

## Calendar No. 1101

110TH CONGRESS  
2D SESSION

## S. 1000

To enhance the Federal Telework Program.

## IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Mr. STEVENS (for himself, Ms. LANDRIEU, Mr. COLEMAN, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

## A BILL

To enhance the Federal Telework Program.

1       *Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,*3       **SECTION 1. SHORT TITLE.**4       This Act may be cited as the “Telework Enhance-  
5       ment Act of 2007”.6       **SEC. 2. FEDERAL GOVERNMENT TELEWORK REQUIRE-  
7       MENT.**

8       (a) IN GENERAL.—

1                   (1) ELIGIBILITY.—Within 1 year after the date  
2                   of enactment of this Act, the head of each Executive  
3                   agency shall establish a policy under which each em-  
4                   ployee of the agency, except as provided in sub-  
5                   section (d), shall be eligible to participate in  
6                   telework.

11 (b) APPLICATION TO JUDICIAL BRANCH EMPLOY-  
12 EES.—Within 1 year after the date of enactment of this  
13 Act, the Chief Justice of the United States shall establish  
14 a policy for employees of the judicial branch under which  
15 such employees, except employees designated by the Chief  
16 Justice as employees to whom the policy does not apply,  
17 shall participate in telework to the maximum extent pos-  
18 sible without diminishing employee performance or judicial  
19 operations.

20 (e) APPLICATION TO LEGISLATIVE BRANCH EMPLOY-  
21 EES.—

1 shall establish a policy for employees of the House  
2 of Representatives under which such employees, ex-  
3 cept employees designated by the Speaker as em-  
4 ployees to whom the policy does not apply, shall par-  
5 ticipate in telework to the maximum extent possible  
6 without diminishing employee performance or House  
7 operations.

8 (2) SENATE.—Within 1 year after the date of  
9 enactment of this Act, the Majority Leader of the  
10 Senate, in consultation with the Minority Leader of  
11 the Senate, shall establish a policy for employees of  
12 the Senate under which such employees, except em-  
13 ployees designated by the Majority Leader as em-  
14 ployees to whom the policy does not apply, shall par-  
15 ticipate in telework to the maximum extent possible  
16 without diminishing employee performance or Senate  
17 operations.

18 (3) OTHER LEGISLATIVE BRANCH EMPLOY-  
19 EES.—Within 1 year after the date of enactment of  
20 this Act, the Speaker of the House of Representa-  
21 tives and the Majority Leader of the Senate jointly  
22 shall establish a policy for employees of the legisla-  
23 tive branch who are not employees of either House  
24 under which such employees, except employees des-  
25 ignated by the Speaker and the Majority Leader as

1 employees to whom the policy does not apply, shall  
2 participate in telework to the maximum extent pos-  
3 sible without diminishing employee performance or  
4 legislative branch operations.

5 **(d) INELIGIBLE EMPLOYEES.—**

6           **(1) EXECUTIVE AGENCIES.**—Subsection (a)(1)  
7 does not apply to executive agency employees—

8               (A) whose duties involve the daily handling  
9 of secure materials, necessary contact with spe-  
10 cial equipment, or daily physical presence;

11               (B) who are assigned to national security  
12 or intelligence functions; or

13               (C) whose functions are otherwise inappro-  
14 priate for teleworking and which are designated  
15 by the head of the agency as functions to which  
16 the policy does not apply.

17           **(2) JUDICIAL AND LEGISLATIVE BRANCH EM-  
18 PLOYEES.**—The Chief Justice and the officers of the  
19 Senate and House of Representatives described in  
20 subsection (e) may designate as ineligible to partici-  
21 pate in telework employees whose duties are the  
22 same as, or similar to, the duties described in para-  
23 graph (1).

1 **SEC. 3. TRAINING AND MONITORING.**

2 The head of each executive agency shall ensure  
3 that—

4 (1) telework training is incorporated in the  
5 agency's new employee orientation procedures;

6 (2) periodic employee reviews are conducted for  
7 all employees, including those described in section  
8 1(a)(3), to ascertain whether telework is appropriate  
9 for the employee's job description and the extent to  
10 which it is being utilized by the employee.

11 **SEC. 4. TELEWORK MANAGING EMPLOYEE.**

12 (a) **IN GENERAL.**—The head of each executive agency, the Chief Justice, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall appoint a full time senior level employee of the agency, the judicial branch, the House of Representatives, and the Senate, respectively as the Telework Managing Officer. The Telework Managing Office shall be established within the office of the chief administrative officer or a comparable office with similar functions.

21 (b) **DUTIES.**—The Telework Managing Officer  
22 shall—

23 (1) serve as liaison between employees engaged  
24 in teleworking and their employing entity;

25 (2) ensure that the organization's telework pol-  
26 icy is communicated effectively to employees;

8 (5) educate administrative units on telework  
9 policies, programs, and training courses;

10 (6) provide written notification to all employees  
11 of specific telework programs and employee eligi-  
12 bility;

13 (7) focus on expanding and monitoring agency  
14 telework programs;

15 (8) recommend and oversee telework-specific  
16 pilot programs for employees and managers, includ-  
17 ing tracking performance and monitoring activities;

18 (9) promote teleconferencing devices;

19 (10) develop monthly productivity awards for  
20 teleworkers;

(11) develop and administer a telework performance reporting system; and

1       in section 102 of the Robert T. Stafford Disaster  
2       Relief and Emergency Assistance Act (42 U.S.C.  
3       5122)).

4       (e) REPORT.—The Telework Managing Officer shall  
5       submit a report to the head of the employing agency, the  
6       Chief Justice, the Speaker of the House of Representa-  
7       tives, or the Majority Leader of the Senate, as the case  
8       may be, and the Comptroller General at least once every  
9       12 months that includes a statement of the applicable  
10      telework policy, a description of measures in place to carry  
11      out the policy, and an analysis of the participation by em-  
12      ployees of the entity in teleworking during the preceding  
13      12-month period.

14      **SEC. 5. ANNUAL TELEWORK AGENCY RATING.**

15       (a) IN GENERAL.—The Comptroller General shall es-  
16       tablish a system for evaluating—

17           (1) the telework policy of each executive agency,  
18           the judicial branch, and the legislative branch; and  
19           (2) on an annual basis the participation in tele-  
20           working by their employees.

21       (b) REPORT.—The Comptroller General shall publish  
22       a report each year rating—

23           (1) the telework policy of each entity to which  
24           this Act applies;

4 (3) for each executive agency—

5 (A) the number of employees in the agency;  
6

9 (C) the number of employees who engage  
10 on a regular basis in teleworking; and

11 (D) the number of employees who engage  
12 on an occasional or sporadic basis in tele-  
13 working:

## 14 SEC. 7 DEFINITIONS.

15 In this Act:

22 (B) a Member of the United States House  
23 of Representatives; or

24 (C) a United States Senator.

9 (A) reduces or eliminates the employee's  
10 commute between his or her residence and his  
11 or her place of employment; and

12 (B) occurs at least 2 business days per  
13 week on a recurring basis.

## 14 SECTION 1. SHORT TITLE.

15        *This Act may be cited as the “Telework Enhancement*  
16 *Act of 2007”.*

17 SEC. 2. DEFINITIONS.

18 *In this Act.*

### **11 SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.**

12       (a) TELEWORK ELIGIBILITY.—Not later than 180 days  
13 after the date of enactment of this Act, the head of each  
14 executive agency shall—

21 (b) *PARTICIPATION*.—The policy described under sub-  
22 section (a) shall—

23 (1) ensure that telework does not diminish em-  
24 ployee performance or agency operations;

1                   (2) require a written agreement between an  
2 agency manager and an employee authorized to  
3 telework in order for that employee to participate in  
4 telework;

5                   (3) provide that an employee may not be authorized to telework if the performance of that employee  
6 does not comply with the terms of the written agree-  
7 ment between the agency manager and that employee;

8                   (4) except in emergency situations as determined  
9 by an agency head, not apply to any employee of the  
10 agency whose official duties require daily physical  
11 presence for activity with equipment or handling of  
12 secure materials; and

13                   (5) determine the use of telework as part of the  
14 continuity of operations plans the agency in the event  
15 of an emergency.

16           **17 SEC. 4. TRAINING AND MONITORING.**

18           The head of each executive agency shall ensure that—

19                   (1) an interactive telework training program is  
20 provided to—

21                   (A) employees eligible to participate in the  
22 telework program of the agency; and

23                   (B) all managers of teleworkers;

1                   (2) no distinction is made between teleworkers  
2                   and nonteleworkers for the purposes of performance  
3                   appraisals; and

4                   (3) when determining what constitutes diminished  
5                   employee performance, the agency shall consult  
6                   the established performance management guidelines of  
7                   the Office of Personnel Management.

8 **SEC. 5. POLICY AND SUPPORT.**

9                   (a) *AGENCY CONSULTATION WITH THE OFFICE OF  
10 PERSONNEL MANAGEMENT.*—Each executive agency shall  
11 consult with the Office of Personnel Management in developing  
12 telework policies.

13                   (b) *GUIDANCE AND CONSULTATION.*—The Office of  
14 Personnel Management shall—

15                   (1) provide policy and policy guidance for  
16 telework in the areas of pay and leave, agency closure,  
17 performance management, official worksite, recruitment  
18 and retention, and accommodations for employees with  
19 disabilities; and

20                   (2) consult with—

21                   (A) the Federal Emergency Management  
22 Agency on policy and policy guidance for  
23 telework in the areas of continuation of operations and long-term emergencies; and

5        (c) *CONTINUITY OF OPERATIONS PLANS.*—During any  
6 period that an agency is operating under a continuity of  
7 operations plan, that plan shall supersede any telework pol-  
8 icy.

9           (d) TELEWORK WEBSITE.—The Office of Personnel  
10 Management shall—

11 (1) maintain a central telework website; and

12 (2) include on that website related—

### 13 (A) telework links;

## 14 (B) announcements;

## 22 SEC. 6. TELEWORK MANAGING OFFICER.

23 (a) *IN GENERAL.*—

1       *Telework Managing Officer. The Telework Managing*  
2       *Officer shall be established within the Office of the*  
3       *Chief Human Capital Officer or a comparable office*  
4       *with similar functions.*

5           (2) *TELEWORK COORDINATORS.—*

6           (A) *APPROPRIATIONS ACT, 2004.—Section*  
7       *627 of the Departments of Commerce, Justice,*  
8       *and State, the Judiciary, and Related Agencies*  
9       *Appropriations Act, 2004 (Public Law 108–199;*  
10       *118 Stat. 99) is amended by striking “designate*  
11       *a ‘Telework Coordinator’ to be” and inserting*  
12       *“appoint a Telework Managing Officer to be”.*

13           (B) *APPROPRIATIONS ACT, 2005.—Section*  
14       *622 of the Departments of Commerce, Justice,*  
15       *and State, the Judiciary, and Related Agencies*  
16       *Appropriations Act, 2005 (Public Law 108–447;*  
17       *118 Stat. 2919) is amended by striking “des-*  
18       *ignate a ‘Telework Coordinator’ to be” and in-*  
19       *serting “appoint a Telework Managing Officer to*  
20       *be”.*

21           (b) *DUTIES.—The Telework Managing Officer shall—*

22           (1) *be devoted to policy development and imple-*  
23       *mentation related to agency telework programs;*

24           (2) *serve as—*

3 (B) a resource for managers and employees;

4 and

10 SEC. 7. ANNUAL REPORT TO CONGRESS.

11       (a) *SUBMISSION OF REPORTS.*—Not later than 18  
12 months after the date of enactment of this Act and on an  
13 annual basis thereafter, the Director of the Office of Per-  
14 sonnel Management shall—

21 and

1       (b) CONTENTS.—Each report submitted under this sec-  
2    tion shall include—

3           (1) the telework policy, the measures in place to  
4    carry out the policy, and an analysis of employee  
5    telework participation during the preceding 12-month  
6    period provided by each executive agency;

7           (2) an assessment of the progress of each agency  
8    in maximizing telework opportunities for employees  
9    of that agency without diminishing employee per-  
10    formance or agency operations;

11           (3) the definition of telework and telework poli-  
12    cies and any modifications to such definitions;

13           (4) the degree of participation by employees of  
14    each agency in teleworking during the period covered  
15    by the evaluation, including—

16              (A) the number and percent of the employ-  
17    ees in the agency who are eligible to telework;

18              (B) the number and percent of employees  
19    who engage in telework;

20              (C) the number and percent of eligible em-  
21    ployees in each agency who have declined the op-  
22    portunity to telework; and

23              (D) the number of employees who were not  
24    authorized, willing, or able to telework and the  
25    reason;

#### 4 (6) best practices in agency telework programs.

## 5 SEC. 8. COMPLIANCE OF EXECUTIVE AGENCIES.

6       (a) *EXECUTIVE AGENCIES.*—An executive agency shall  
7       be in compliance with this Act if each employee of that  
8       agency participating in telework regularly performs offi-  
9       cially assigned duties at home or other worksites geographi-  
10      cally convenient to the residence of the employee during at  
11      least 20 percent of each pay period that the employee is  
12      performing officially assigned duties.

(b) *AGENCY MANAGER REPORTS.*—Not later than 180 days after the establishment of a policy described under section 3, and annually thereafter, each agency manager shall submit a report to the Chief Human Capital Officer and Telework Managing Officer of that agency that contains a summary of—

21 (2) any obstacles which hinder the ability of that  
22 manager to promote telework opportunities.

23 (c) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

1       *the Telework Managing Officer of that agency, shall*  
2       *submit a report to the Chair and Vice Chair of the*  
3       *Chief Human Capital Offices Council on agency*  
4       *management efforts to promote telework.*

5               *(2) REVIEW AND INCLUSION OF RELEVANT IN-*  
6       *FORMATION.—The Chair and Vice Chair of the Chief*  
7       *Human Capital Offices Council shall—*

8               *(A) review the reports submitted under*  
9       *paragraph (1);*

10               *(B) include relevant information from the*  
11       *submitted reports in the annual report to Con-*  
12       *gress required under section 7(b)(2); and*

13               *(C) use that relevant information for other*  
14       *purposes related to the strategic management of*  
15       *human capital.*

16               *(d) COMPLIANCE REPORTS.—Not later than 90 days*  
17       *after the date of submission of each report under section*  
18       *7, the Office of Management and Budget shall submit a re-*  
19       *port to Congress that—*

20               *(1) identifies and recommends corrective actions*  
21       *and time frames for each executive agency that the*  
22       *Office of Management and Budget determines is non-*  
23       *compliant; and*

24               *(2) describes progress of noncompliant executive*  
25       *agencies, justifications of any continuing noncompli-*

1       ance, and any recommendations for corrective actions  
2       planned by the Office of Management and Budget or  
3       the executive agency to eliminate noncompliance.

4       **SEC. 9. CONGRESS AND LEGISLATIVE BRANCH AGENCIES.**

5       (a) *DEFINITION.*—In this section, the term “legislative  
6       branch agencies” means the Government Accountability Of-  
7       fice, the Library of Congress, the Government Printing Of-  
8       fice, the Capitol Guide Service, the Capitol Police, the Con-  
9       gressional Budget Office, the Office of the Architect of the  
10      Capitol, the Office of the Attending Physician, and the Of-  
11      fice of Compliance.

12       (b) *APPLICATION TO LEGISLATIVE BRANCH EMPLOY-  
13      EES.*—

14       (1) *SENATE.*—

15       (A) *IN GENERAL.*—Not later than 180 days  
16       after the date of enactment of this Act, the Com-  
17       mittee on Rules and Administration of the Sen-  
18       ate, in consultation with the majority leader and  
19       minority leader of the Senate, shall establish  
20       guidelines for a policy under which employees of  
21       the Senate, except employees designated by the  
22       applicable employing authority to whom the pol-  
23       icy does not apply, may be authorized to  
24       telework.

8 (2) *HOUSE OF REPRESENTATIVES.*—

1                   *Representatives a telework policy for applicable*  
2                   *employees.*

3                   *(3) LEGISLATIVE BRANCH AGENCIES.—Not later*  
4                   *than 180 days after the date of enactment of this Act,*  
5                   *the heads of the legislative branch agencies shall estab-*  
6                   *lish a policy for their respective employees under*  
7                   *which such employees, except employees designated by*  
8                   *the heads of each agency to whom the policy does not*  
9                   *apply, may be authorized to telework.*

10                   *(4) TRAINING.—Each employee and manager of*  
11                   *that employee participating in telework under a pol-*  
12                   *icy established under this section shall be required to*  
13                   *participate in a telework training program.*

14                   *(5) SIMILAR POLICIES.—*

15                   *(A) IN GENERAL.—The policies established*  
16                   *under this section may be similar to the policies*  
17                   *established by executive agencies under this Act.*

18                   *(B) RULE OF CONSTRUCTION.—Nothing in*  
19                   *this Act shall be construed as requiring the ap-*  
20                   *plication of sections 1 through 8 to any policy*  
21                   *established under this section.*

22                   **SEC. 10. EXTENSION OF TRAVEL EXPENSES TEST PRO-**  
23                   **GRAMS.**

24                   *(a) IN GENERAL.—Section 5710 of title 5, United*  
25                   *States Code, is amended—*

1                   *(1) in subsection (a)(1), by striking “for a period*  
2                   *not to exceed 24 months”; and*

3                   *(2) in subsection (e), by striking “7 years” and*  
4                   *inserting “16 years”.*

5                   *(b) EFFECTIVE DATE.—The amendments made by this*  
6                   *section shall take effect as though enacted as part of the*  
7                   *Travel and Transportation Reform Act of 1998 (Public*  
8                   *Law 105–264; 112 Stat. 2350).*



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