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, Mr. Lankford, and Ms. Sinema) 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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pandemic Federal
Telework Act of 2020”.

SEC. 2. TELEWORKING REQUIREMENTS FOR FEDERAL EMP-

LOYEES.

(a) DEFINITIONS.—In this section—
(1) the term “agency” means each authority of
the executive, legislative, or judicial branch of the
Government of the United States;

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

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

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

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

and

(B) has not been officially disciplined for—

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

or

(ii) viewing, downloading, or exchang-
ing pornography, including child pornog-
raphy, on a Federal Government computer
or while performing official Federal Government duties;

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

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

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

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of chapter 65 of title 5, United States Code, the head of each agency shall—

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

(B) review, with respect to employees of the agency for whom the agency head has not made a determination described in subsection (a)(4)(A), whether such a determination should be made.

(2) WAIVER.—The head of an agency may waive the requirements of any provision of paragraph (1) that applies with respect to an employee of the agency if the agency head determines that
there is a compelling reason for the waiver that relates to the effective operation of the Federal Government.

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

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

(B) that shall be designed to be implemented before implementing any continuity of operations plan with respect to any outbreak described in subparagraph (A).

SEC. 3. TECHNOLOGY MODERNIZATION FUND.

Section 1078(b)(3)(B) of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended by inserting “, including by enabling or improving telework capabilities,” after “efficiency and cybersecurity”. 
SEC. 4. TRAINING AND MONITORING.

Section 6503(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by inserting “and supervisors” after “managers”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) not later than 180 days after the date on which a manager or supervisor described in paragraph (1)(B) is appointed to a position as such a manager or supervisor, the manager or supervisor has completed interactive telework training that includes instruction relating to—

“(A) the benefits of telework;

“(B) technology used by the agency to facilitate telework;

“(C) strategies for engaging employees who telework;

“(D) performance management in the virtual workplace; and

“(E) information and security protections for information and information systems used during telework;”.