

110TH CONGRESS  
1ST SESSION

# H. R. 4106

To improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2007

Mr. DAVIS of Illinois (for himself, Mr. SARBANES, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. CUMMINGS, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

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 Improve-  
5       ments Act of 2007”.

6       **SEC. 2. GOVERNMENT-WIDE TELEWORK REQUIREMENT.**

7       (a) REQUIREMENT.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act, the head  
3 of each agency shall establish a policy under which  
4 employees may be authorized to telework. Authorized  
5 employees shall be allowed to telework at least 20  
6 percent of the hours worked in every 2 administra-  
7 tive workweeks.

8           (2) APPLICABILITY.—The policy established by  
9 each agency under this subsection shall, in conform-  
10 ance with uniform guidelines which shall be estab-  
11 lished under section 3(2), ensure that the oppor-  
12 tunity to telework is made available to employees to  
13 the maximum extent possible without diminishing  
14 employee performance or agency operations.

15           (3) RULE OF CONSTRUCTION.—Nothing in this  
16 Act shall be considered to require any employee to  
17 telework.

18           (b) EXCEPTIONS.—Nothing in subsection (a) shall be  
19 considered—

20           (1) to require that teleworking be made avail-  
21 able to any employee whose duties and responsibil-  
22 ities—

23           (A) require daily access to classified infor-  
24 mation;

1 (B) require daily face-to-face contact with  
2 members of the public or other persons, or the  
3 use of equipment, at the employee's regular  
4 place of employment; or

5 (C) are such that their performance from  
6 a site removed from the employee's regular  
7 place of employment is not feasible; or

8 (2) to prevent an agency from temporarily de-  
9 nying permission to telework in the case of any em-  
10 ployee who needs any additional training.

11 (c) COORDINATION WITH CONTINUITY OF OPER-  
12 ATIONS PLAN.—Nothing in this section shall prevent an  
13 agency from permitting an employee to telework as part  
14 of a continuity of operations plan.

15 **SEC. 3. IMPLEMENTATION.**

16 In order to carry out the purposes of this Act—

17 (1) the head of each agency shall ensure that—

18 (A) appropriate training is provided to su-  
19 pervisors and managers and to all employees  
20 who are authorized to telework; and

21 (B) no distinction is made between tele-  
22 workers and nonteleworkers for the purposes of  
23 performance appraisals; and

24 (2) the General Services Administration, in con-  
25 sultation with the Office of Personnel Management,

1 shall provide advice, assistance, and guidance to  
2 agencies, including with respect to—

3 (A) questions of eligibility, including con-  
4 siderations relating to employee performance;

5 (B) information security;

6 (C) making teleworking part of the agen-  
7 cy's (including individual supervisors' and man-  
8 agers') goals;

9 (D) in coordination with the Federal  
10 Emergency Management Agency, continuity of  
11 operations planning; and

12 (E) the grievance process employees should  
13 follow in the event of a dispute that relates to  
14 teleworking.

15 **SEC. 4. TELEWORK MANAGING OFFICER.**

16 (a) **IN GENERAL.**—There shall be within each agency  
17 an officer to be known as the “Telework Managing Offi-  
18 cer”. The Telework Managing Officer shall—

19 (1) in the case of an agency which has a posi-  
20 tion of Chief Human Capital Officer—

21 (A) be appointed by the Chief Human  
22 Capital Officer of such agency; and

23 (B) be compensated at not less than the  
24 minimum rate of basic pay for grade GS–15 of  
25 the General Schedule; and

1           (2) in the case of an agency which does not  
2           have a position of Chief Human Capital Officer, be  
3           appointed or designated—

4                   (A) by the head of such agency; and

5                   (B) be compensated at not less than the  
6           minimum rate of basic pay for grade GS-15 of  
7           the General Schedule.

8           (b) LIMITATIONS.—An individual may not hold the  
9           position of Telework Managing Officer as a noncareer ap-  
10          pointee (as defined in section 3132(a)(7) of title 5, United  
11          States Code), and such position may not be considered or  
12          determined to be of a confidential, policy-determining, pol-  
13          icy-making, or policy-advocating character.

14          (c) DUTIES AND RESPONSIBILITIES.—The duties and  
15          responsibilities of the Telework Managing Officer of an  
16          agency are as follows:

17                  (1) Serving as—

18                       (A) an advisor to the head of the agency  
19                       and the Chief Human Capital Officer of such  
20                       agency (if any) on teleworking;

21                       (B) a resource on teleworking for super-  
22                       visors, managers, and employees of such agen-  
23                       cy; and

1 (C) the agency's primary point of contact  
2 on teleworking matters for employees of such  
3 agency, Congress, and other agencies.

4 (2) Ensuring that the agency's teleworking pol-  
5 icy is communicated effectively to employees.

6 (3) Ensuring that electronic or written notifica-  
7 tion is provided to each employee of specific telework  
8 programs and the agency's teleworking policy, in-  
9 cluding authorization criteria and application proce-  
10 dures.

11 (4) Developing and administering a tracking  
12 system for compliance with Government-wide  
13 telework reporting requirements.

14 (5) Providing to the Comptroller General (and  
15 to the General Services Administration) such infor-  
16 mation as the Comptroller General may require to  
17 prepare the annual reports under section 5(b).

18 (6) Establishing a system for receiving feedback  
19 from agency employees on the agency's teleworking  
20 policy.

21 (7) Developing and implementing a program to  
22 identify and remove barriers to teleworking and  
23 maximize teleworking opportunities in the agency.

1           (8) Performing such other duties and respon-  
2           sibilities relating to teleworking as the head of the  
3           agency may require.

4           (d) TELEWORK COORDINATOR.—The appointment or  
5           designation of a Telework Managing Officer under sub-  
6           section (a) shall be considered to satisfy the provisions of  
7           section 622 of division B of the Consolidated Appropria-  
8           tions Act, 2005 (Public Law 108–447) requiring the des-  
9           ignation of a “Telework Coordinator”.

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

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

- 13                   (1) the teleworking policy of each agency; and  
14                   (2) employee participation in telework programs  
15           at each agency.

16           (b) REPORT.—The Comptroller General shall, based  
17           on the system established under subsection (a), submit an  
18           annual report to the Committee on Oversight and Govern-  
19           ment Reform of the House of Representatives and the  
20           Committee on Homeland Security and Governmental Af-  
21           fairs of the Senate. Such report shall, with respect to the  
22           year covered by the report—

- 23                   (1) evaluate the teleworking policy of each  
24           agency;

1           (2) for each agency, indicate the total number  
2 of employees in such agency and identify—

3           (A) the number of employees who were eli-  
4 gible to telework;

5           (B) the number of employees who tele-  
6 worked an average of at least once a week on  
7 a regular basis, determined based on time spent  
8 actually teleworking;

9           (C) the number of employees who tele-  
10 worked at least once a month on a regular  
11 basis;

12           (D) the number of employees who were not  
13 authorized to telework and the reason why they  
14 were not authorized;

15           (E) the number of employees who were au-  
16 thorized to telework and then later stopped tele-  
17 working, the reasons why those employees  
18 stopped teleworking, and whether it was vol-  
19 untary or due to other factors, such as office  
20 coverage needs or productivity; and

21           (F) the extent to which barriers to maxi-  
22 mizing teleworking opportunities have been  
23 identified and eliminated;

24           (3) evaluate the compliance of each agency with  
25 the requirements of this Act; and



1           (4) identify best practices in agency telework  
2           programs.

3 **SEC. 6. CONTINUITY OF OPERATIONS.**

4           (a) IN GENERAL.—The head of each agency shall en-  
5           sure that, to the maximum extent practicable, teleworking  
6           is incorporated into the continuity of operations planning  
7           of such agency.

8           (b) COORDINATION RULE.—The continuity of oper-  
9           ations plan of an agency shall supersede any teleworking  
10          policy of such agency to the extent that they are incon-  
11          sistent with one another.

12          (c) REPORTING REQUIREMENT.—No later than 1  
13          year after the date of the enactment of this Act, the Gen-  
14          eral Services Administration, in coordination with the Of-  
15          fice of Personnel Management, the Federal Emergency  
16          Management Agency, and the Chief Human Capital Offi-  
17          cers Council, shall report to the Committee on Oversight  
18          and Government Reform of the House of Representatives  
19          and the Committee on Homeland Security and Govern-  
20          mental Affairs of the Senate on the incorporation of tele-  
21          working into agencies' continuity of operations planning,  
22          including—

23                  (1) the extent to which such incorporation has  
24                  occurred within each of the respective agencies;

1           (2) the extent to which each agency has con-  
2           ducted continuity of operations tests and exercises  
3           incorporating teleworking for essential and non-es-  
4           sential personnel;

5           (3) the extent to which agencies have used tele-  
6           working in response to emergencies; and

7           (4) any recommendations the General Services  
8           Administration considers appropriate.

9 **SEC. 7. DEFINITIONS.**

10          For purposes of this Act—

11           (1) the term “employee” has the meaning given  
12           such term by section 2105 of title 5, United States  
13           Code;

14           (2) the term “agency” means an Executive  
15           agency, as defined by section 105 of title 5, United  
16           States Code;

17           (3) the term “telework” or “teleworking” refers  
18           to a work arrangement in which an employee regu-  
19           larly performs such employee’s duties and respon-  
20           sibilities from home or another worksite removed  
21           from the employee’s regular place of employment;  
22           and

23           (4) the term “continuity of operations” refers  
24           to the preparations and institutions maintained by  
25           the Government to provide for the continuation of

1 Government operations in the event of a catas-  
2 trophe.

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