

merce, Justice, and State, the Judiciary, and the Small Business Administration, \$100,000 shall be available to each Department or agency only to implement telecommuting programs: *Provided*, That, 6 months after the date of enactment of this Act [Feb. 20, 2003] and every 6 months thereafter, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall designate a Telework Managing Officer to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 109-108, title VI, § 617, Nov. 22, 2005, 119 Stat. 2340, as amended by Pub. L. 111-292, § 2(b)(2)(D), Dec. 9, 2010, 124 Stat. 3171.

Pub. L. 108-447, div. B, title VI, § 622, Dec. 8, 2004, 118 Stat. 2919, as amended by Pub. L. 111-292, § 2(b)(2)(C), Dec. 9, 2010, 124 Stat. 3171.

Pub. L. 108-199, div. B, title VI, § 627, Jan. 23, 2004, 118 Stat. 99, as amended by Pub. L. 111-292, § 2(b)(2)(B), Dec. 9, 2010, 124 Stat. 3171.

TELECOMMUTING IN EXECUTIVE AGENCIES

Pub. L. 106-346, § 101(a) [title III, § 359], Oct. 23, 2000, 114 Stat. 1356, 1356A-36, provided that: “Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than 6 months after the date of the enactment of this Act [Oct. 23, 2000], the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter.”

§ 6502. Executive agencies telework requirement

(a) TELEWORK ELIGIBILITY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

(A) establish a policy under which eligible employees of the agency may be authorized to telework;

(B) determine the eligibility for all employees of the agency to participate in telework; and

(C) notify all employees of the agency of their eligibility to telework.

(2) LIMITATION.—An employee may not telework under a policy established under this section if—

(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(b) PARTICIPATION.—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to

telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

(c) REQUIRED TELEWORK.—If an agency places an employee in investigative leave under section 6329b, the agency may require the employee to, through telework, perform duties similar to the duties that the employee performs on-site if—

(1) the agency determines that such a requirement would not—

(A) pose a threat to the employee or others;

(B) result in the destruction of evidence relevant to an investigation;

(C) result in the loss of or damage to Government property; or

(D) otherwise jeopardize legitimate Government interests;

(2) the employee is eligible to telework under subsections (a) and (b) of this section; and

(3) the agency determines that it would be appropriate for the employee to perform the duties of the employee through telework.

(Added Pub. L. 111-292, § 2(a), Dec. 9, 2010, 124 Stat. 3165; amended Pub. L. 114-328, div. A, title XI, § 1138(d)(3), Dec. 23, 2016, 130 Stat. 2469.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 111-292, which was approved Dec. 9, 2010.

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-328 added subsec. (c).

§ 6503. Training and monitoring

(a) IN GENERAL.—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before