

A Brief Summary of the Telework Transparency Act of 2024 (S. 4043)

May 20, 2024

On March 21, 2024, Senators Gary Peters and Joni Ernst introduced the Telework Transparency Act of 2024 (S. 4043). The Senate Committee on Homeland Security and Governmental Affairs discussed the bill at a May 15, 2024, [markup](#) and continues to consider it. As discussed in this Insight, S. 4043 includes provisions that could potentially increase standardization of executive branch telework, facilitate data collection on the utilization of federal buildings and data standards for reporting telework information, and make telework in the federal government more transparent.

Amendments to 5 U.S.C. Chapter 65

The Telework Enhancement Act of 2010, codified at [Chapter 65](#) of Title 5 of the *U.S. Code*, generally governs telework in executive agencies. Many of the provisions in S. 4043 would amend Chapter 65 to provide more transparency of federal telework policies. For example, S. 4043 would [direct](#) each executive agency head to submit a description of the agency's telework policy to the Office of Personnel Management (OPM) director and publish the most recent version on the agency's website within 180 days after enactment and as updates are made thereafter.

S. 4043 would also [require](#) OPM's telework website to include links to agency websites with telework information. In addition, the bill would [require](#) OPM's website to include telework guidance submitted by the Department of State (in addition to that already required for the Federal Emergency Management Agency, the General Services Administration [GSA], and OPM). The guidance would need to be published on OPM's website within [30 days](#) after submission (instead of the current requirement of 10 days).

Chapter 65 currently requires OPM to provide an [annual report](#) to Congress on the status of telework in the federal government that includes an assessment of the progress made by agencies in meeting telework goals such as emergency readiness, energy use, recruitment and retention, performance, productivity, and employee attitudes and opinions regarding telework. The report would additionally [include](#) assessments of the impacts of telework on carbon emissions, the ability of the agency to dispose of or consolidate unnecessary and underutilized space or property (including to reduce the monetary and environmental costs of maintaining that space or property), and the agency's customer experience and service (including backlogs and wait times).

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As part of the assessment, S. 4043 would require OPM to [explain](#) whether each agency met its telework goals and, if not, the actions being taken to identify and eliminate barriers to meeting them. The annual report would also discuss additional steps that are planned by agencies to ensure telework oversight and quality control and increase the utilization rates of office building space owned or leased by the agencies.

S. 4043 also requires the Office of Management and Budget (OMB), in consultation with GSA and the Federal Real Property Council, to [develop](#) benchmarks and guidance for executive agencies to use when calculating building utilization rates. S. 4043 would then require each executive agency head to [establish](#) (1) a system to track office building space utilization rates consistent with that OMB guidance and (2) indicators that measure the effects of telework policy on the management of real and personal property, among other things.

S. 4043 would also [require](#) OPM to establish [data standards](#) to aid telework reporting [requirements](#) and for automated telework tracking within payroll systems used by agencies. S. 4043 would require OPM, in turn, to create an [online tool](#) that makes the standardized and reported data publicly available and would allow OPM to use the online tool to fulfill its [annual reporting requirements](#). For a more detailed discussion of the bill's provisions on telework data standards, including office building utilization data, see CRS Insight IN12352, *Establishing Data Standards and Measuring Building Use: Select Provisions of the Telework Transparency Act of 2024 (S. 4043)*.

Several provisions of S. 4043 would provide new authorities, such as authorizing the OPM director to prescribe [regulations](#) to carry out Chapter 65, which could increase standardization of telework implementation across the executive branch. S. 4043 would also [authorize](#) an executive agency head to direct an employee or group of employees to telework during an emergency incident—notwithstanding any other provision of law—under procedures established by the OPM director. The term *emergency incident* would be [defined](#) to mean an event that, as determined by the agency head, would pose a threat to the life, health, or safety of an employee or group of employees if they were to report to the worksite.

Comptroller General Report

S. 4043 would also add new congressional briefing and reporting [requirements](#) for the Comptroller General (CG). Within 180 days after enactment, the CG would be required to brief specified committees on how executive departments determine official worksites for teleworking employees, especially for the purpose of determining the employees' locality payments. Not later than one year after this briefing, the CG would submit a report to the committees on the matters discussed.

The report would be [required](#) to assess how executive departments ensure that employees regularly report to their official worksites, including:

- the frequency with which executive departments use the authorities at Title 5, Section 531.605(d)(2), of the *Code of Federal Regulations*;
- the average duration that employees telework under an exception granted by that section; and
- the oversight practices that executive departments use to review and verify teleworking employees' locality payments.

The CG would [assess](#) these practices once for each of the five fiscal years that begins after the fiscal year in which the CG submits the report and submit a report to the committees if the CG determines that there have been any changes to those practices since the last such assessment.

Thereafter, the CG would conduct an assessment no more than once each fiscal year and upon the request of any Member of Congress.

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