.


In fact, these ratiocinations can be gleaned from Republic Act No. 1165, or the Telecommuting Act, signed into law by President Rodrigo R. Duterte on December 20, 2018. This is a legislative and executive fiat which places its approval on such an arrangement for employees in the private sector. It provides the employers the option to offer a telecommuting program (work from home arrangement) to their employees voluntarily or as a result of a

Collective Bargaining Agreement. Among others, it provides that the particular terms and conditions will be agreed upon by both parties and in any case shall not be less than the minimum standards set by law.

Currently, there is no law which provides for Telecommuting in the public sector. We are here precisely to address and fill that void. Section 3 of Article XIII of the Constitution states that *"The State shall afford full protection to labor, local, and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."* This is the guiding principle by which we assess the developments in technology and recognize that alternative arrangements, such as this, are not only possible but can be effective in many industries, including the public sector. Protection to labor includes the well-being of our workforce. There is no reason to not legislate and allow a practice which protects our people while maintaining or reinvigorating their productivity.

There is no need for further elaboration on the necessity of this legislation in the context of the current COVID-19 crisis. Our workers will be able to sustain their livelihood and contribute their productivity while maintaining their safety. Through this measure, telecommuting will be institutionalized with the proper measures to ensure that the protocols observed in the status quo can be complied with in terms of security and quality.

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



ROMAN T. ROMULO

Lone District, Pasig City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6764

Introduced by Representative Roman T. Romulo

**AN ACT TO REQUIRE EACH AGENCY OF THE GOVERNMENT TO ESTABLISH
AND IMPLEMENT A POLICY UNDER WHICH EMPLOYEES SHALL BE
AUTHORIZED TO TELECOMMUTE, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* — This Act shall be known as the “Telecommute Act for the Public Sector.”

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 especially in times of local and national emergency. As such, under this Act, each government agency shall be required to establish telecommuting as a viable work option and for such purpose, implement policies under which employees of different government agencies shall be authorized to telecommute.

SEC. 3. *Definitions.* — For purposes of this Act:

(a) **Employee** refers to any such person currently employed in any government agency.

(b) **Government Agency** refers to any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporations, or a local government or a distinct unit therein.

(c) **Telecommute** 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. This shall include work from home.

SEC. 4. ***Government Agencies Telecommuting Requirement.*** —

A) Telecommuting Policy

1) Not later than 180 days after the date of enactment of this Act, each government agency shall establish a policy under which eligible employees of the government agency may be authorized to telecommute. The government agency shall determine the eligibility for all employees to participate in telecommuting and notify the employees of their eligibility to telecommute.

2) An employee may not telecommute under a policy established under this Act if the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year or the employee has been officially disciplined for violations of R.A. No. 6713 also known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

B) The policy described under subsection (A) shall

1) ensure that telecommuting does not diminish employee performance or agency operations;

2) require a written agreement that

a) is entered into between the government agency and an employee authorized to telecommute, that outlines the specific work arrangement that is agreed to; and

b) is mandatory in order for any employee to participate in telecommuting;

3) provide that the agreement for the employee to telecommute shall be terminated upon notice to the employee if the performance of that employee does not comply with the terms of the written agreement between the government agency and that employee;

4) not apply to any employee of the department whose official duties require to be at work on a daily basis, such as direct handling of secure materials determined to be inappropriate for telecommuting by the agency head, or on-site activity that cannot be handled remotely or at an alternate worksite, except in emergency situations as may be determined by the government agency; and

5) be incorporated as part of the continuity of operations plans of the

agency in the event of an emergency.

SEC. 5. *Training and Monitoring.* —

A) Each government agency shall ensure that an interactive telecommute training program is provided to employees eligible to participate in the telecommute program of the agency and to all managers of telecommuters. Except as provided under subsection (B), an employee must have successfully completed the interactive telecommute training program before said employee enters into a written agreement to telecommute described under section 4(B)(2).

All telecommuters and non-telecommuters shall be treated the same for purposes of periodic appraisals of job performance, training, rewarding, reassigning, promoting and removing employees, providing work requirements or other acts involving managerial discretion.

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

B) Each government agency may provide for an exemption from the training requirements under subsection (A), if the head of that department determines that the training would be unnecessary because the employee is already telecommuting under a work arrangement in effect before the date of enactment of this Act.

SEC. 6. *Guidelines on Purchasing Computer Systems.* - Not later than 120 days after the enactment of this Act, each government agency shall issue department guidelines requiring the purchase of computer systems that enable and support telecommuting, unless the head of the agency determines that there is a mission-specific reason not to do so.

SEC. 7. *Telecommute Website.* — The Department of Information and Communications Technology (DICT) shall maintain a central telecommute website which shall include telecommute links, announcements, telecommute guidelines developed by the Civil Service Commission and other related websites

SEC. 8. *Telecommute Managing Officer.* —

A) Designation.—The head of each government agency shall appoint a Telecommute Managing Officer. The Telecommute Managing Office shall be established within the human resource department or a comparable department with similar functions.

B) Duties.—The Telecommute Managing Officer shall

1) be devoted to policy development and implementation related to agency telecommute programs;

2) serve as—

a) an advisor for agency leadership, including the head of the human resource department or a comparable department with similar functions;

b) a resource for telecommuting managers and employees; and

c) a primary agency point of contact for the Civil Service Commission and the DICT on telecommute matters; and

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

c) Status within agency.—The Telecommute Managing Officer of a government agency shall be a senior official of the agency who has direct access to the head of the agency.

SEC. 9. **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 government agency shall —

a) submit a report addressing the telecommute programs of each government 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 government agency in telecommuting during the period covered by the report and 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 telecommute; and

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

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 telecommute data in each agency;

c) if the total number of employees telecommuting 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 telecommuting in each frequency category described under subparagraph (A)(2)(iii);

e) an explanation of whether 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 telecommute 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 telecommute, such as the impact of telecommute on

- i) emergency readiness;
- ii) energy use;
- iii) recruitment and retention;
- iv) performance;
- v) productivity; and
- vi) employee attitudes and opinions regarding telecommuting; and

g) the best practices in agency telecommute programs.

B) Chief Human Resource Officer Reports.

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

SEC. 10. *Implementing Rules and Regulations.*

A) Agency Consultation with the Civil Service Commission.—Each government agency shall consult with the Civil Service Commission in developing telecommute policies.

B) Guidance and Consultation.—The Civil Service Commission shall

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

2) assist each agency in establishing appropriate qualitative and quantitative measures and telecommuting goals.

C) Telecommute Security Guidelines.—

1) In general.—The Secretary of the Department of Information and Communications Technology, shall issue guidelines not later than 180 days after the enactment of this Act to ensure the adequacy of information and security protections for information and information systems used while telecommuting.

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

- a) control access to agency information and information systems;
- b) protect agency information (including personally identifiable information) and information systems;
- c) limit the introduction of vulnerabilities;
- d) protect information systems not under the control of the agency that are used for telecommuting;
- e) safeguard wireless and other telecommunications capabilities that are used for telecommuting; and
- f) prevent inappropriate use of official time or resources that violates the Code of Conduct and Ethical Standards for Public Officials and Employees.

SEC. 11. **Appropriations.**— The amount necessary for the implementation of the provisions of this Act shall be charged to the annual appropriated funding of the respective government agencies covered by this Act. Thereafter, any such amounts necessary for the effective implementation of this Act shall be included in the appropriations for each government agency in the General Appropriations Act.

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

SEC. 13. **Repealing Clause.**— All laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 14. **Effectivity.**— This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,