

116TH CONGRESS
2D SESSION

S. 3428

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

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2020

Ms. HIRONO (for herself, Mr. CARDIN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to improve Federal agency telework programs, 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 Metrics and
5 Cost Savings Act”.

6 **SEC. 2. IMPROVEMENTS TO FEDERAL AGENCY TELE-**
7 **WORKING PROGRAMS.**

8 (a) **DEFINITION OF TELEWORK.**—Section 6501(3) of
9 title 5, United States Code, is amended by inserting after

1 “performs” the following: “(on a periodic or full-time
2 basis)”.

3 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65
4 of title 5, United States Code, is amended—

5 (1) in section 6502—

6 (A) in subsection (b)—

7 (i) in paragraph (4)(B), by striking
8 “and” at the end;

9 (ii) in paragraph (5), by striking the
10 period at the end and inserting a semi-
11 colon; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(6) include annual goals for increasing the
15 percentage of employees of the executive agency who
16 participate in telework—

17 “(A) 3 or more days per pay period;

18 “(B) 1 or 2 days per pay period;

19 “(C) once per month; and

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

22 “(7) include methods for collecting data on, set-
23 ting goals for, and reporting cost savings to the ex-
24 ecutive agency that are achieved through telework,
25 consistent with the guidance established under sec-

1 tion 2(c) of the Telework Metrics and Cost Savings
2 Act.”; and

3 (B) by adding at the end the following:

4 “(d) NOTIFICATION FOR REDUCTION IN TELEWORK
5 PARTICIPATION.—Not later than 30 days before the date
6 on which an executive agency implements or modifies a
7 telework plan that would reduce the percentage of employ-
8 ees of the agency who participate in telework, the head
9 of the executive agency shall provide written notification
10 of the proposed implementation or modification, which
11 shall include a justification for the reduction and a de-
12 scription of how the agency will pay for any increased
13 costs resulting from the reduction, to—

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

16 “(2) the Committee on Homeland Security and
17 Governmental Affairs of the Senate; and

18 “(3) the Committee on Oversight and Reform
19 of the House of Representatives.

20 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
21 TELEWORKING.—An agency—

22 “(1) may not prohibit all employees of the
23 agency from participating in any delineated period of
24 telework, including a period described in any of sub-

1 paragraphs (A) through (D) of subsection (b)(6);
2 and

3 “(2) shall make any telework determination
4 with respect to an employee, or a group of employ-
5 ees, of the agency on a case-by-case basis.”; and

6 (2) in section 6506(b)(2)—

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

9 (B) in subparagraph (G), by striking the
10 period at the end and inserting a semicolon;
11 and

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

13 “(H) agency cost savings achieved through
14 telework, consistent with the guidance estab-
15 lished under section 2(c) of the Telework
16 Metrics and Cost Savings Act; and

17 “(I) a detailed explanation of a plan to in-
18 crease the Government-wide telework participa-
19 tion rate above that rate with respect to fiscal
20 year 2016, including agency-level plans to main-
21 tain or improve that rate for each of the fre-
22 quency categories described in subparagraph
23 (A)(iii).”.

24 (c) GUIDANCE.—

1 (1) DEFINITIONS.—In this subsection, the
2 terms “executive agency” and “telework” have the
3 meanings given those terms in section 6501 of title
4 5, United States Code, as amended by this section.

5 (2) REQUIREMENT.—Not later than 90 days
6 after the date of enactment of this Act, the Director
7 of the Office of Personnel Management, in collabora-
8 tion with the Chief Human Capital Officers Council,
9 shall establish uniform guidance for executive agen-
10 cies regarding how to collect data on, set goals for,
11 and report cost savings achieved through telework,
12 which shall account for cost savings achieved
13 through telework that relate to travel, energy use,
14 and the use of real estate.

15 (d) TECHNICAL CORRECTION.—Section 6506(b)(1)
16 of title 5, United States Code, is amended, in the matter
17 preceding subparagraph (A), by striking “with Chief” and
18 inserting “with the Chief”.

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