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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 5, United States Code, to establish a process for considering telework requests of Federal employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SUBRAMANYAM introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to establish a process for considering telework requests of Federal employees, 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 Telework Pro-
5 tection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Experience in the Federal Government since
2 the enactment of the Telework Enhancement Act of
3 2010 indicates that the ability of the Federal work-
4 force to telework—

5 (A) improves agencies' productivity, emer-
6 gency preparedness, continuity of operations in
7 disruptive circumstances;

8 (B) reduces staff turnover, absenteeism,
9 lost productivity, and use of sick leave;

10 (C) improves employee health;

11 (D) promotes savings of funds and the ef-
12 fective use energy, funding, and other re-
13 sources; and

14 (E) helps with the retention and recruit-
15 ment of qualified talent into the Federal work-
16 force.

17 (2) It is in the public interest that the Federal
18 workforce performs at the highest levels of produc-
19 tivity and performance to accomplish the operations
20 of the Government. Telework improves and facili-
21 tates the efficient accomplishment of operations of
22 the Government, therefore telework for Federal em-
23 ployees is in the public interest.

1 **SEC. 3. FEDERAL EMPLOYEE TELEWORK REQUEST PROC-**
2 **ESS.**

3 (a) IN GENERAL.—Section 6505 of title 5, United
4 States Code, is amended—

5 (1) in subsection (a), by striking the second
6 sentence and inserting “The Telework Managing Of-
7 ficer shall be within the executive agency telework
8 office established under subsection (e).”;

9 (2) by amending subsection (c) to read as fol-
10 lows:

11 “(c) STATUS WITHIN THE AGENCY.—The Telework
12 Managing Officer of an agency shall be—

13 “(1) a senior official of the agency who has di-
14 rect access to the head of the agency; and

15 “(2) a career position in the civil service and
16 shall not be—

17 “(A) a political position (as that term is
18 defined in section 4(a) of Public Law 114–136
19 (5 U.S.C. 3101 note)); or

20 “(B) a position in the excepted service.”;
21 and

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

23 “(e) TELEWORK REQUESTS.—

24 “(1) INITIAL REQUEST.—

25 “(A) IN GENERAL.—An employee of an ex-
26 ecutive branch agency may make a request to

1 telework to the employee's immediate super-
2 visor. The supervisor shall make a reasonable
3 determination to approve or deny a telework re-
4 quest based on the consideration of conditions
5 in paragraph (3)(B), the employee's job re-
6 quirements, and other factors as the supervisor
7 may deem appropriate. With respect to any re-
8 quest approved by a supervisor under this para-
9 graph, the supervisor shall provide a clear num-
10 ber of telework days to the employee during a
11 clearly defined period of time, as such super-
12 visor deems appropriate.

13 “(B) URGENT MEDICAL CONDITION.—If
14 practicable, the supervisor shall grant any em-
15 ployee with any urgent medical condition a pe-
16 riod of ten to fifteen business days of telework
17 while the applicable request is considered by the
18 supervisor.

19 “(2) APPEAL TO TELEWORK OFFICE.—If a su-
20 pervisor denies a request under paragraph (1), and
21 the employee has a substantial reason to believe that
22 the supervisor did not make a reasonable
23 determination under paragraph (1)(A) or consider a
24 condition described in paragraph (3)(B) that the
25 employee alleges to have met in the request, or the

1 employee requires a modification of the amount and
2 duration of telework provided by the supervisor
3 under such paragraph, the employee may file an ap-
4 peal with the telework office of the executive agency
5 established under paragraph (4).

6 “(3) APPLICATION.—

7 “(A) RETALIATION PROHIBITED.—No ad-
8 verse personnel action may be carried out in re-
9 taliation against an employee filing a tele-
10 working request under paragraph (1) or an ap-
11 peal under paragraph (2).

12 “(B) CONDITIONS.—In determining wheth-
13 er to grant an employee’s telework request
14 under paragraph (1) or under an appeal under
15 paragraph (2), the supervisor or telework office
16 (as the case may be) shall consider medical con-
17 ditions, caregiving, disability, and significant
18 commuting time to the employee’s official duty
19 station.

20 “(C) WRITTEN EXPLANATION.—Any deci-
21 sion by an immediate supervisor under para-
22 graph (1) or a telework office under paragraph
23 (2) shall include a written explanation of the
24 decision, including how the decision fulfills the
25 requirements of this subsection.

1 “(4) TELEWORK OFFICE.—

2 “(A) IN GENERAL.—There is established
3 within each executive agency a telework office.
4 Each office shall be responsible for reviewing
5 appeals under paragraph (2).

6 “(B) TELEWORK REQUESTS RELATING TO
7 HEALTH.—With respect to any such appeal
8 based on medical reasons, the telework office
9 may request from the employee medical or
10 other supplemental information the office con-
11 siders appropriate. The office shall ensure that
12 such information remains confidential and may
13 not be shared without the employee’s consent.

14 “(C) MSPB APPEAL.—An employee may
15 appeal an adverse decision by the telework of-
16 fice to the Merit Systems Protection Board
17 under section 7701.

18 “(5) AUTOMATIC APPROVAL.—If a supervisor
19 does not issue any decision with respect to a request
20 under paragraph (1) within 90 days after submis-
21 sion of such request, or the telework office does not
22 issue any decision with respect to an appeal under
23 paragraph (2) within 90 days after submission of
24 the appeal, the teleworking request shall be deemed

1 approved until the date a final decision is made
2 under either such paragraph.

3 “(6) TELEWORK POLICIES.—Each executive
4 branch agency shall update the agency’s telework
5 policy to reflect the telework request process estab-
6 lished under the Federal Telework Protection Act.
7 Each such policy shall be published on the agency’s
8 public website.

9 “(7) APPLICATION.—The authority under this
10 subsection to grant an employee telework shall be in
11 addition to any other authority providing telework
12 pursuant to this chapter.

13 “(8) REPORTS.—Not later than 1 year after the
14 date of the enactment of the Federal Telework Pro-
15 tection Act and annually thereafter, the Director of
16 the Office of Personnel Management shall submit a
17 report, to the Committee on Oversight and Govern-
18 ment Reform of the House of Representatives and
19 the Committee on Homeland Security and Govern-
20 mental Affairs of the Senate, on agency implementa-
21 tion of this subsection. Each such report shall in-
22 clude—

23 “(A) the total number of employees that
24 had a teleworking request approved under this
25 subsection;

1 “(B) the total number of employees that
2 had a teleworking request denied under this
3 subsection;

4 “(C) the total number of requests that
5 were based on conditions described in para-
6 graph (3)(B); and

7 “(D) the total number of teleworking re-
8 quests under this section that have not been
9 processed.”.

10 (b) RULE OF CONSTRUCTION.—Nothing in this Act
11 or any amendment made by this Act shall be construed
12 to supersede any collective bargaining agreement in effect
13 on the date of the enactment of this Act, or entered into
14 after such date, between the Federal Government and any
15 labor organization. For any such agreement entered into
16 on or after such date, the parties may bargain the sub-
17 stantive conditions and procedures of telework notwith-
18 standing this Act or any amendment made by this Act.

19 **SEC. 4. LIMITATION ON RESTRICTING TELEWORK.**

20 No Federal funds may be obligated or expended to
21 implement the presidential memorandum titled “Return to
22 In Person Work”, issued on January 20, 2025, or any
23 subsequent order or directive, and agency guidance associ-
24 ated with such memorandum to eliminate remote work ar-

- 1 rangements and require employees to return to work in-
- 2 person at their respective duty stations.