



Telework for Executive Agency Employees: A Side-by-Side Comparison of Legislation Pending in the 111th Congress

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May 4, 2010

Congressional Research Service

7-5700

www.crs.gov

RL34516

Summary

Legislation to augment telework in executive agencies of the federal government is currently pending in the 111th Congress. S. 707, the Telework Enhancement Act of 2009, and H.R. 1722, the Telework Improvements Act of 2010, were introduced on March 25, 2009, by Senator Daniel Akaka and Representative John Sarbanes, respectively. The Senate Committee on Homeland Security and Governmental Affairs marked up S. 707 on May 20, 2009, and ordered the bill to be reported with an amendment favorably. The committee reported the bill (S.Rept. 111-177) on May 3, 2010. The Subcommittee on Federal Workforce, Postal Service, and the District of Columbia of the House Committee on Oversight and Government Reform marked up H.R. 1722 on March 24, 2010, and reported it favorably, as amended, to the full committee. On April 14, 2010, the House Committee on Oversight and Government Reform marked up the bill and ordered it to be reported, as amended, to the House of Representatives. H.R. 1722 is scheduled to be considered by the House under suspension of the rules on May 5, 2010. The House bill would amend Title 5 of the *United States Code* by adding a new Chapter 65 entitled “Telework.”

S. 707 would define telework as a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee. Under H.R. 1722, telework would mean a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Both bills would require the heads of executive agencies to establish policies under which employees (with some exceptions) could be eligible to participate in telework. Employee participation in telework must not diminish either employee performance or agency operations (Senate bill) or agency operations and performance (House bill). Executive agency employees not eligible for telework generally would include those whose duties involve the daily direct handling of secure materials or on-site activity that cannot be handled remotely or at an alternative worksite (Senate bill) or the daily direct handling of classified information or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee’s regular place of employment (House bill). S. 707 would require an employee to enter into a written agreement with the agency before participating in telework. The Senate and House legislation would require each executive agency to appoint a Telework Managing Officer, who would be responsible for implementing the telework policies. The agencies also would be required to provide training to managers, supervisors, and employees participating in telework. Both S. 707 and H.R. 1722 would provide for telework to be incorporated into Continuity of Operations (COOP) plans, require the Director of the Office of Personnel Management (OPM) to submit annual reports on telework to Congress, and require the Comptroller General (CG) to review the OPM report and then annually report to Congress on the progress of executive agencies in implementing telework. The bills also would require the CG to annually submit a report to Congress on telework at the Government Accountability Office (GAO). The Senate bill would require the agency Chief Human Capital Officers (CHCOs) to annually report to the chair and vice-chair of the CHCO Council on telework in their organizations. S. 707 and H.R. 1722 would authorize test programs for telework travel expenses.

This report presents a side-by-side comparison of the provisions of S. 707, as reported, and H.R. 1722, as ordered to be reported. It will be updated as events dictate.

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Background

The 111th Congress is considering legislation (S. 707 and H.R. 1722) to foster the development of telework in executive agencies of the federal government.

Senator Daniel Akaka, for himself and Senator George Voinovich, introduced S. 707, the Telework Enhancement Act of 2009, on March 25, 2009, and it was referred to the Senate Committee on Homeland Security and Governmental Affairs. In his statement upon introducing the bill, Senator Akaka stated that the legislation would “provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management.” Furthermore, he stated that the bill “prohibits discrimination against employees who chose to telework, guaranteeing those employees will not be disadvantaged in performance evaluations, pay, or benefits.”¹ Senator Voinovich’s statement emphasized that the legislation “helps ensure that executive agencies better integrate telework into their human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability.” He noted that, telework “participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice.”² The committee marked up the legislation on May 20, 2009, and, by voice vote, ordered it to be reported with an amendment favorably. The amendment, offered by Senator Tom Coburn and agreed to by voice vote, would amend 5 U.S.C. §5710 by amending subsections (a)(1) and (e) and adding a subsection (f) to authorize a test program for travel expenses at the Patent and Trademark Office. An estimate prepared by the Congressional Budget Office determined that administrative costs in the federal agencies would increase by \$5 million in 2010, and by \$25 million over the 2010-2014 period as S. 707 is implemented.³ The Senate Committee on Homeland Security and Governmental Affairs reported S. 707 (S.Rept. 111-177) on May 3, 2010.

Representative John Sarbanes, for himself and Representatives Frank Wolf, Gerald Connolly, Stephen Lynch, Danny Davis, Jim Moran, and C.A. Dutch Ruppersberger, introduced H.R. 1722, the Telework Improvements Act of 2010, on March 25, 2009, and the bill was referred to the House Committee on Oversight and Government Reform. The legislation would amend Title 5 of the *United States Code* by adding a new Chapter 65 entitled “Telework.” Representative Sarbanes, upon introducing the bill, stated that it “encourages a uniform and consistent telework policy across the federal government, while imposing strict oversight and accountability that will ensure the success of this pragmatic yet innovative workforce management policy.” He expressed the expectation that the bill will “bolster the federal workforce, reduce traffic and carbon emissions, and improve the quality of life for our dedicated civil servants.”⁴ The House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia marked up H.R. 1722 on March 24, 2010. The subcommittee, by voice vote, agreed to a manager’s amendment, offered by Subcommittee Chairman Representative Lynch, and an amendment, offered by Representative Connolly, related to continuity of operations and telework, and then reported the bill to the House Committee on Oversight and Government Reform, favorably, as

¹ Statement of Senator Daniel Akaka, *Congressional Record*, daily edition, vol. 155, March 25, 2009, p. S3795.

² *Ibid.*, p. S3797.

³ U.S. Congressional Budget Office, Cost Estimate, *S. 707, Telework Enhancement Act of 2009*, June 1, 2009.

⁴ Statement of Representative John P. Sarbanes, “The Telework Improvements Act of 2009,” *Congressional Record*, daily edition, vol. 155, March 25, 2009, pp. E764-E765.

amended. Representative Connolly withdrew a second amendment before it could be considered that would have provided for the establishment and operation of a National Telework Research Center at an institution of higher education. The full committee marked up the bill on April 14, 2010, and, by voice vote, agreed to a manager's amendment, offered by Committee Chairman Representative Edolphus Towns, and amendments offered by Representatives Jason Chaffetz, related to telework managing officers, and Gerald Connolly, related to OPM research on telework. The committee then ordered H.R. 1722 to be reported, as amended, to the House of Representatives. An estimate prepared by the CBO determined that administrative costs in the federal agencies would increase by \$2 million in 2010, and by \$30 million over the 2010-2015 period as H.R. 1722 is implemented.⁵ The bill is scheduled to be considered by the House under suspension of the rules on May 5, 2010.

Telework would be defined as a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee (Senate bill) or a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work (House bill).

Both bills would require the heads of executive agencies to establish policies under which employees (with some exceptions) could be eligible to participate in telework. The policies on telework would have to be established within 180 days after enactment of the act (Senate bill) or within one year after the enactment of the new Chapter 65 of Title 5 *United States Code* (House bill). Employee participation in telework must not diminish either employee performance or agency operations (Senate bill) or agency operations and performance (House bill).

In the executive agencies, employees not eligible for telework generally would include those whose duties involve the daily direct handling of secure materials or on-site activity that cannot be handled remotely or at an alternative worksite (Senate bill) or the daily direct handling of classified information or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment (House bill). Under the Senate bill, an employee would have to enter into a written agreement with the agency to participate in telework. The Senate and House legislation would require that a Telework Managing Officer, who would be responsible for implementing the telework policies, be appointed for each executive agency. Each agency also would be required to provide training to managers, supervisors, and employees participating in telework.

Telework would be incorporated into Continuity of Operations (COOP) plans under the legislation. The Senate bill provides that each executive agency would incorporate telework into its COOP plan and, when operating under COOP, that plan would supersede any telework policy. Under the House bill the agency head, for agencies named in 31 U.S.C. §901(b)(1)(2), would be required to ensure that telework is incorporated into its COOP plans and uses telework in response to emergencies.

The Senate and House bills also would require the Director of the Office of Personnel Management (OPM) to submit annual reports on telework to Congress, and the Comptroller General (CG) to review the OPM report and then annually report to Congress on the progress of executive agencies in implementing telework. Both bills would require the CG to annually submit

⁵ U.S. Congressional Budget Office, Cost Estimate, *H.R. 1722, Telework Improvements Act of 2010*, April 29, 2010.

a report to Congress on telework at the Government Accountability Office (GAO). Under S. 707, the Chief Human Capital Officers (CHCOs) would annually report to the CHCO Council chair and vice-chair on telework implementation by their agencies.

Test programs for telework travel expenses would be authorized by both S. 707 and H.R. 1722. Such programs would be authorized for seven years and no more than 10 programs could be conducted simultaneously under the Senate bill while the House bill would authorize such programs for six years and provide that no more than 12 programs could be conducted simultaneously.

Table 1, below, compares the provisions of S. 707, as reported and H.R. 1722, as ordered to be reported.

Table I. Legislation on Telework: Provisions in S. 707 and H.R. 1722 Compared

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Definition of Telework	A work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.	A work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.
Executive Agency Telework Policies	<p>Within 180 days after the act’s enactment, the head of each executive agency would establish a telework policy, determine the eligibility of employees to participate in telework, and notify all employees of their eligibility.</p> <p>“Agency” means an executive agency as defined in 5 U.S.C. §105—an executive department, government corporation, or independent establishment—except as otherwise stated below.</p>	<p>Not later than one year after the enactment of Chapter 65 of Title 5 <i>United States Code</i>, the head of each executive agency would establish a policy under which employees would be authorized to telework.</p> <p>“Agency” means an executive agency as defined in 5 U.S.C. §105—an executive department, government corporation, or independent establishment—except as otherwise stated below.</p> <p>Each agency head would ensure that the telework policy established conforms to Office of Personnel Management (OPM) regulations. Those regulations would be prescribed by the OPM Director not later than 180 days after the enactment of the new Chapter 65 of Title 5 <i>United States Code</i>, in consultation with the Administrator of the GSA. The regulations would not be applicable to the GAO.</p>
Provisions on Employee Participation in Telework	<p>The telework policy would ensure that telework does not diminish employee performance or agency operations.</p> <p>An agency manager and an employee authorized to telework would enter into a written agreement that outlines the specific work arrangement that is agreed to. The agreement is mandatory for any employee to participate in telework.</p> <p>If the employee’s performance does not comply with the written agreement, he or she may not be authorized to telework.</p>	<p>The telework policy would authorize employees to telework to the maximum extent possible without diminishing agency operations and performance.</p> <p>The policy also would include information on the eligibility of employees to telework in descriptions of available positions and other recruiting materials.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Training and Monitoring	<p>An employee whose official duties require on a daily basis (every work day) direct handling of secure materials or on-site activity that cannot be handled remotely or at an alternate worksite would not be eligible to telework, except in emergency situations, as determined by the agency head.</p> <p>The head of each executive agency would ensure that employees eligible to telework and managers of employees who telework receive an interactive training program on telework.</p> <p>The agency head also would ensure that an employee has successfully completed the interactive training program before the employee enters into a written telework agreement. The agency head could exempt an employee from the training requirement upon his or her determination that the training would be unnecessary because the employee is already teleworking under an arrangement in effect before the act's enactment.</p> <p>No distinction would be made between those employees who telework and those who do not for purposes of periodic appraisals of employee performance; training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees; work requirements; or other acts involving the discretion of managers.</p> <p>OPM guidelines on performance management would be consulted by the agency when making determinations on diminished employee performance.</p>	<p>Nothing in the provision that requires executive agencies to establish telework policies would be considered to require an agency head to authorize telework for an employee whose duties and responsibilities require daily direct handling of classified information, or are such that their performance requires on-site activity which cannot be carried out from a site removed from the employee's regular place of employment, or to prevent the temporary denial of permission for an employee to telework if, in the judgment of the agency head, the employee is needed to respond to an emergency.</p> <p>Nothing in Chapter 65 of Title 5 <i>United States Code</i> would be considered to require any employee to telework.</p> <p>Each agency head would ensure that appropriate training is provided to supervisors and managers and to all employees who are authorized to telework as directed by the agency's Telework Managing Officer (TMO). The training would cover the information security guidelines issued by the Office of Management and Budget Director.</p> <p>No distinction would be made between those employees who telework and those who do not for purposes of periodic appraisals of employee performance; training, rewarding, reassigning, promoting, reducing in grade, retaining, or removing employees; work requirements; or other acts involving the discretion of managers.</p> <p>OPM guidelines on performance management would be consulted by the agency when making determinations on diminished employee performance.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Technology	No similar provision	Within 120 days after the act's enactment, the OMB Director would issue policy guidance requiring executive agencies, when purchasing computer systems, to purchase computer systems that enable and support telework, unless the agency head determines that there is a mission-specific reason not to do so.
Roles of OPM, GSA, OMB, FEMA, and NIST	<p>Each executive agency would consult with OPM in developing telework policies.</p> <p>OPM would provide policies and guidance on pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities during telework.</p> <p>OPM would assist agencies in establishing appropriate qualitative and quantitative measures and telework goals.</p> <p>OPM would consult with the Federal Emergency Management Agency (FEMA) on policies and guidance for telework during COOP and long-term emergencies.</p> <p>OPM would consult with the GSA on policies and guidance on telework centers, travel, technology, equipment, and dependent care during telework.</p> <p>OPM would maintain a central website on telework that would include links to information on telework, announcements, OPM guidance, and FEMA and GSA guidance transmitted to OPM to be posted no later than 10 business days following submission.</p>	<p>The OPM Director would provide advice, assistance, and any necessary training, to agencies with respect to the requirements of 5 U.S.C. Chapter 65, including on questions of eligibility to telework, such as considerations relating to employee performance, and making telework part of the agency's (including individual supervisor's and manager's) goals.</p> <p>The OMB Director, in coordination with the National Institute of Standards and Technology (NIST), would issue guidelines, within 180 days after the enactment of Chapter 65 of Title 5 <i>United States Code</i>, to ensure the adequacy of information and security protections for information and information systems used in, or otherwise affected by, telework. The guidelines would, at a minimum, include requirements necessary to (1) control access to agency information and information systems, (2) protect agency information (including personally identifiable information) and information systems, (3) limit the introduction of vulnerabilities, (4) protect information systems not under the control of the agency that are used for telework, and (5) safeguard the use of wireless and other telecommunications capabilities used for telework.</p> <p>The OPM Director, in consultation with the GSA Administrator, would maintain a central website on telework that would be publicly available. Regulations on telework and other information that the OPM Director considers appropriate would be included on the website. Posted on the website would be an e-mail address that could be used to submit comments to the OPM Director on agency telework programs or agreements and a copy of OPM's annual reports evaluating telework in the agencies.</p>
Research	No similar provision	The OPM Director would conduct studies on the use of telework by public and private sector entities that identify

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Continuity of Operations Plans	<p>An agency’s telework policy would be incorporated as part of its continuity of operations (COOP) plans in the event of an emergency.</p> <p>Each executive agency would incorporate telework into its COOP plan. When an executive agency is operating under a COOP plan, that plan would supersede any telework policy.</p>	<p>best practices and recommendations for the federal government. The Director also would review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, the environment, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency. Any such studies or reviews would be available to the public. The Director could carry out this provision through a contract entered into by him or her using competitive procedures.</p> <p>“COOP” refers to measures designed to ensure that functions essential to the mission of the agency can continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, public health emergencies, and technological or attack-related emergencies.</p> <p>An agency could permit an employee to telework as part of a COOP plan.</p> <p>For agencies named in 31 U.S.C. §901(b)(1)(2), the agency head would ensure that telework is incorporated into the agency’s COOP plans and uses telework in response to emergencies.</p>
Telework Managing Officer (TMO)	<p>The head of each executive agency would designate an employee of the agency as the TMO. The position would be established within the office of the CHCO or a comparable office with similar functions.</p> <p>Section 627 of P.L. 108-199 (118 Stat. 99) and Section 622 of P.L. 108-447 (118 Stat. 2919) would be amended by replacing “Telework Coordinator” with TMO.</p>	<p>The CHCO of an agency or the agency head (if the agency does not have a CHCO) would designate a TMO.</p> <p>The TMO would be a senior official who has direct access to the agency head.</p> <p>An individual could not hold the TMO position as a noncareer appointee (as defined at 5 U.S.C. §3132(a)(7)), and the position could not be considered or determined to be of a confidential, policy-determining, policy-making, or policy-advocating character.</p> <p>Section 622 of P.L. 108-447 would be amended by striking “designate a Telework Coordinator” and inserting “designate a Telework Managing Officer or designate the Chief Human Capital Officer or other career employee to be....”</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
	<p>The TMO would develop policy for and implement the agency’s telework programs; serve as an advisor to the agency’s leadership (including the CHCO), a resource for managers and employees, and the liaison between the agency and OPM on telework matters; and perform other duties as assigned by the applicable delegating authority.</p>	<p>The TMO would provide advice to the agency head and the CHCO on telework; serve as a resource on telework for agency supervisors, managers, and employees; serve as the primary point of contact on telework matters for agency employees and, with respect to the agency, for Congress and other agencies. The TMO would work with the agency’s senior management to develop and implement a plan to incorporate telework into the agency’s regular business strategies and its continuity of operations strategies, taking into consideration factors including cost-effectiveness, equipment, training, and data collection. The TMO also would (1) ensure that the agency’s telework policy is communicated to employees; (2) ensure that each employee is notified, electronically or in writing, of specific telework programs and the agency’s telework policy, including authorization criteria and application procedures; (3) develop and administer a system to track compliance with requirements for government-wide telework reporting; (4) provide to the OPM Director and the CG such information as they may require to prepare the required annual reports, including the techniques used to verify and validate data on telework [except that this provision would not apply to the GAO]; (5) establish a system for receiving feedback from employees on the agency’s telework policy; (6) develop and implement a program to identify and remove barriers to telework and maximize opportunities to telework; (7) track and retain information on all denials of permission to telework for employees who are authorized to telework, and annually report such information to the agency’s CHCO (or, if the agency does not have a CHCO, to the agency head), and the OPM Director, for purposes of preparing the annual report [GAO would not report to the OPM Director]; (8) ensure that employees are notified of any grievance procedures available to address disputes on telework; and (9) perform such other duties and responsibilities relating to telework as the agency head may require.</p> <p>Nothing in the section on the TMO would be construed to prohibit an individual who holds another office or position in the agency from serving as the agency’s TMO.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
OPM Report to Congress	<p>The OPM Director, in consultation with the CHCO Council, would submit a report on executive agency telework programs to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform and transmit a copy of the report to the CG and OMB.</p> <p>The report would include the degree to which employees of each executive agency participate in telework, and the degree of participation in each bureau, division, or other major administrative unit of a Cabinet Agency, and provide data on (1) the total number of employees in the agency; (2) the number and percent of employees in the agency who are eligible to telework; and (3) the number and percent of eligible employees in the agency who are teleworking three or more days per pay period, one or two days per pay period, once a month, and on an occasional, episodic, or short-term basis.</p> <p>It also would include information on the method used to gather telework data in each agency; the reasons for variation if the total number of employees teleworking is 10% higher or lower than the previous year in any agency; and the agency's goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees who are teleworking in each category of frequency stated above.</p> <p>The report would include an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period; an assessment of the progress each agency has made in meeting agency goals for participation rates during the reporting period, and other agency goals relating to telework, such as the impact of telework on emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework; and best practices in agency telework programs.</p>	<p>The OPM Director would submit an annual report to the CG and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform that would evaluate the extent to which each agency is in compliance with 5 U.S.C. Chapter 65.</p> <p>The report also would evaluate the degree of participation by agency employees in telework. For executive departments, the evaluation would include information on the degree of participation by employees of each component within the department, including the total number of employees overall, and the number and percentage of employees, (1) who are eligible to telework; and (2) who do telework, broken down by the number and percentage who telework three or more days per week, one or two days per week, and less frequently than one day per week.</p> <p>Additionally, the report would evaluate the method used by the agency to gather telework data and the techniques used to verify and validate such data; whether the total number of employees who telework is at least 10% higher or lower than the number who teleworked during the previous reporting period and the reasons identified for any such change; the agency's goal to increase the number of employees who telework in the next reporting period.</p> <p>The report also would evaluate the extent to which the agency met the goal described for its previous report, and, if the goal was not met, actions the agency plans to take to meet the goal during the next reporting period; best practices in agency telework programs; and, for agencies named in 31 U.S.C. §901(b)(1)(2), the extent to which the agency incorporated telework in its COOP plans and used telework in response to emergencies.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Telework at the GAO	<p>The report would be submitted no later than 18 months after the act's enactment and annually thereafter.</p> <p>In this section, the term executive agency would not include the GAO.</p> <p>The CG would submit a report on the telework program at the GAO to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform. The report would include the same information, applicable to the GAO, as the OPM report to Congress discussed immediately above. It would be submitted no later than 18 months after the act's enactment and annually thereafter.</p>	<p>For purposes of the annual report, the OPM Director would determine that an agency is in compliance with the 5 U.S.C. Chapter 65 requirements if the Director finds that the agency (1) reported the requested data accurately and in a timely manner and (2) either met or exceeded the agency's established telework goals, or provided explanations as to why the goals were not met and the steps being taken by the agency to meet them.</p> <p>The Director would submit a report for the first year in which the OPM regulations on telework are effective and for each of the four succeeding years. Each report would be submitted within six months after the last day of the period to which the report relates.</p> <p>The OPM Director would not submit a report with respect to the GAO.</p> <p>The CG would submit a report on the telework program at the GAO to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform. The report would be submitted in the same manner and in accordance with the same requirements applicable to the OPM Director's report with respect to any other agency discussed immediately above.</p>
Comptroller General Report to Congress	<p>The CG would review the OPM report submitted to Congress and then submit a report to Congress on the progress each executive agency has made toward its established goals on telework. The CG's report would be submitted no later than six months after OPM submits its first report to Congress.</p>	<p>The CG would review the OPM report and then submit to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform a report evaluating the OPM report. The CG's report would be submitted not later than six months after the OPM Director submits a report to Congress.</p> <p>The CG's report would evaluate the compliance of OPM and agencies with the 5 U.S.C. Chapter 65 provisions, address the overall progress of agencies in carrying out the provisions, and include such other information and recommendations that the CG considers appropriate.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
Reports by Chief Human Capital Officers	The CHCO of each executive agency, in consultation with the agency's TMO, would submit an annual report to the Chair and Vice Chair of the CHCO Council on the agency's management efforts to promote telework. The Council Chair and Vice Chair would review the reports, include relevant information therein in the annual report to Congress prepared by OPM (in consultation with the CHCO Council), and use relevant information therein for other purposes related to managing human capital.	No similar provision
Test Programs on Telework Travel Expenses	<p>5 U.S.C. Chapter 57 on travel, transportation, and subsistence, would be amended by adding a new section 5711 on "Authority for telework travel expenses test programs." Nothing in this section would limit the authority of any agency to conduct test programs. Notwithstanding any other provision of 5 U.S.C. Chapter 57, Subchapter I, under a test program which the GSA Administrator determines to be in the interest of the government and approves, an agency could pay, through the proper disbursing official, any necessary travel expenses for employees participating in a telework program in lieu of any payment otherwise authorized or required under 5 U.S.C. Chapter 57, Subchapter I. Accompanying an agency's request to the GSA Administrator for a test program would be an analysis of the expected costs and benefits of and evaluation criteria for the program. Any such program would be designed to enhance cost savings or other efficiencies that accrue to the government.</p> <p>If an employee voluntarily relocates from his or her pre-existing duty station, the GSA Administrator could authorize the agency to establish a reasonable maximum number of occasional visits to that pre-existing duty station before the employee is eligible to receive payment for any accrued travel expenses.</p> <p>At least 30 days before a test program becomes effective, the GSA Administrator would submit a copy of any approved program and the rationale for the approval to the appropriate committees of Congress.</p>	<p>5 U.S.C. §5710 would be amended. Notwithstanding 5 U.S.C. Chapter 57, Subchapter I, if the GSA Administrator determines it to be in the government's interest, he or she could approve an agency's request to operate a travel expenses test program. Under such a program the agency could pay through the proper disbursing official any necessary travel expenses of the employee in lieu of any payment otherwise authorized or required under 5 U.S.C. Chapter 57, Subchapter I. Under an approved test program, an agency could provide an employee with the option to waive any payment authorized or required under the subchapter. Included in an agency's request to the Administrator for approval of a test program would be an analysis of the expected costs and benefits and criteria to evaluate the program's effectiveness. Any test program would be designed to enhance cost savings or other efficiencies that accrue to the government.</p> <p>The Administrator would transmit a description of any test program approved or extended by him or her to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform no later than 30 days before the</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
	<p>No later than three months after the completion of a test program, an agency authorized to conduct a program would provide a report to the GSA Administrator, the agency's TMO, and the appropriate committees of Congress on its results. Such results could include the number of visits an employee makes to his or her pre-existing duty station, travel expenses paid by the agency and by the employee, or any other information the agency determines to be useful in helping the GSA Administrator, the agency's TMO, and Congress to understand the test program and its impact.</p>	<p>program or extension becomes effective.</p> <p>An agency operating a test program would submit an annual report to the Administrator on the results of the program. A final report would be submitted to the Administrator and the Senate and House Committees no later than three months after the test program concludes.</p>
	<p>Up to 10 test programs could be conducted simultaneously.</p>	<p>The Administrator could approve such number of test programs as he or she considers appropriate, including programs which are carried out on a government-wide basis. Up to 12 programs could be conducted simultaneously.</p>
	<p>This authority would expire seven years after the act's enactment.</p>	<p>The Administrator could not approve any test program for an initial period of more than two years. A program could be extended by the Administrator for an additional period of up to two years upon a showing of enhanced cost savings.</p>
	<p>5 U.S.C. §5710 on travel expenses test programs would be amended at subsection (a)(1) by striking the limitation of up to 24 months in the authorization for such test programs. The section also would be amended at subsection (e) and by adding a subsection (f) to authorize the Patent and Trademark Office (PTO) to conduct a test program on travel expenses.</p>	<p>This authority would expire six years after the act's enactment.</p>
	<p>The PTO would conduct a test program and could pay any travel expenses of an employee for travel to and from a PTO worksite if (1) the employee is employed at a PTO worksite and enters into an approved telework arrangement; (2) the employee requests to telework from a location beyond the local commuting area of the</p>	<p>No similar provision on the PTO.</p>

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
	<p>PTO worksite; and (3) the PTO approves the requested arrangement for reasons of employee convenience instead of the agency's need for the employee to relocate in order to perform duties specific to the new location.</p> <p>The PTO would establish an oversight committee comprised of members representing management and labor in equal numbers, including representatives from each collective bargaining unit. The committee would develop the operating procedures for the program to provide for its effective and appropriate functioning and to ensure that (1) reasonable technological or other alternatives to employee travel, including teleconferencing, videoconferencing or internet-based technologies, are used before requiring travel; the program is applied consistently and equitably throughout the PTO; and an optimal operating standard is developed and implemented to maximize the use of the telework arrangement while minimizing agency travel expenses and employee travel requirements.</p> <p>The test program would be designed to enhance cost savings or other efficiencies that accrue to the government. The Director of the PTO would prepare an analysis of the expected costs and benefits and criteria to evaluate the program's effectiveness. Before the program is implemented, the director would submit the analysis and criteria to the Administrator of GSA and to the Senate Committees on Homeland Security and Governmental Affairs and the Judiciary and the House Committees on Oversight and Government Reform and the Judiciary.</p> <p>For a PTO employee who voluntarily relocates from his or her pre-existing duty station, the program's operating procedures could include a reasonable maximum number of occasional visits to the pre-existing duty station before he or she is eligible for payment of any accrued travel expenses by the PTO.</p> <p>Within three months after the test program is completed, the PTO Director would report on the program's results to the GSA Administrator and to the</p>	

Legislative Provision	S. 707, Telework Enhancement Act of 2009, as reported	H.R. 1722, Telework Improvements Act of 2010, as ordered to be reported
	<p>Senate and House Committees stated above. Such results could include (1) the number of visits an employee makes to his or her pre-existing duty station, (2) travel expenses paid by the PTO, (3) travel expenses paid by the employee, or (4) any other information determined by the director to be useful in assisting the GSA Administrator and Congress to understand the program and its impact.</p> <p>These amendments would become effective as though enacted as part of P.L. 105-264, the Travel and Transportation Reform Act of 1998, enacted on October 19, 1998. The authority for the PTO to conduct a test program would expire 20 years after the enactment date of P.L. 105-264. The authority to conduct test programs under 5 U.S.C. §5710 would expire seven years after the enactment date of P.L. 105-264.</p>	

Sources: The texts of S. 707 from the Legislative Information System of the U.S. Congress and staff of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, and H.R. 1722 from the Legislative Information System of the U.S. Congress and staff of the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia and the House Committee on Oversight and Government Reform.

Notes: S. 707 provides that “employee” would have the meaning stated at 5 U.S.C. §2105—For the purpose of Title 5, “employee,” except as otherwise provided by 5 U.S.C. §2105 or when specifically modified, means an officer and an individual who is (1) appointed in the civil service by one of the following acting in an official capacity: the President; a Member or Members of Congress, or the Congress; a member of a uniformed service; an individual who is an employee under this section; the head of a Government controlled corporation; or an adjutant general designated by the Secretary concerned under 32 U.S.C. §709(c); (2) engaged in the performance of a Federal function under authority of law or an Executive act; and 3) subject to the supervision of an individual named under (1) while engaged in the performance of the duties of his position. See 5 U.S.C. §2105 for application of the definition to other types of employees.

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