

116TH CONGRESS
2D SESSION

S. 4347

To establish a Coronavirus Rapid Response Federal Labor-Management Task Force, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2020

Mr. SCHATZ (for himself, Mr. PETERS, Mr. BROWN, Mrs. FEINSTEIN, 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 establish a Coronavirus Rapid Response Federal Labor-Management Task Force, 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 “Federal Labor-Man-
5 agement COVID Partnership Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 7103 of title 5,
3 United States Code.

4 (2) CORONAVIRUS.—The term “coronavirus”
5 means the coronavirus disease of 2019 (COVID–19).

6 (3) CORONAVIRUS CRISIS.—The term
7 “coronavirus crisis” means the period—

8 (A) beginning on January 27, 2020, the
9 first day of the public health emergency de-
10 clared by the Secretary of Health and Human
11 Services under section 319 of the Public Health
12 Service Act (42 U.S.C. 247d) on January 31,
13 2020, with respect to COVID–19; and

14 (B) ending on the date of the expiration of
15 the public health emergency declaration.

16 (4) LABOR ORGANIZATION.—The term “labor
17 organization” has the meaning given the term in
18 section 7103 of title 5, United States Code.

19 (5) PERSONAL PROTECTIVE EQUIPMENT.—The
20 term “personal protective equipment” means any
21 protective equipment required to prevent the wearer
22 from contracting coronavirus, which may include
23 gloves, masks (including N–95 respirator masks),
24 gowns, goggles or other eyewear, face shields, or
25 other garments or equipment required for safety or

1 to protect the wearer’s body from injury or infection
2 based on the risk of exposure.

3 **SEC. 3. CORONAVIRUS RAPID RESPONSE FEDERAL LABOR-**
4 **MANAGEMENT PARTNERSHIP TASK FORCE.**

5 (a) ESTABLISHMENT.—There is established in the ex-
6 ecutive branch the Coronavirus Rapid Response Federal
7 Labor-Management Partnership Task Force (referred to
8 in this Act as the “Task Force”).

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Task Force shall be
11 composed of the following members:

12 (A) The Director of the Office of Per-
13 sonnel Management, or the designee of the Di-
14 rector.

15 (B) The Director of the National Institute
16 for Occupational Safety and Health, or the des-
17 ignedee of the Director.

18 (C) The Assistant Secretary of Labor for
19 Occupational Safety and Health, or the des-
20 ignedee of the Assistant Secretary.

21 (D) The Deputy Director for Management
22 of the Office of Management and Budget, or
23 the designee of the Deputy Director.

24 (E) A deputy secretary (or other officer
25 with agency-wide authority), or the designee of

1 such deputy secretary or officer, appointed by
2 the President from each of 2 agencies not oth-
3 erwise represented on the Task Force.

4 (F) The Chairman of the Federal Labor
5 Relations Authority.

6 (G) The Director of the Federal Mediation
7 and Conciliation Service.

8 (H) Five members to represent the respec-
9 tive labor organizations that represent, as ex-
10 clusive representatives, the first and second
11 largest numbers of Federal agency employees,
12 chosen by such respective labor organizations
13 proportionate to the bargaining units rep-
14 resented by each such labor organization.

15 (I) One member to represent the organiza-
16 tion representing the largest number of Federal
17 management officials and Federal Government
18 managers, supervisors, and executives, chosen
19 by such organization.

20 (2) INITIAL APPOINTMENTS.—The members of
21 the Task Force shall be appointed or designated by
22 not later than 15 days after the date of enactment
23 of this Act.

1 (3) PERIOD OF APPOINTMENT.—Each member
2 of the Task Force shall serve for the term of the
3 Task Force.

4 (4) VACANCIES.—A vacancy in the Task
5 Force—

6 (A) shall not affect the powers of the Task
7 Force; and

8 (B) shall be filled in the same manner as
9 the original appointment.

10 (c) MEETINGS.—

11 (1) INITIAL MEETING.—The Task Force shall
12 hold the first meeting of the Task Force not later
13 than 30 days after the date of enactment of this
14 Act.

15 (2) FREQUENCY.—The Task Force shall meet
16 weekly by any electronic means necessary.

17 **SEC. 4. DUTIES OF TASK FORCE.**

18 (a) RESPONSIBILITIES AND FUNCTIONS.—

19 (1) STUDY.—The Task Force shall conduct a
20 thorough study relating to the Federal Government’s
21 response and preparedness for the coronavirus crisis
22 with respect to agency employees, by—

23 (A) addressing—

24 (i) the response of the Federal Gov-
25 ernment to the coronavirus crisis with re-

1 spect to communication with, and utiliza-
2 tion and treatment of, agency employees;

3 (ii) the necessary future steps for the
4 Federal Government with respect to com-
5 munication regarding the coronavirus crisis
6 with, and utilization and treatment of,
7 agency employees;

8 (iii) how the Federal Government
9 should communicate with, and utilize or
10 treat, agency employees regarding any fu-
11 ture response to any additional outbreak of
12 the coronavirus, other widespread disease
13 or disaster, or national security emergency;
14 and

15 (iv) each topic described in paragraph
16 (2);

17 (B) assessing the actions taken by each
18 agency preparing the agency's employees for
19 the coronavirus crisis, including—

20 (i) all communication (including writ-
21 ten, audio, and video communications, tele-
22 communications, and communications
23 through social media or website updates)
24 regarding the preparations with workforce
25 members and labor organizations rep-

1 resenting those members during the period
2 beginning January 1, 2020, and ending on
3 the date by which the first report under
4 subsection (b)(1)(A) is due;

5 (ii) any changes made in the agency's
6 threat assessment; and

7 (iii) an inventory and assessment of
8 the physical assets available, and the phys-
9 ical assets needed, for the agency to prop-
10 erly respond to the coronavirus crisis;

11 (C) establishing a recommended plan to
12 implement changes needed, as determined by
13 the Task Force, regarding each agency's threat
14 assessment process and inventory and assess-
15 ment of physical assets available or needed for
16 the coronavirus crisis; and

17 (D) making recommendations for improve-
18 ments that could provide for greater safety and
19 productivity of agency employees—

20 (i) during ongoing operations during
21 the coronavirus crisis; and

22 (ii) in preparation for future crises.

23 (2) TOPICS.—The Task Force shall study and
24 make recommendations regarding each of the fol-
25 lowing topics:

1 (A) ROLE OF LABOR ORGANIZATION PAR-
2 TICIPATION.—Methods to ensure that agency
3 employee labor organizations are participating
4 in discussions and decision-making processes in-
5 volving coronavirus response at the agencies.

6 (B) PERSONAL PROTECTIVE EQUIPMENT
7 DISTRIBUTION AND WORKFORCE NEEDS.—With
8 respect to personal protective equipment—

9 (i) the adequate level of personal pro-
10 tective equipment needed by the agencies,
11 which should, at a minimum, provide for
12 the broad use of masks, gloves, and
13 eyewear; and

14 (ii) the methods of procurement, allo-
15 cation, and distribution of such equipment.

16 (C) CLEANING AND DISINFECTING.—Guid-
17 ance regarding the best practices for cleaning
18 and disinfecting workplaces and equipment.

19 (D) TELEWORK.—The optimal telework
20 policies for each agency, including—

21 (i) reviewing the agency employees
22 who were classified as telework personnel
23 during the initial response to the
24 coronavirus crisis and the timing and

1 methods by which such decisions were com-
2 municated to the agency employees;

3 (ii) recommending best practices for
4 such determinations and communication in
5 the future;

6 (iii) determining how much of the
7 Federal workforce can telework, and iden-
8 tifying the reasons, if any, that an indi-
9 vidual who is considered non-essential per-
10 sonnel of an agency cannot telework;

11 (iv) determining—

12 (I) what equipment and training
13 had been necessary, prior to the
14 coronavirus crisis, to allow agency em-
15 ployees to be telework-ready;

16 (II) how much of that equipment
17 and training was in place at the be-
18 ginning of the coronavirus crisis;

19 (III) the equipment and training
20 that has been provided regarding tele-
21 working since the beginning of the
22 coronavirus crisis;

23 (IV) the additional work of agen-
24 cies that can be conducted in a

1 telework mode, if additional equip-
2 ment and training are provided; and

3 (V) the future steps to take to
4 ensure all agency employees whose
5 jobs can be conducted through
6 telework are telework-ready; and

7 (v) determining guidelines for
8 telework orders, for the entire executive
9 branch or based on location or agency, that
10 take into consideration health and safety of
11 agency employees, the families and cowork-
12 ers of agency employees, and the general
13 public.

14 (E) LEAVE AND SAFETY PROTOCOL GUID-
15 ANCE AND OTHER INFORMATION.—Guidance
16 for agency employees regarding the use of leave
17 during a national health pandemic and proper
18 safety protocols in the workplace, and any other
19 information that needs to be shared with agen-
20 cy employees in a timely manner during a crisis
21 or as a crisis develops.

22 (F) AFTER-ACTION DETERMINATIONS.—
23 Improvements to the Federal Government’s re-
24 sponse to the coronavirus crisis in the future, or
25 to another health pandemic, including—

1 (i) the actions that need to be taken,
2 and the funds that need to be budgeted
3 and appropriated, to improve coronavirus
4 response in the future, including necessary
5 technology (such as telecommunications
6 equipment and computers), personal pro-
7 tective equipment, training, and instruc-
8 tion;

9 (ii) recommended guidelines regarding
10 who decides protocols and what informa-
11 tion should be relied upon to determine
12 who needs personal protective equipment
13 and other safety measures; and

14 (iii) the resources, communications,
15 physical tools, and decision-making proto-
16 cols needed in the future to best respond
17 to the coronavirus crisis or another health
18 pandemic.

19 (b) REPORTS.—

20 (1) IN GENERAL.—The Task Force shall pre-
21 pare and submit, in accordance with paragraph

22 (2)—

23 (A) by 60 days after the date of enactment
24 of this Act, a report that includes an assess-
25 ment of the agency actions described in sub-

1 paragraphs (A)(i) and (B) of subsection (a)(1)
2 as of such date;

3 (B) by 90 days after the date of enactment
4 of this Act, a report that includes a complete
5 assessment of the response of the agencies to
6 the coronavirus crisis, as of the date of the as-
7 sessment; and

8 (C) by 180 days after the date of enact-
9 ment of this Act, a report that provides—

10 (i) a plan for agencies to address fu-
11 ture crises; and

12 (ii) recommendations of the Task
13 Force regarding the topics and areas ad-
14 dressed in the study under subsection (a).

15 (2) SUBMISSION.—The Task Force shall pre-
16 pare and submit the reports described in paragraph
17 (1) to the chairperson and ranking member of each
18 of the following committees:

19 (A) The Committee on Oversight and Re-
20 form, the Committee on Homeland Security,
21 and the Committee on Appropriations of the
22 House of Representatives.

23 (B) The Committee on Homeland Security
24 and Governmental Affairs, the Committee on

1 Commerce, Science, and Transportation, and
2 the Committee on Appropriations of the Senate.

3 **SEC. 5. POWERS OF TASK FORCE.**

4 (a) HEARINGS.—The Task Force may hold such
5 hearings, sit and act at such times and places, take such
6 testimony, and receive such evidence as the Task Force
7 considers advisable to carry out this Act.

8 (b) INFORMATION FROM FEDERAL AGENCIES.—

9 (1) IN GENERAL.—The Task Force may secure
10 directly from an agency such information as the
11 Task Force considers necessary to carry out this
12 Act.

13 (2) FURNISHING INFORMATION.—On request of
14 the Task Force, the head of an agency shall furnish
15 the information to the Task Force.

16 (3) REQUIRED INTERVIEWS.—In order to carry
17 out its duties under this Act, the Task Force shall
18 take testimony and conduct interviews to determine
19 how agencies responded and prepared their employ-
20 ees for the coronavirus response, including—

21 (A) collecting data and conducting after-
22 action interviews with the head of each agency,
23 the highest-level human capital and health and
24 safety managers of each agency, and, as appli-

1 cable, the labor organization representatives for
2 each agency; and

3 (B) any other verbal, written, or in-person
4 testimony, as determined appropriate by the
5 Task Force, from any officer or employee of
6 each agency who had a responsibility to respond
7 to the coronavirus crisis.

8 (4) PUBLICLY AVAILABLE TRANSCRIPTS.—The
9 Task Force shall make public a transcript of each
10 interview conducted, except in cases where national
11 security concerns prevents such disclosure. The Task
12 Force shall document any instances where interviews
13 are not made public.

14 (c) POSTAL SERVICES.—The Task Force may use the
15 United States mails in the same manner and under the
16 same conditions as other departments and agencies of the
17 Federal Government.

18 **SEC. 6. TASK FORCE PERSONNEL MATTERS.**

19 (a) TRAVEL EXPENSES.—A member of the Task
20 Force shall not receive compensation for their services on
21 the Task Force, but shall be allowed travel expenses, in-
22 cluding per diem in lieu of subsistence, at rates authorized
23 for employees of agencies under subchapter I of chapter
24 57 of title 5, United States Code, while away from their

1 homes or regular places of business in the performance
2 of services for the Task Force.

3 (b) STAFF.—The Task Force may, without regard to
4 any other provision of law or regulation, appoint and re-
5 move such personnel as may be necessary to enable the
6 Task Force to perform the duties of the Task Force.

7 (c) COMPENSATION.—

8 (1) IN GENERAL.—Notwithstanding any other
9 law, rule, regulation, or Executive order, each rep-
10 resentative of a labor organization shall be author-
11 ized official time that is sufficient to perform inves-
12 tigation, participate in the functions of the Task
13 Force, and be actively involved in the activities of
14 the Task Force for the pendency of the Task Force.

15 (2) INFRASTRUCTURE.—During the pendency
16 of the Task Force, and notwithstanding any other
17 law, rule, regulation, agreement, or Executive order,
18 the head of each agency shall, with respect to any
19 labor organization that is the exclusive representa-
20 tive of a bargaining unit of not fewer than 500 em-
21 ployees—

22 (A) provide such labor organization with a
23 reasonable amount of office space, at no cost to
24 the labor organization, in all facilities leased,
25 controlled, operated, or owned by the agency;

1 (B) allow 1 employee of the agency, as des-
2 ignated by the labor organization, to serve full-
3 time as the representative of the labor organiza-
4 tion to the Task Force, with such service being
5 authorized as official time;

6 (C) provide at least reasonable access to
7 email systems of that agency for the purpose of
8 communicating with members of the unit with
9 respect to which the labor organization is the
10 exclusive representative; and

11 (D) provide the home address and tele-
12 phone number for each member of the unit rep-
13 resented by the labor organization.

14 (d) DETAIL OF FEDERAL EMPLOYEES.—

15 (1) IN GENERAL.—An employee of an agency
16 may be detailed to the Task Force without reim-
17 bursement to the agency.

18 (2) EFFECT OF DETAIL.—

19 (A) IN GENERAL.—An employee detailed
20 under paragraph (1)—

21 (i) is deemed, for the purpose of pre-
22 serving the allowances, privileges, rights,
23 seniorities, and other benefits of the em-
24 ployee, an employee of the agency from
25 which detailed; and

1 (ii) is entitled to pay, allowances, and
2 benefits from funds available to the agency
3 described in clause (i).

4 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
5 **TENT SERVICES.**—The Task Force may procure tem-
6 porary and intermittent services under section 3109(b) of
7 title 5, United States Code, at rates for individuals that
8 do not exceed the daily equivalent of the annual rate of
9 basic pay prescribed for level V of the Executive Schedule
10 under section 5316 of that title.

11 **SEC. 7. TERMINATION OF TASK FORCE.**

12 The Task Force shall terminate 90 days after the
13 date on which the Task Force submits the final report
14 required under section 4(b)(1)(C).

15 **SEC. 8. AGENCY WORKING GROUPS.**

16 (a) **IN GENERAL.**—Not later than 60 days after the
17 date of enactment of this Act, the head of each agency
18 shall establish an agency-specific working group, com-
19 prised of representatives of human capital, health and
20 safety, and labor organizations of the agency, to develop
21 and execute rapid response to future crises that include—

- 22 (1) the role of labor organization participation;
23 (2) preparedness acquisition and distribution of
24 personal protective equipment;
25 (3) physical needs of the workforce;

1 (4) a plan for maximum telework, if appro-
2 priate;

3 (5) leave and safety protocol guidance; and

4 (6) other information needed to execute rapid
5 response plans to address future crises.

6 (b) COMPENSATION.—

7 (1) IN GENERAL.—Notwithstanding any other
8 law, rule, regulation, or Executive order, each rep-
9 resentative of a labor organization shall be author-
10 ized official time sufficient to investigate, partici-
11 pate, and be actively involved in the working group
12 for the pendency of the working group.

13 (2) INFRASTRUCTURE.—During the pendency
14 of the working group, and notwithstanding any other
15 law, rule, regulation, agreement, or Executive order,
16 the head of each agency shall, with respect to any
17 labor organization that is the exclusive representa-
18 tive of a bargaining unit of not fewer than 500 em-
19 ployees—

20 (A) provide such labor organization with a
21 reasonable amount of office space, at no cost to
22 the labor organization, in all facilities leased,
23 controlled, operated, or owned by the agency;

24 (B) allow 1 employee of the agency, to be
25 designated by the labor organization, to serve

1 full-time as the representative of the labor orga-
2 nization to the Task Force, with such service
3 being authorized as official time;

4 (C) provide at least reasonable access to
5 email systems of that agency for the purpose of
6 communicating with members of the unit with
7 respect to which the labor organization is the
8 exclusive representative; and

9 (D) provide the home address and tele-
10 phone number for each member of the unit rep-
11 resented by the labor organization.

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