

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7951
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Telework Metrics and
3 Cost Savings Act of 2022”.

**4 SEC. 2. IMPROVING FEDERAL AGENCY TELEWORKING PRO-
5 GRAMS.**

6 (a) DEFINITION OF TELEWORK.—Paragraph (3) of
7 section 6501 of title 5, United States Code, is amended
8 to read as follows:

9 “(3) TELEWORK.—The term ‘telework’ or ‘tele-
10 working’—

11 “(A) refers to a work flexibility arrange-
12 ment under which an employee performs (on a
13 periodic or full-time basis) the duties and re-
14 sponsibilities of such employee’s position, and
15 other authorized activities, from an approved
16 worksite other than the location from which the
17 employee would otherwise work; and

1 “(B) includes remote work, which refers to
2 a particular type of telework arrangement
3 under which an employee is not expected to re-
4 port to an officially established agency location
5 on a regular and recurring basis.”.

6 (b) FEDERAL AGENCY TELEWORKING POLICIES.—

7 Section 6502 of title 5, United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “and” at the end of
11 subparagraph (B);

12 (ii) by striking the period at the end
13 of subparagraph (C) and inserting “; and”;
14 and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(D) provide for executive agency man-
18 agers and supervisors annual work training and
19 instruction in compliance with the requirements
20 in section 6503.”; and

21 (B) in paragraph (2)(A), by striking “any
22 calendar year” and inserting “any of the 5 cal-
23 endar years preceding a calendar year in which
24 a determination is made pursuant to this sub-

1 paragraph with respect to an employee’s eligi-
2 bility to telework”; and

3 (2) in subsection (b)—

4 (A) by striking “and” at the end of para-
5 graph (4);

6 (B) by striking the period at the end of
7 paragraph (5) and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(6) include annual agency goals for the num-
10 ber and percent of employees participating in
11 telework—

12 “(A) three or more days per pay period;

13 “(B) one or 2 days per pay period;

14 “(C) once per month; and

15 “(D) on an occasional, episodic, or short-
16 term basis; and

17 “(7) methods for collecting data on, setting
18 goals for, and reporting costs savings to the execu-
19 tive agency achieved through teleworking, consistent
20 with the guidance developed under section 2(g) of
21 the Telework Metrics and Cost Savings Act of
22 2022.”.

23 (c) TRAINING AND MONITORING.—Section 6503 of
24 title 5, United States Code, is amended—

1 (1) in subsection (a)(1)(B), by inserting “or su-
2 supervisors” after “managers”; and

3 (2) in subsection (b), by inserting “, except that
4 an agency head may not exempt a manager or su-
5 pervisor described in subsection (a)(1)(B) from any
6 training required under subsection (a)(3)” after
7 “date of enactment of this chapter”.

8 (d) POLICY AND SUPPORT.—Section 6504, of title 5,
9 United States Code, is amended—

10 (1) in subsection (c), by adding at the end the
11 following:

12 “(3) REVIEW.—The Director of the Office of
13 Personnel Management, in coordination with the De-
14 partment of Homeland Security and the National
15 Institute of Standards and Technology, shall—

16 “(A) perform an annual review of the
17 guidelines issued under this subsection; and

18 “(B) make any updates to the guidelines
19 issued under this subsection that are deter-
20 mined to be appropriate as a result of a review
21 conducted under subparagraph (A).”; and

22 (2) in subsection (d), in the subsection heading,
23 by inserting “; PLANS FOR DISEASE OUTBREAKS”
24 after “OPERATIONS PLANS”.

25 (e) REPORTS.—

1 (1) OPM REPORTS.—Section 6506(b) of title 5,
2 United States Code, is amended—

3 (A) in paragraph (1)(A)—

4 (i) by striking “and” at the end of
5 clause (i); and

6 (ii) by inserting after clause (ii) the
7 following:

8 “(iii) the Chief Human Capital Offi-
9 cers Council; and”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (F)(vi), by strik-
12 ing “and” at the end;

13 (ii) in subparagraph (G), by striking
14 the period at the end and inserting “;
15 and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(H) agency cost savings achieved through
19 teleworking, consistent with the guidance devel-
20 oped under section 2(g) of the Telework Metrics
21 and Cost Savings Act of 2022.”.

22 (2) CHCO REPORTS.—Section 6506(d) of title
23 5, United States Code, is amended—

24 (A) by redesignating paragraph (2) as
25 paragraph (3); and

1 (B) by inserting after paragraph (1) the
2 following:

3 “(2) CONTENTS.—Each report submitted by a
4 Chief Human Capital Officer under paragraph (1)
5 shall include—

6 “(A) annual goals for increasing the per-
7 cent of employees of the executive agency who
8 are eligible for and participating in tele-
9 working—

10 “(i) three or more days per pay pe-
11 riod;

12 “(ii) one or 2 days per pay period;

13 “(iii) once per month; and

14 “(iv) on an occasional, episodic, or
15 short-term basis;

16 “(B) the teleworking status of positions to
17 which an individual has been appointed under
18 section 3330d (relating to appointment of mili-
19 tary spouses) or any other provision of law re-
20 lating to the appointment of military spouses,
21 and the total number of such individuals in
22 such positions who requested, but were denied,
23 telework; and

24 “(C) the teleworking status of positions to
25 which a spouse of a government employee has

1 been appointed under section 311 of the For-
2 foreign Service Act of 1980 (22 U.S.C. 3951; re-
3 lating to appointment of eligible family mem-
4 bers) and the total number of such spouses or
5 domestic partners in such positions who re-
6 quested, but were denied, telework.”.

7 (3) AGENCY REPORT ON TELEWORKING REDUC-
8 TION.—Section 6506 of title 5, United States Code,
9 is amended by adding at the end the following:

10 “(e) NOTIFICATION FOR REDUCTION IN TELE-
11 WORKING PARTICIPATION.—Not later than 30 days before
12 the date that an executive agency implements or modifies
13 a teleworking plan that would reduce the percentage of
14 employees at the agency who telework, the head of the ex-
15 ecutive agency shall provide written notification, including
16 a justification for the reduction in telework participation
17 and a description of how the agency will pay for any in-
18 creased costs resulting from that reduction, to—

19 “(1) the Director of the Office of Personnel
20 Management;

21 “(2) the Committee on Oversight and Reform
22 of the House of Representatives; and

23 “(3) the Committee on Homeland Security and
24 Governmental Affairs of the Senate.”.

1 (4) TECHNICAL CORRECTION.—Section
2 6506(b)(1) of title 5, United States Code, is amend-
3 ed by striking “with Chief” and inserting “with the
4 Chief”.

5 (f) REGULATIONS.—

6 (1) IN GENERAL.—Chapter 65 of title 5, United
7 States Code, is amended by adding after section
8 6506 the following:

9 **“§ 6507. Regulations.**

10 “The Office of Personnel Management may prescribe
11 regulations necessary for the administration of this chap-
12 ter with respect to employees in each executive agency.
13 In this section, the term ‘executive agency’ does not in-
14 clude the Government Accountability Office.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions for such chapter is amended by adding after
17 the item relating to section 6506 the following:

“6507. Regulations.”.

18 (3) CONFORMING AMENDMENT.—Section
19 6501(2) of title 5, United States Code, is amended
20 by striking “section 6506” and inserting “sections
21 6506 and 6507”.

22 (g) GUIDANCE.—Not later than 90 days after the
23 date of the enactment of this Act, the Director of the Of-
24 fice of Personnel Management, in collaboration with the
25 Chief Human Capital Officer Council, shall establish uni-

1 form guidance for agencies on how agencies are to collect
2 qualitative and quantitative data on, set goals for, and re-
3 port cost savings achieved through, teleworking related to
4 reduced absences, continuity of operations, reduced real
5 estate and utility costs, and reduced community costs,
6 among other cost savings measures.

7 (h) **LIMITATION ON REDUCING TELEWORK ELIGI-**
8 **BILITY.**—An executive agency may not reduce or otherwise
9 limit the level of employees at the executive agency eligible
10 to telework, or reduce or otherwise limit eligibility for, or
11 levels of, teleworking on a uniform, agency-wide basis,
12 below such levels in effect at the executive agency on the
13 date of enactment of this Act. In this subsection, the
14 terms “executive agency” and “telework” have the mean-
15 ings given such terms in section 6501 of title 5, United
16 States Code, as amended by subsection (a) of this section.

17 **SEC. 3. PUBLICATION REQUIREMENTS FOR OPM DIREC-**
18 **TOR.**

19 The Director of the Office of Personnel Management
20 shall—

21 (1) publish guidance and standards to assist
22 agencies in determining telework eligibility as well as
23 guidance to Federal agencies on how agencies are to
24 provide to the Office annually qualitative and quan-
25 titative data on telework use and implementation as

1 well as all cost savings achieved through, teleworking
2 related to reduced absences, continuity of operations,
3 reduced real estate and utility costs, and reduced
4 community costs, among other cost savings meas-
5 ures;

6 (2) publish online, at least annually, the Gov-
7 ernment-wide data on agency telework use and im-
8 plementation, including agency use and implementa-
9 tion of telework as well as data collected on cost sav-
10 ings;

11 (3) not later than 1 year after the date of en-
12 actment of this Act, submit to Congress a report
13 that analyzes persistent barriers to increasing agen-
14 cy telework across the Federal Government; and

15 (4) not later than 1 year after the submission
16 of the report under paragraph (3), the Office shall
17 offer agencies guidance to help address such bar-
18 riers.

19 **SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.**

20 The Federal Chief Human Capital Officer (or the
21 equivalent position) within each executive agency (as that
22 term is defined in section 6506(a) of title 5, United States
23 Code) shall—

24 (1) implement controls to verify that all employ-
25 ees who supervise other employees have completed

1 training on telework availability and implementation
2 described in section 6502(b) and 6503(c) of such
3 title, as amended by section 2 of this Act;

4 (2) in accordance with section 2(g), provide to
5 the Office of Personnel Management, on an annual
6 basis, qualitative and quantitative data on telework
7 use and implementation as well as all cost savings
8 achieved through, teleworking related to reduced ab-
9 sences, continuity of operations, reduced real estate
10 and utility costs, and reduced community costs,
11 among other cost savings measures; and

12 (3) at least once every year, review all agency
13 telework policies and ensure they are in compliance
14 with Office standards and guidance as well as with
15 Federal law.

16 **SEC. 5. TELEWORK DATA INTEGRITY ACT.**

17 (a) SHORT TITLE.—This section may be cited as the
18 “Telework Data Integrity Act” or the “TDI Act”.

19 (b) PLAN ON IMPROVING DATA IN OPM ENTERPRISE
20 HUMAN RESOURCES INTEGRATION SYSTEM.—

21 (1) DEVELOPMENT.—Consistent with rec-
22 ommendations contained in the report entitled
23 “COVID-19: Federal Telework Increased During the
24 Pandemic, but More Reliable Data are Needed to
25 Support Oversight”, published by the Government

1 Accountability Office on February 8, 2022, the Di-
2 rector of the Office of Personnel Management shall
3 develop and implement a plan to improve the reli-
4 ability of data (including telework data) in the En-
5 terprise Human Resources Integration system (in
6 this section referred to as the “system”) of the Of-
7 fice of Personnel Management. Such plan shall—

8 (A) provide for consistent monitoring of
9 Federal payroll data system-generated error
10 and edit check reports, and ensure timely action
11 is taken to address identified issues;

12 (B) integrate Federal payroll data into the
13 system;

14 (C) evaluate existing internal control ac-
15 tivities and develop new internal control activi-
16 ties for Federal payroll data, including trans-
17 actional edit checks that leverage information in
18 other system datasets; and

19 (D) establish phases of implementation of
20 the plan, and clear deadlines for the timely
21 completion of such phases.

22 (2) SUBMISSION.—Not later than 180 days
23 after the date of enactment of this Act, the Director
24 shall submit the plan developed under paragraph (1)
25 to—

1 (A) the Committee on Oversight and Re-
2 form of the House of Representatives;

3 (B) the Committee on Homeland Security
4 and Governmental Affairs of the Senate; and

5 (C) the Government Accountability Office.

6 (3) IMPLEMENTATION.—Not later than 90 days
7 after the date the plan is submitted under paragraph
8 (2), the Office of Personnel Management shall begin
9 to implement such plan.

