

116TH CONGRESS
2D SESSION

S. _____

To require Federal agencies to permit employees to telework full-time during the public health emergency relating to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. VAN HOLLEN (for himself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require Federal agencies to permit employees to telework full-time during the public health emergency relating to COVID–19, 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 “Pandemic Federal
5 Telework Act of 2020”.

6 **SEC. 2. TELEWORKING REQUIREMENTS FOR FEDERAL EM-**
7 **PLOYEES.**

8 (a) DEFINITIONS.—In this section—

1 (1) the term “agency” means each authority of
2 the executive, legislative, or judicial branch of the
3 Government of the United States;

4 (2) the term “covered period” means the period
5 beginning on the date of enactment of this Act and
6 ending on the date on which the public health emer-
7 gency declared by the Secretary under section 319
8 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID–19
10 (including any renewal of that declaration) termi-
11 nates;

12 (3) the term “Director” means the Director of
13 the Office of Personnel Management;

14 (4) the term “eligible employee” means an em-
15 ployee who—

16 (A) the head of the agency employing the
17 employee has determined is eligible to telework;
18 and

19 (B) has not been officially disciplined for—

20 (i) being absent without permission
21 for more than 5 days in any calendar year;

22 or

23 (ii) viewing, downloading, or exchang-
24 ing pornography, including child pornog-
25 raphy, on a Federal Government computer

1 or while performing official Federal Gov-
2 ernment duties;

3 (5) the term “employee” means an employee of
4 an agency;

5 (6) the term “Secretary” means the Secretary
6 of Health and Human Services; and

7 (7) the term “telework” has the meaning given
8 the term in section 6501 of title 5, United States
9 Code.

10 (b) REQUIREMENTS.—

11 (1) IN GENERAL.—Notwithstanding any provi-
12 sion of chapter 65 of title 5, United States Code, the
13 head of each agency shall—

14 (A) permit eligible employees with respect
15 to the agency to telework on a full-time basis
16 during the covered period; and

17 (B) evaluate whether the agency head
18 should, with respect to employees of the agency
19 for whom the agency head has not made a de-
20 termination described in subsection (a)(4)(A),
21 make such a determination.

22 (2) WAIVER.—The head of an agency may
23 waive the requirements of any provision of para-
24 graph (1) that applies with respect to an employee
25 of the agency if the agency head determines that

1 there is a compelling reason for the waiver that re-
2 lates to the effective operation of the Federal Gov-
3 ernment.

4 (3) PLAN FOR FUTURE OUTBREAKS.—Not later
5 than 1 year after the date of enactment of this Act,
6 the Director, in coordination with the Secretary,
7 shall establish a policy—

8 (A) to maximize the use of telework by the
9 Federal workforce during a period in which
10 there is in effect a public health emergency that
11 the Secretary declares under section 319 of the
12 Public Health Service Act (42 U.S.C. 247d) on
13 a date that is after the date of enactment of
14 this Act with respect to an outbreak of an in-
15 fectious disease; and

16 (B) that shall be designed to be imple-
17 mented before implementing any continuity of
18 operations plan with respect to any outbreak
19 described in subparagraph (A).

20 **SEC. 3. TECHNOLOGY MODERNIZATION FUND.**

21 Section 1078(b)(3)(B) of the National Defense Au-
22 thorization Act for Fiscal Year 2018 (40 U.S.C. 11301
23 note) is amended by inserting “, including by enabling or
24 improving telework capabilities,” after “efficiency and cy-
25 bersecurity”.

1 **SEC. 4. TRAINING AND MONITORING.**

2 Section 6503 of title 5, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)(B), by striking
6 “managers of teleworkers” and inserting the
7 following: “managers and supervisors of tele-
8 workers, including those managers and super-
9 visors who are political appointees”;

10 (B) by redesignating paragraphs (3) and
11 (4) as paragraphs (4) and (5), respectively; and

12 (C) by inserting after paragraph (2) the
13 following:

14 “(3) not later than 180 days after the date on
15 which a manager or supervisor described in para-
16 graph (1)(B) is appointed to a position as such a
17 manager or supervisor, the manager or supervisor
18 has completed interactive telework training that in-
19 cludes instruction relating to—

20 “(A) the benefits of telework;

21 “(B) technology used by the agency to fa-
22 cilitate telework;

23 “(C) strategies for engaging employees
24 who telework;

25 “(D) performance management in the vir-
26 tual workplace; and

1 “(E) information and security protections
2 for information and information systems used
3 during telework;”; and

4 (2) by adding at the end the following:

5 “(c) DEFINITION.—In this section, the term ‘political
6 appointee’ has the meaning given the term in section
7 714(h) of title 38.”.