H. R. 7951

To amend title 5, United States Code, to improve Federal agency teleworking programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2022

Mr. CONNOLLY (for himself and Mr. SARBADES) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title 5, United States Code, to improve Federal agency teleworking programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Metrics and Cost Savings Act”.

SEC. 2. IMPROVING FEDERAL AGENCY TELEWORKING PROGRAMS.

(a) DEFINITION OF TELEWORK.—Paragraph (3) of section 6501 of title 5, United States Code, is amended to read as follows:
“(3) Telework.—The term ‘telework’ or ‘teleworking’—

“(A) refers to a work flexibility arrangement under which an employee performs (on a periodic or full-time basis) 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; and

“(B) includes remote work, which refers to a particular type of telework arrangement under which an employee is not expected to report to an officially established agency location on a regular and recurring basis.”.

(b) Federal Agency Teleworking Policies.—

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

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

and

(iii) by adding at the end the following:
“(D) provide for executive agency managers and supervisors annual work training and instruction in compliance with the requirements in section 6503.”; and

(B) in paragraph (2)(A), by striking “any calendar year” and inserting “any of the 5 calendar years preceding a calendar year in which a determination is made pursuant to this subparagraph with respect to an employee’s eligibility to telework”; and

(2) in subection (b)—

(A) by striking “and” at the end of paragraph (4);

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

(C) by adding at the end the following:

“(6) include annual agency goals for the number and percent of employees participating in telework—

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

“(B) one or 2 days per pay period;

“(C) once per month; and

“(D) on an occasional, episodic, or short-term basis; and
“(7) methods for collecting data on, setting goals for, and reporting costs savings to the executive agency achieved through teleworking, consistent with the guidance developed under section 2(g) of the Telework Metrics and Cost Savings Act.”.

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

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

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

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

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

“(3) REVIEW.—The Director of the Office of Personnel Management, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall—

“(A) perform an annual review of the guidelines issued under this subsection; and
“(B) make any updates to the guidelines issued under this subsection that are determined to be appropriate as a result of a review conducted under subparagraph (A).”; and

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

(e) Reports.—

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

(A) in paragraph (1)(A)—

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

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

“(iii) the Chief Human Capital Officers Council; and”; and

(B) in paragraph (2)—

(i) in subparagraph (F)(vi), by striking “and” at the end;

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

(iii) by adding at the end the following:
“(H) agency cost savings achieved through teleworking, consistent with the guidance developed under section 2(g) of the Telework Metrics and Cost Savings Act.”.

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

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

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

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

“(A) annual goals for increasing the percent of employees of the executive agency who are eligible for and participating in teleworking—

“(i) three or more days per pay period;

“(ii) one or 2 days per pay period;

“(iii) once per month; and

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

“(B) the teleworking status of positions to which an individual has been appointed under
section 3330d (relating to appointment of military spouses) and the total number of such individuals in such positions who requested, but were denied, telework.”.

(3) AGENCY REPORT ON TELEWORKING REDUCTION.—Section 6506 of title 5, United States Code, is amended by adding at the end the following:

“(e) NOTIFICATION FOR REDUCTION IN TELEWORKING PARTICIPATION.—Not later than 30 days before the date that an executive agency implements or modifies a teleworking plan that would reduce the percentage of employees at the agency who telework, the head of the executive agency shall provide written notification, including a justification for the reduction in telework participation and a description of how the agency will pay for any increased costs resulting from that reduction, to—

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

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

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

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

(f) REGULATIONS.—

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

“§ 6507. Regulations.

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

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

“6507. Regulations.”.

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

(g) GUIDANCE.—Not later than 90 days after the
date of the enactment of this Act, the Director of the Of-
fire of Personnel Management, in collaboration with the
Chief Human Capital Officer Council, shall establish uni-
form guidance for agencies on how agencies are to collect
qualitative and quantitative data on, set goals for, and re-
port cost savings achieved through, teleworking related to reduced absences, continuity of operations, reduced real estate and utility costs, and reduced community costs, among other cost savings measures.

(h) Limitation on Reducing Telework Eligibility.—An executive agency may not reduce or otherwise limit the level of employees at the executive agency eligible to telework, or reduce or otherwise limit eligibility for, or levels of, teleworking on a uniform, agency-wide basis, below such levels in effect at the executive agency on the date of enactment of this Act. In this subsection, the terms “executive agency” and “telework” have the meanings given such terms in section 6501 of title 5, United States Code, as amended by subsection (a) of this section.

SEC. 3. PUBLICATION REQUIREMENTS FOR OPM DIRECTOR.

The Director of the Office of Personnel Management shall—

(1) publish guidance and standards to assist agencies in determining telework eligibility as well as guidance to Federal agencies on how agencies are to provide to the Office annually qualitative and quantitative data on telework use and implementation as well as all cost savings achieved through, teleworking related to reduced absences, continuity of operations,
1 reduced real estate and utility costs, and reduced
2 community costs, among other cost savings meas-
3 ures;
4
5 (2) publish online, at least annually, the Gov-
6 ernment-wide data on agency telework use and im-
7 plementation, including agency use and implementation of telework as well as data collected on cost sav-
8 ings;
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10 (3) not later than 1 year after the date of en-
11 actment of this Act, submit to Congress a report
12 that analyzes persistent barriers to increasing agen-
13 cy telework across the Federal Government; and
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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.
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20 SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.
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22 The Federal Chief Human Capital Officer (or the
23 equivalent position) within each executive agency (as that
24 term is defined in section 6506(a) of title 5, United States
25 Code) shall—
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27 (1) implement controls to verify that all employ-
28 ees who supervise other employees have completed
29 training on telework availability and implementation
described in section 6502(b) and 6503(c) of such title, as amended by section 2 of this Act;

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

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

SEC. 5. TELEWORK DATA INTEGRITY ACT.

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

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

(1) DEVELOPMENT.—Consistent with recommendations contained in the report entitled “COVID–19: Federal Telework Increased During the Pandemic, but More Reliable Data are Needed to Support Oversight”, published by the Government Accountability Office on February 8, 2022, the Di-
rector of the Office of Personnel Management shall develop and implement a plan to improve the reliability of data (including telework data) in the Enterprise Human Resources Integration system (in this section referred to as the “system”) of the Office of Personnel Management. Such plan shall—

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

(B) integrate Federal payroll data into the system;

(C) evaluate existing internal control activities and develop new internal control activities for Federal payroll data, including transactional edit checks that leverage information in other system datasets; and

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

(2) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, the Director shall submit the plan developed under paragraph (1) to—
(A) the Committee on Oversight and Reform of the House of Representatives;

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

(C) the Government Accountability Office.

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