Texas State Securities Board

Telework Policy

(HB 5196, Effective September 1, 2025)

This policy is to set forth and implement the requirements House Bill 5196, 89th Legislative Session (2025), which amended Texas Government Code §658.010 and added new Government Code §§ 658.011 and 658.012 (Chapter 658).

State law generally requires that during normal working hours, employees are required to conduct Agency business only at their regular place of business unless they are on travel status. However, as provided by Chapter 658, the Securities Commissioner has determined that telework[i] may be needed for Agency staff to address lack of available office space for the Agency and to provide reasonable flexibility that enhances the Agency's ability to achieve its mission.[ii]

This is a discretionary program. The Agency may restrict, limit, modify, or impose conditions on an employee's telework arrangements. The Agency may also refuse to allow an employee to telework or to continue teleworking at any time with no prior notice, and for any reason that does not violate Agency policy.

A Division Director may approve telework for an employee if the Division Director finds that the following criteria[iii] are met:

1. The nature of the work is appropriate for telecommuting;

2. Performing work offsite will not create a risk for the physical and information security of Agency documents or information;

3. The employee has been employed by the Division for the required length of time as required by the Division Director;

4. The employee who will perform the work is meeting job performance expectations and has demonstrated the ability to work effectively with little or no direct supervision and to consistently meet deadlines;

5. The employee's absence from the office will not adversely affect the operations of the Division; and

6. The employee's office telephone is configured for voicemail to the employee's email.

Before an employee may begin telework after the Division Director approves the arrangement, the employee must sign the telework authorization agreement, which is

required to be renewed annually.[iv] The telework authorization agreement does not prohibit the Division Director or the Agency from requiring an employee to report to the employee's regular or assigned temporary place of employment, or another work location on a day on which the agreement otherwise authorizes telework for a meeting, special event, or other engagement for which the Division Director or Agency determines in-person interaction is necessary.[v]

Depending on the nature of the work or other factors as determined by the Division Director, the Division Director may set certain individual or position parameters and conditions on teleworking arrangements, including requirements for the employee's offsite work environment, physical and information security controls,[vi] telecommunications capabilities, routine check ins, or work logs or status reports.

Performance standards for teleworkers are required and expected.[vii] Teleworkers are required to perform all regular and expected job duties as if they were present in their assigned business office, and the same standards apply to all employees concerning their availability, responsiveness, productivity, and protection of Agency equipment, systems, and information. It is not acceptable for an employee to decline to participate in an in-person meeting or activity because the employee would normally telework that day.

All applicable Agency and Division rules, policies and procedures remain in effect regardless of where or when work is performed, including disciplinary action rules, and attendance, time and leave policies.[viii]

Division Directors will regularly monitor teleworking employees to ensure their work remains satisfactory and that their employees' duties remain suitable for telework.[ix] Agency policy requires supervisors to administer an annual performance review to each Agency employee under their direct supervision regardless of telework status. These annual reviews help ensure the employee is meeting Agency performance criteria and satisfactorily performing the essential functions of the job.

The same standards for maintaining confidentiality that apply to employees working at the office apply equally to teleworking employees. Teleworkers are expected to ensure the protection of Agency information accessible from their remote office.

Employees who request to telework due to disabilities or health reasons must follow the Agency's policies on accommodations set forth in the Agency's Employee Manual.

An employee may not conduct in-person business at the employee's personal residence.[x]

Telework may not be offered as a condition of employment. [xi]

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[i] Texas Government Code, §658.010(a) defines telework. Non-scheduled or ad hoc at-home work arrangements are not considered telework.

[ii] Govt Code 658.011(a).

[iii] Govt Code 658.012(a)(1)(A) (evaluation criteria)

[iv] Govt Code 658.011(b).

[v] Govt Code 658.011(d).

[vi] Govt Code 658.012(a)(1)(D) (physical and information security controls).

[vii] Govt Code 658.012(a)(1)(B) (performance standards).

[viii] Govt Code 658.012(a)(2).

[ix] Govt Code 658.012(a)(1)(C) (system for monitoring productivity).

[x] Govt Code 658.012(a)(3).

[xi] Govt Code 658.011(c).