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Telework in the Federal Government: Background, Policy, and Oversight

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Telework in the Federal Government: Background, Policy, and Oversight

Summary

Advances in information and computer technology; the development of the Internet; and the explosion of wireless and digital products, including powerful laptops, hand-held electronic devices, and remote work-access capabilities, have given some federal employees the ability to telework — work anytime from almost anyplace. Telework emerged as an option for the federal workforce over the last decade. Management considerations, such as productive and satisfied workers; environmental considerations, such as reduced traffic congestion and improved air quality; and quality of life considerations, such as accommodating the short- or long-term health problems or family responsibilities of employees, have been offered as justification for telework programs. Some believe that the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, and the discovery of anthrax in Washington, DC, and other cities have fundamentally changed the workplace and demonstrated the practical application of telework to the continued operation of the government. Issues of security, crisis management, disaster recovery, and remote access to office computer systems are prompting some federal executive and legislative branch agencies and their employees to expand existing telework programs or to consider telework, although in many cases, how to implement telework remains unclear.

Reservations about telework include managerial concerns about maintaining performance and productivity in the office or organization with fewer workers at the central site; the security of government records and the use of software licensed to the government on computers at the alternative work sites; and the availability of funding to provide necessary support for employees to work away from the main office. The Office of Personnel Management (OPM) reported in January 2002 that 74,487 federal employees telecommute. It is not known how many legislative branch staff telework. According to the Administrative Office of the U.S. Courts, the judicial branch does not currently have any teleworkers. Policies on telework are evolving. General policies and guidance on telework programs in the executive branch have been established by the General Services Administration and OPM. Although there are no corresponding entities in the legislative branch, a comparison of the policies and guidance for existing telework programs in this branch indicate that they are quite similar to those in the executive branch. Among the factors that reportedly contribute to successful telework experiences are top management support, a clear telework agreement that includes expectations and measurable goals, and accountability and performance results.

Congress may remain interested in the issue of federal telework. Section 359 of P.L. 106-346 directs executive agencies to establish policies under which eligible employees could telecommute. The House Subcommittee on Technology and Procurement Policy conducted hearings in March and September 2001 on telework. This report discusses telework in the federal government, including background, views on telework, policy, implementation within the executive and legislative branches, and future considerations.

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Telework in the Federal Government: Background, Policy, and Oversight

Introduction

Telework, working away from the traditional office, dates from the early 1930s, was publicly advocated in the early 1960s and late 1970s, and emerged as an option for the federal workforce over the last decade. Advances in information and computer technology; the development of the Internet; and the explosion of wireless and digital products, including powerful laptops, hand-held electronic devices, and remote work-access capabilities, have given some federal employees the ability to work anytime from almost anyplace. The employee's home, a telework center, a client's office, or an automobile may serve as the alternative worksite. Telework is also referred to as flexiplace, telecommuting, alternate work location, or alternative worksite, and these terms are used interchangeably in this report.

Management considerations, such as productive and satisfied workers; environmental considerations, such as reduced traffic congestion and improved air quality; and quality of life considerations, such as accommodating the short or long-term health problems or family responsibilities of employees, are often cited as benefits of establishing telework programs.

The practical application of telework to the continued operation of the government is being examined in the aftermath of the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, and the discovery of anthrax in Washington, DC, and other cities. Federal executive and legislative branch agencies and their employees are considering telework to help address issues of security, crisis management, disaster recovery, and remote access to office computer systems. Some advocates say that telework could have an important role in an agency's emergency preparedness plans. In their view, having people with different areas of expertise (such as budget/financial, human resources, information technology) teleworking or prepared to telework could help ensure that in the event of a serious disruption of work at the main headquarters, teleworking staff could perform essential agency functions.

Reservations about telework include managerial concerns about maintaining performance and productivity in the office or organization with fewer workers at the central site; the security of government records and the use of software licensed to the government on computers at the alternative work sites; and the availability of funding to provide necessary support for employees to work away from the main office. These issues will require continuous evaluation as decisions are made on the extent to which telework programs might be implemented in the executive and legislative branches.

General policies and guidance on the implementation of telework programs in the executive branch have been established by the General Services Administration (GSA) and the Office of Personnel Management (OPM).[1] Although the legislative branch has no corresponding entities, a comparison of the policies and guidance for this branch (where telework programs exist) indicate that they are quite similar to those of the executive branch.[2] GSA reported that about 26,000 executive branch employees (less than 1% of the total executive branch workforce[3]) were teleworking as of October 1999.[4] OPM reported in January 2002 that 74,487 federal employees telecommute.[5] It is not known how many legislative branch staff telework. According to the Administrative Office of the U.S. Courts, the judicial branch does not currently have any teleworkers.[6]

Because Congress maintains a high level of interest in the productivity of the federal workforce, it is expected to monitor the implementation and evaluation of telework programs in the federal government. Section 359 of the Department of Transportation Appropriations Bill for FY2001 (P.L. 106-346), which was signed by the President on October 23, 2000, includes a provision directing executive agencies to establish policies under which eligible employees could telecommute to the

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[1]U.S. General Services Administration, *Implementation Manual for Telecommuting/ Telework*, available on the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/ mworkplce.htm]; U.S. Office of Personnel Management, *Telework/Telecommuting*, available on the Internet at [http://www.opm.gov/wrkfam/telecomm/telecomm.htm], both Web sites visited Dec. 17, 2001. On July 5, 2001, GSA and OPM launched an Interagency Telework/ Telecommuting Site, [http://www.telework.gov/], visited Dec. 17, 2001, which has links to the Web sites of both agencies as well as guidance and policies from other agencies, including the Occupational Safety and Health Administration (OSHA).

[2]A formally established telework program is distinct from other personnel policies for work at home that already may have been implemented by individual entities in both the executive and legislative branches.

[3]OPM reported that the executive branch civilian workforce totaled 2,640,859 as of May 2001 (most current data available). See: U.S. Office of Personnel Management, *Federal Civilian Workforce Statistics; Employment and Trends as of May 2001* (Washington: OPM, 2001), p. 12.

[4]Kellie Lunney, "Managers Still Tepid About Telecommuting," July 26, 2000. Available on the Internet at [http://www.govexec.com/news/], visited Dec. 17, 2001. In Oct. 1998, OPM reported that there were 24,889 federal teleworkers in 42 federal departments and agencies. See: U.S. Office of Personnel Management, Memorandum for Directors of Personnel, from Steven R. Cohen, Director, Office of Workforce Relations, Nov. 20, 1998.

[5]U.S. Office of Personnel Management, *Report to the Congress; The Status of Telework in the Federal Government* (Washington: OPM, Jan. 2002), p. 6.

[6]In its December 1995 *Long-Range Plan for the Federal Courts*, the Judicial Conference of the United States recommended that "Working conditions for court support personnel should be progressive and make provision for," among other things, "flexible work arrangements." According to the Administrative Office of the U.S. Courts, its staff have attended seminars on telework. It is not aware of any judicial employees who are currently teleworking. (Telephone conversation with the Administrative Office, Dec. 5, 2000.)

maximum extent possible and without diminished performance.[7] OPM submitted a report to Congress on agency compliance in January 2002. Conference report language on the provision directs OPM to evaluate the program and report to Congress within one year.[8] A Telework Issues Working Group has been established in the executive branch to facilitate the implementation of the law's provisions and to determine what further guidance or legislation are needed.

In the legislative branch, the House of Representatives established a telecommuting policy in October 1999 that is available for use by employing offices.[9] While the Senate does not have a Senate-wide policy, the Senate Sergeant at Arms office established a policy for that office in October 1998. Two legislative branch support agencies — the Congressional Budget Office (alternate work location) and the General Accounting Office (flexiplace) — also have implemented telework policies. The Library of Congress is in the last stages of implementing a pilot teleworking program.

Background

Early History

Noteworthy in the early history of telework are these occurrences:

> As early as 1934 when the NCUA [National Credit Union Administration] was the Federal Credit Union Bureau, credit union examiners conducted their examinations at credit union sites and then completed their reports at home. Neither the NCUA nor its predecessor provided office space for credit union examiners.... [T]he NCUA implemented a work-at-home program for its auditors that is still operating successfully.
>
> The earliest effort to generate a Federal telework program, however, appears to have occurred in the early 60's when Jack Nilles, commonly considered to be the father of telework, began teleworking from Los Angeles to Washington, DC while working as a consulting rocket scientist to the U.S. Air Force Space Program. Inspired by this experience, Nilles coined both the words "telecommuting" and "teleworking" in 1973.
>
> The first person to generate Federal experimentation with telework was Frank Schiff. At the time, Schiff was Vice President and Chief Economist for the

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[7]P.L. 106-346, section 359, Oct. 23, 2000, 114 Stat. 1356.

[8]U.S. Congress, Conference Committees, 2000, *Making Appropriations for the Department of Transportation and Related Agencies for the Fiscal Year Ending September 30, 2001, and for Other Purposes*, conference report to accompany H.R. 4475, H.Rept. 106-940, 106th Cong., 2nd sess. (Washington: GPO, 2000), p. 151. (Hereafter cited as H.Rept. 106-940.)

[9]In accordance with House Administration Committee resolution 106-1-21, adopted Oct. 21, 1999.

> Committee for Economic Development.[10] In 1979, Schiff published an article in the *Washington Post* in which he challenged the Federal Government to look at management practices, union rules, and Federal laws and regulations in an effort to facilitate working at home as a means of improving productivity, saving costs, and saving energy (this was at the height of the energy crisis ...). During that same time, Schiff coined the term "Flexiplace" to encompass not only work-at-home but also such other flexible location arrangements as satellite work centers.... [I]n contrast to such terms as "telecommuting," [flexiplace] stressed increased flexibility in the location of work, whether or not this is based on the use of telecommunications equipment.[11]

1980s

Among other early examples of telework were a 1980 experiment at an Army facility in St. Louis and a 1989 flexiplace pilot study lasting six months at the Environmental Protection Agency's (EPA's) Research Triangle Park, North Carolina facility. The Army project was discontinued when "[d]espite the fact that the program performed successfully (project manager evaluations), an army audit team concluded that the potential benefits were exceeded by the risks of fraud and abuse." The final report on the EPA pilot "was generally positive about the feasibility of Flexiplace arrangements."[12] When the Loma Prieta earthquake severely damaged EPA's offices in San Francisco, California, on October 17, 1989, the agency "responded by establishing an auxiliary command post for 80 employees and work-at-home arrangements for the remaining 700+ workers."[13] In 1989, GSA found that "[a] substantial number of Federal agencies were already utilizing informal, as-needed telework arrangements that were established typically on a case-by-case (individual employee) basis."[14]

1990s

Over the last decade, telework has emerged as an option for managing the federal workforce. "Beginning as early as 1990 and continuing throughout the evolution of Federal telework, the program has enjoyed bi-partisan political support from both the executive and legislative branches of government," according to the

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[10]According to its Internet Web site, "the Committee for Economic Development (CED) is an independent, nonpartisan organization of business and education leaders dedicated to policy research on the major economic and social issues of our time and the implementing of its recommendations by the public and private sectors." The Web site is [http://www.ced.org], visited Dec. 17, 2001.

[11]U.S. General Services Administration, Evaluation and Innovative Workplaces Division Office of Real Property, Office of Governmentwide Policy, *The Evolution of Telework in the Federal Government*, by Wendell Joice (Washington: GSA, Feb. 2000), pp. 7-8, 11. (Hereafter cited as *Evolution of Telework.*)

[12]Ibid., p. 9.

[13]Ibid., p. 10.

[14]Ibid., pp. 6-7. See also T. N. Cowley and W. H. Joice, *Informal Work-at-Home Arrangements in the Federal Government* (Washington: GSA, 1989). Unpublished.

GSA study.[15] In 1990, the President's Council on Management Improvement approved plans and guidance to implement a pilot flexiplace program governmentwide. By January 1993, OPM had encouraged agency use of flexiplace and provided implementation guidance.[16] Presidential memorandums in 1994 and 1996 affirmed flexible work arrangements as contributing to the creation of a family-friendly workplace. GSA and the Department of Transportation continue to coordinate a national telework initiative (NTI), begun in January 1996 by the President's Management Council, to encourage an increase in the number of federal teleworkers. The NTI set a goal of having 160,000 federal employees participating in telework by the end of 2002. Its earlier goal to have 60,000 teleworkers by October 1998 was not met, and both GSA and Transportation are seeking to improve the initiative.[17] Recent legislative provisions on telework are discussed in the Implementation section below.

In the late 1990s, Senate/House discussions about telecommuting resulted in three legislative branch entities — the Office of the Chief Administrative Officer, the Office of the Senate Sergeant at Arms, and the Congressional Budget Office — adopting telecommuting policies. Earlier, in June 1994, the General Accounting Office established a flexiplace policy. Each Member's office, committee and House administrative office constitutes a separate employing authority. Therefore, no legislative branch entity has central authority or jurisdiction to set policy for the entire legislative branch.[18] The House and the Senate each set their own chamber rules, policies, and practices. Further, within each chamber, each Member's office sets its own office policies and programs, subject to applicable rules and regulations. Subject to the jurisdiction of certain chamber rules and oversight, House and Senate administrative offices that are separate employing offices may also set their own policies and programs that include telework.

Coordinated Efforts

The federal government, as well as state and local governments, have increased efforts to work with private businesses[19] to promote telework.[20] On October 24,

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[15] *Evolution of Telework*, p. 14.

[16] U.S. Office of Personnel Management, *Telework/Telecommuting*, available on the Internet at [http://www.opm.gov/wrkfam/telecomm/telecomm.htm], visited Dec. 17, 2001.

[17] For further information on the history of telework, see *Evolution of Telework*, especially pp. 11-21.

[18] There is no single formal policy on telecommuting for all legislative branch entities. The House and Senate have encouraged the Librarian of Congress to look at the feasibility of a telecommuting program, which is discussed later in this report. Melanie Fonder, "Telecommuting Gives Hill Staffers Flexibility," *The Hill*, Oct. 27, 1999, p. 28.

[19] The Subcommittee on Oversight and Investigations of the House Committee on Education and the Workforce published an August 1999 report on the American worker, which included a section on telework, and conducted an October 1999 hearing on telework in the United States. See U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, *American Worker Project: Securing the*

(continued...)

2000, Telework America Day, the First Annual Washington Area Conference on Telework, was held. Co-sponsored by the Metropolitan Washington Council of Governments (MWCOG), the Fairfax County Government, and the International Telework Association and Council (ITAC), the conference drew over 400 non-profit, government, and business leaders who met to discuss issues and objectives and promote telework in the Washington region. The conference focused on telework as a possible solution to such issues as the area's growing problems with traffic congestion and air quality, employees' balancing of work and family life, and hiring and retaining skilled workers. MWCOG adopted a resolution setting a goal to expand telework so that 20% of the area's workforce would be working at home at least once a week by 2005.[21] A soon to be released MWCOG study on commuter trends reports that 15% of the workforce in the metropolitan Washington area teleworks at least one day a week, up from 12% reported in a similar survey in 1998.[22] A telework symposium on business continuity through telework, sponsored by the Metropolitan Washington Council of Governments (MWCOG) and the Mid-Atlantic Telework Advisory Council (MATAC), is scheduled for April 9, 2002.

In support of expanding telework, then Secretary of Transportation Rodney Slater reportedly urged all cabinet departments to help MWCOG meet its 2005 goals. According to Secretary Slater, "The number of telecommuters in the region could increase to 68,000," and telework "would make a tremendous contribution to reduced air pollution and congestion."[23] Additionally, some maintain that telework could alleviate certain stresses and demands on the nation's infrastructure and transit

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[19](...continued)
Future of America's Working Families, subcommittee report, 106th Cong., 1st sess. (Washington [1999]); and U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, *Telework: The Impact on Workplace Policy in the United States*, hearing, 106th Cong., 1st sess., Oct. 28, 1999. Unpublished. Available on the Internet at [http://edworkforce.house.gov/hearings/106th/oi/oihearings.htm], visited Dec. 17, 2001. See also: Christine Avery and Diane Zabel, *The Flexible Workplace; A Sourcebook of Information and Research* (Westport, CT: Quorum Books, 2000); International City/County Management Association, *Telecommuting Program*, 1993, available on the Internet at [http://www.icma.org/], visited Dec. 17, 2001; J. M. Martino, *Work-Life Initiatives in a Global Context*, June 29, 1999, available on the Internet at [http://www.conference-board.org/], visited Dec. 17, 2001.

[20]The City of Rockville, Maryland has developed a telecommuting policy, and Alexandria, Virginia is considering legislation to encourage employees to work from home. Fairfax County, Virginia government officials have set a goal to have 900 of the county's 10,000 employees working at home at least one day a week by 2005. See Michael D. Shear, "Telecommuting Hits Home as Way To Relieve Gridlock; Area Officials Vow To Move Idea Along," *Washington Post* (Loudoun Extra), Nov. 9, 2000, p. V4.

[21]See the Metropolitan Washington Council of Governments' Web site at [http://www.mwcog.org/commuter/ccindex.html], visited Dec. 17, 2001.

[22]Based on a telephone conversation with MWCOG staff on Nov. 6, 2001.

[23]Secretary Slater's letter to the cabinet departments was noted at the First Annual Washington Area Conference on Telework on Oct. 24, 2000. Shear, "Telecommuting Hits Home," p. V4.

systems. Various studies that have addressed these infrastructure and transit problems are discussed below.

Condition of the Infrastructure. On March 8, 2001, the American Society of Civil Engineers (ASCE)[24] released its 2001 Report Card for America's Infrastructure and gave 12 infrastructure areas a cumulative grade of "D+." In making this judgment, ASCE stated:

> One-third of the nation's major roads are in poor or mediocre condition, costing American drivers an estimated $5.8 billion a year. Road conditions contribute to as many as 13,800 highway fatalities annually. Twenty-seven percent of America's urban freeways — which account for 61% of all miles driven — are congested.

To remedy these deficiencies, "ASCE estimates a needed $1.3 trillion investment over the next five years and calls for a renewed partnership between citizens, local, state and federal governments, and the private sector."[25]

Demands on the Transit System. ASCE also graded the transit system and gave it a "C-." According to ASCE:

> Transit ridership has increased 15% since 1995 — faster than airline or highway transportation. Capital spending must increase 41% just to maintain the system in its present condition.

Citing an 11% increase from July 2000 to July 2001 in Washington transit ridership, a *Washington Post* editorial stated that success has its price: "To rehabilitate equipment, buy new cars, and expand the system to handle projected ridership, Metro officials say they need $12.3 billion by 2025. They have commitments from Maryland, Virginia and the District for $8.6 billion—leaving a shortfall of $3.7 billion."[26]

According to the American Public Transportation Association:

> transit ridership in the [Washington Metro] region grew by 13.2% last year, four times the national average. The numbers are a transit success story: Metro ridership has grown roughly 8 percent for three years in a row; last year Metrobus was the fastest-growing bus system in the country.... Transit needs are only part of the larger transportation picture for the region, of course. Overall, the Council of Governments has estimated that existing revenues fall nearly $1.7 billion a year short of what's needed for highway and transit growth, rehabilitation and maintenance over the next 25 years. In Northern Virginia alone over the next two

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[24] Representing over 123,000 civil engineers worldwide, the nonprofit ASCE was founded in 1852 and is America's oldest national engineering society.

[25] See ASCE's Web site for the full 2002 report card and March 8, 2001 press release, available on the Internet at [http://www.asce.org/reportcard/index.cfm], visited Dec. 17, 2001.

[26] Editorial, "Metro's Reddest Line," *The Washington Post*, Aug. 25, 2001, p. A18.

> decades, planners have identified $30 billion worth of highway and transit needs, of which nearly $15 billion remains unfunded.[27]

Up 9.5% from last year, ridership on the Washington Metro subway now ranks second in the nation, behind that on New York's subway system. July ridership statistics for the Washington Metro averaged a daily 674,786 trips, the highest number in Metro's 25-year history. Such crowding is prompting Metro officials to consider switching its two-by-two seats for the long benches of the New York subway. The change in design would widen the aisle on the trains and accommodate 30 to 60 more people standing. Increasing the capacity of each rail car may obviate the need for additional purchases of cars.[28]

Washington Metro is monitoring transit ridership in the aftermath of the September 11, 2001 terrorist attacks to determine if any changes in long-term plans are needed.

Traffic Congestion. In terms of the overall intensity and duration of traffic congestion, Washington ranks third, just behind Los Angeles and San Francisco in national "traffic misery." A Texas Transportation Institute 1999 study found that in the 68 urban areas studied, traffic cost $78 billion in lost time and wasted gas and an average of an extra 36 hours per person stuck in traffic. According to the study, morning and evening rush hour doubled from a combined three hours per weekday in 1982 to almost six hours in 1999, with Washington local drivers spending "an average of 46 hours a year delayed in traffic." The region is "third in nation's traffic congestion, fourth in amount of extra time needed for a trip during rush hour and fifth in the average amount of time each person wastes in traffic jams."[29]

Views on Telework

Positive Views

To some, telework seems to be a natural progression of flexible workplace features, including flexible work schedules and subsidies to encourage employees to use public transportation. Various purposes or reasons are stated in support of telework. Among those identified by GSA (OPM and the legislative branch identify many of these as well) are the following:

> Improvements in employee morale and effectiveness. [The rationale is that telework saves time, thus contributing to a better balance between work and family needs.]

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[27]Editorial, "Keeping Up With the Riders," *The Washington Post,* April 19, 2001, p. A18.

[28]Lyndsey Layton, "Metro Considers a Divisive Stand," *The Washington Post,* Aug. 25, 2001, p. A01

[29]Katherine Shaver, "Traffic Misery Slips — on Paper," *The Washington Post,* May 8, 2001, p. A1.

Reductions in transportation costs including car insurance, maintenance, and wear.

Accommodation of employees with short or long term health problems or family responsibilities, such as problems associated with elder care and latch-key children.

Cost savings to the Government in regard to office space, sick leave absences, and energy conservation.[30]

Reduction in automobile-created air pollution and traffic congestion [and reduction in stress caused by the latter].

Potential for increased productivity.

Improved work atmosphere due to fewer co-worker non-business interruptions.[31]

Those who favor telework believe that it adds a dimension of appeal to federal service. Recruiting, hiring, and training new staff are costly in terms of both dollars and staff time devoted to those efforts (which in turn affect the organization's other work). Retaining skilled staff (and their institutional memory) may be considered a benefit. The General Accounting Office (GAO) placed "strategic human capital management" on its January 2001 list of high risk concerns in the federal government. The Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia of the Committee on Government Affairs, in a December 2000 report on management of the federal government's human capital, recommended that comprehensive workforce planning be made mandatory across the executive branch. The subcommittee conducted a hearing on February 1, 2001 at which the Comptroller General testified about the designation of human capital management as a high risk area.[32]

Specific examples of financial savings associated with telework have been identified. By implementing a telecommuting program in 1995 for railroad safety inspectors in 22 field offices, the Federal Railroad Administration saved approximately $251,929 by closing 18 field offices and reducing office space in nine others through

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[30]For an analysis of telecommuting as an energy conservation option, see CRS Report 90-524, *Telecommuting: A National Option For Conserving Oil*, by Fred Sissine.

[31]U.S. General Services Administration, Evaluation and Innovative Workplaces Division, Office of Real Property, Office of Governmentwide Policy, *Implementation Manual, Section IV: Questions and Answers* (Question 6). Printed from the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/manual6.htm], visited Dec. 17, 2001. Telework may also facilitate the employment of persons who are disabled. See Wendell H. Joice, "Home Based Employment: A Consideration for Public Personnel Management," *Public Personnel Management*, vol. 20, no. 1, 1991, pp. 49-60.

[32]See U.S. Congress, Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, *Report to the President: The Crisis in Human Capital*; Report Prepared by Senator George V. Voinovich, Chairman, subcommittee report, 106th Cong., 2nd sess. (Washington: 2000), p. 46. (Hereafter cited as *The Crisis in Human Capital.*)

FY1998.[33] GSA provided a preliminary assessment of four telecenters in 1995, which found that "telecommuters save an estimated 6,000 miles of travel annually by using the centers one or two days a week. The corresponding time savings for a telecommuter is some 160 hours a year and $500 a year in transportation costs."[34]

Other potential savings that could accrue from telework programs can also be identified. Employees who are teleworking on those days which are designated as liberal or unscheduled leave could continue to work, thereby reducing the cost to the government.[35] Telework benefits to employees can translate into savings in the cost of car maintenance, repairs, and gas.[36]

Federal managers are also sensitive to and considerate of the fears of employees about working in tall, high-profile federal buildings, particularly those located in the nation's Capitol. A distracted and anxious workforce could adversely impact productivity. These managers, as well as some employees, believe that telework, even on a limited basis, could help to alleviate or ameliorate employee anxieties, and contribute to retaining staff.[37]

Telework in the Aftermath of September 11, 2001. The terrorist attacks on the World Trade Center and the Pentagon prompted OPM and GSA to remind agencies that telework could assist their employees in recovering from the traumatic events. The agencies jointly stated that:

> During these difficult times, Federal employees in the DC Metropolitan and New York City areas, as well as in other impacted parts of our country, are finding it increasingly time-consuming to get to work due to road closings and increased security precautions. OPM encourages Federal agencies and managers to make

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[33]*Evolution of Telework*, p. 34.

[34]U.S. Dept. of Transportation, *Successful Telecommuting Programs in the Public and Private Sectors; A Report to Congress* (Washington: U.S. Dept. of Transportation, 1997), p. 31.

[35]OPM estimated that a one-day closure in the Washington, DC Primary Metropolitan Statistical Area costs $68.3 million dollars and in the entire executive branch costs $339.1 million dollars, as of November 2000. Three recent closures of federal government offices in the Washington, DC area were Jan. 8 through 10 and Jan. 12, 1996 because of snow; Jan. 25-26, 2000 because of snow; and April 17, 2000 (limited closure or unscheduled leave) because of the protests surrounding the World Bank and the International Monetary Fund annual meetings. (U.S. Office of Personnel Management, Office of Congressional Relations. Data sent to CRS by facsimile Nov. 29, 2000.) The cost of closing Senate and House offices because of inclement weather or budget shutdown, or for other reasons, cannot be quantified, because each office acts as its own employing office and determines the policy for staff.

[36]The MWCOG provides a calculator to estimate monthly or annual costs of commuting on its telework Web site at [http://www.mwcog.org/commuter/costcommute.htm], visited Dec. 17, 2001. Subtracting telework days from these estimates illustrates the possible savings to the employee.

[37]Based on conversation with congressional staff and committees, and news reports including Eliza Newlin Carney, "When Working on the Hill is Hazardous," *National Journal*, Oct. 27, 2001, pp. 356-357.

> optimum use of personnel flexibilities such as telework and alternative work schedules to help relieve traffic congestion in these areas. Furthermore, Telework may be appropriate for employees who have experienced traumatic workplace events such as those that occurred on September 11, 2001. In addition to relieving traffic congestion which can reduce commuting time, telework can assist employees who have been displaced because their federal building has been destroyed. Agencies should work with local Federal Executive Boards and the General Services Administration in these areas to assist in locating alternative work sites.
>
> Telework arrangements must be sensitive to the employee's needs for recovery. Teleworking can be helpful for the employee recovering from trauma if it shortens a long, stressful commute and gives the employee more time with loved ones. On the other hand, if not correctly designed, the telework arrangement has the potential for making it even more difficult for an employee to recover from trauma. Federal Employee Assistance Programs have staff who understand these issues and can advise managers who are making decisions about telework.[38]

Advocates of telework believe that it would allow an organization's or agency's workforce to be dispersed and decentralized so that essential functions could be continued in emergencies. Agencies might develop telework programs that include rotating a certain number of employees between primary and off-site locations. During a crisis, work could continue at the off-site locations. This feature of a telework program could be used as a trial period for certain employees or as part of a pilot program at those agencies that have thus far been skeptical about the merits or feasibility of telework. Backup files, electronic or otherwise, could be stored at space leased by agencies at other locations, thereby providing for protection of those files during emergencies such as natural disasters or terrorist attacks.

Some managers who might have been skeptical about the merits of telework prior to the September 11, 2001 terrorist attacks and the anthrax threat might now consider it as an important component of contingency planning. Prior to these events, some managers might have perceived telework primarily as a benefit for the employee. A shift in that perception could occur as managers reassess and refine their emergency preparedness and disaster recovery plans in preparation for any future comprehensive emergency evacuation or shutdown of buildings or operations, either temporarily or for a longer period of time.

Congress, the President and Vice President, executive branch agencies, and the Supreme Court provide examples of off-site work in the aftermath of September 11.

Congress. With the discovery of traces of anthrax in the Hart Senate Office Building on October 17, 2001 and the subsequent sweep of all the buildings within the Capitol complex to test for anthrax contamination, the telework option became important to Members and staff of the House and Senate seeking to continue the legislative work of Congress and the operations of the government.

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[38]U.S. General Services Administration and Office of Personnel Management, "Telework Can Assist in the Recovery Needs of Federal Employees," available on the Internet at [http://www.telework.gov/recovery.htm], visited Dec. 17, 2001.

President and Vice President. Even before the September 11 attacks, President George W. Bush worked wherever he was, including aboard Air Force One. In the hours immediately following the attacks, the President continued to monitor events and coordinate the nation's responses on Air Force One.[39] Since September 11, as a security precaution, Vice President Richard Cheney has worked periodically at undisclosed locations away from the Old Executive Office Building and his offices in the Capitol, conducting much of his work by telephone and videoconferencing.[40]

Executive Branch Agencies. *Government Executive* reported that at the time of the September 11 attacks, "More than 2,800 employees worked in offices leased by the General Services Administration in Buildings 6 and 7 at the World Trade Center complex." Another 25,000 federal employees who worked nearby were forced to evacuate their offices in buildings at 26 Federal Plaza, 290 Broadway, 40 Centre Street, and 500 Pearl Street. In the aftermath, GSA officials quickly began to locate alternative office space for the displaced federal employees[41] and "notified its Burlington, VT supply depot to go on a 24-hour work schedule to meet agencies' needs for furniture [and] office supplies"; and GSA's "Federal Technology Service made 500 computers available to agencies within two days of the attacks."[42]

Supreme Court. The Supreme Court building was closed on October 26, 2001 after anthrax traces were discovered at its off-site mail facility and in the Court's own mail room. The Court continued its work by convening at a federal courthouse a few blocks away at the foot of Capitol Hill. Chief Justice William H. Rehnquist opened the proceedings by stating that "[t]his is the first time this court has met outside our building since it opened in 1935."[43] The Supreme Court Building reopened on November 5, 2001.

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[39]A National Geographic special that aired in July 2001 on the Public Broadcasting Service characterized Air Force One as the "flying Oval Office" and stated that the airplane used by President Franklin Delano Roosevelt to travel to Casablanca in 1943, the Dixie Clipper, "helped to transform the American Presidency into a global office." See Public Broadcasting Service, National Geographic Special, "Air Force One," printed from the Internet at [http://www.pbs.org/whatson/press/jul01/ng_airforce.html], visited Dec. 17, 2001.

[40]Edwin Chen, "Cheney Mostly Out of Sight, But Still Involved," *The Los Angeles Times*, Oct. 12, 2001, p. A3.

[41]GSA and OPM issued joint guidance on finding alternative office space for displaced federal employees in New York City and Washington, DC. See U.S. General Services Administration and Office of Personnel Management, "Relocation Site Information for New York City Federal Employees Impacted by Loss of Offices," available on the Internet at [http://www.telework.gov/relocation.htm], visited Dec. 17, 2001.

[42]Tanya N. Ballard, "Horror, Then a Helping Hand," *Government Executive*, vol. 33, Oct. 2001, pp. 12, 14.

[43]Frank J. Murray, "Court Lets Virginia Law Stand From New Location," *The Washington Times*, Oct. 30, 2001, pp. A1, A12.

Reservations

Among the concerns of managers thinking of establishing telework programs and the considerations of employees thinking of participating in telework programs are the following:

Tasks and Positions. Certain tasks may be better suited to telework than others. Among those mentioned by GSA and OPM are general planning; writing; data analysis; reviewing files; telephone-intensive tasks (information research, setting up meetings); and computer-oriented tasks (programming, data entry, word processing). Additionally, telework may be appropriate particularly for completing episodic work or projects without interruptions. Typically eligible for telework are jobs characterized by work that: (1) is unclassified and does not require a security clearance; can be performed off-site; lends itself to easy measurement of its products and progress; (2) requires tools that are easily portable; (3) can be performed with the use of a telephone, computer, and/or facsimile machine; and (4) can be performed by an individual, rather than a group.[44]

Tasks that may not be suited for telework include those involving: (1) extensive face-to-face interaction with the supervisor or other employees, or the public; (2) supervision of other employees; (3) research that requires access to materials not accessible electronically, or that cannot be removed from the main office site; and (4) the use of equipment that cannot be provided by the employing office. In the executive and legislative branches, telework may not be practical for certain staff whose positions require close and frequent interaction with Members of Congress, high government officials, or other staff; or responsiveness to constituent inquiries (including office visits and telephone calls).

Equity and Morale. While some cite morale and productivity as benefits of telework, making some employees eligible for participation and others ineligible may raise fairness issues and have an opposite effect on employees who remain at work in the central office site.

Productivity. If an employee's productivity declines and if the evaluation so indicates, the employer and employee would need to re-evaluate the terms of the telework agreement, or even terminate it. Reserved for the manager or supervisor is the right to terminate telework agreements for any reason and at any time. Some employees who were initially motivated to participate in telecommuting may decide after a period of time that telework is unsuitable for their particular circumstances. Others may find that they prefer a clear delineation between work and home, or that the alternative work location does not provide an environment conducive to greater productivity. Still others may conclude that there is no substitute for being at the central worksite full time, interacting face-to-face with colleagues, and accessing work materials that are digitally inaccessible.

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[44]U.S. Office of Personnel Management, Office of Congressional Relations. Statement sent to CRS by facsimile Nov. 29, 2000.

Staff Work Style and Turnover. In some congressional offices and committees, being available almost "24-7" (the concept of all-day, every-day work style) may be expected for certain positions and during specific legislative and appropriations cycles. Similar availability may be required during certain periods, such as annual preparation of the budget, in the executive branch.[45] Some believe that flexible work arrangements (including telework) during other periods, for particular offices, may help retain staff in both the executive and legislative branches.

Staff turnover on Capitol Hill traditionally has been high, particularly in entry positions. In the view of many, while recruiting congressional staff is not a problem, retaining them is. According to the Congressional Management Foundation (CMF)[46] *1999 Senate Staff Employment Study*, of the offices that responded, nearly 50% of Senate staff had less than one year of experience in their current position, including 43% of communication directors, 46% of legislative assistants, 79% of legislative correspondents, 38% of legislative directors, and 30% of chiefs of staff.[47] Results of the CMF *2000 House Staff Employment Study* also indicated high turnover, with nearly two-thirds of respondents having less than two years experience in their current position, including 39% of chiefs of staff, 64% of legislative directors, and 74% of press secretaries.[48]

Impact on Organizational Culture. The essence of an organization is embodied in its unique culture. Methods that enable teleworking employees to stay connected to the cultures of their organizations are thought to be important because the procedures for fulfilling agency missions are developed and communicated by those cultures. The scope and implementation of a telework program might affect how the culture is transmitted throughout the organization and the way in which managers and staff interact and work.

Policy

Twice, in 1994 and 1996, presidential memorandums were issued that affirmed flexible work arrangements and directed OPM and GSA to assist executive agencies in implementing family-friendly work arrangements, including telecommuting. In implementing the directives, both agencies established similar definitions for telework,

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[45]An examination of the telework policies indicates that employees who are teleworking would come into the central office as needed.

[46]The Congressional Management Foundation, established in 1977 by former congressional staff to help improve congressional office management practices, is a non-profit, non-partisan organization. The studies of the Senate and House mentioned apply only to congressional staff in personal offices, and not leadership or committee staff.

[47]Sheree L. Beverly, *1999 Senate Staff Employment Study* (Washington: Congressional Management Foundation, 1999) p. 103. This study was based on 54 Senate offices responding to the CMF questionnaire.

[48]Sheree L. Beverly, *2000 House Staff Employment Study* (Washington: Congressional Management Foundation, 2000), p. 79. This study was based on 183 House offices responding to the CMF questionnaire.

which emphasized that the term connotes working away from the principal (or traditional) office or at "any location other than an employee's normal duty station." According to GSA, "modern technological advances have made it easier to work anytime, anywhere, and anyplace." "To be considered telecommuting, [however] the work done must be in paid status.... [W]orking at home extra hours for which the employee is not paid is not telecommuting."[49]

Policies on telework are evolving. Both GSA and OPM have published general policies and guidance on telework programs. These enunciate some common principles underlying such programs and address issues that an agency or employee must consider before establishing or participating in a program. Although the legislative branch has no corresponding entities, a comparison of the policies and guidance for this branch (where telework programs exist) indicate that they are quite similar to those of the executive branch.[50]

Principles underlying telework programs as enunciated by GSA and OPM can be grouped into three categories, stated below.

Ground Rules

- Telecommuting is a management decision and option, not an employee right or benefit.
- Participation is voluntary and may be terminated by either the employee or the supervisor or manager.
- A written telecommuting agreement must be signed by the employee and supervisor or manager.
- Telecommuting does not change the terms and conditions of employment, including salary and benefits.
- Responsibilities of employees are specifically defined.
- Work schedule (days or hours) and location of the alternative work site are specified.

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[49]U.S. General Services Administration, *Implementation Manual for Telecommuting/ Telework*, available on the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/mworkplce.htm]; U.S. Office of Personnel Management, *Telework/Telecommuting*, available on the Internet at [http://www.opm.gov/wrkfam/telecomm/telecomm.htm], both Web sites visited Dec. 17, 2001. GSA's guidance is more detailed than OPM's, and the latter's Web site refers readers to GSA.

[50]Sample telework agreements were examined to reach this conclusion.

Working Conditions

- Duties and tasks performed must be conducive to working in another environment that will optimize efficiency and performance.
- Some agencies may prohibit the care of dependents during scheduled teleworking hours.
- The alternative worksite, generally the responsibility of the employee, should be a clean, safe area which may be subject to inspection by the employing office.[51]
- Appropriate office equipment and supplies, and service and maintenance of government-owned equipment, may be provided and are to be used for official purposes only.
- Specifically authorized telecommuting expenses may be reimbursable (telephone and telecommunications charges are generally reimbursable in accordance with regulations).
- Workman's compensation rules generally apply.
- Safeguards for the security of classified and sensitive information may apply and be spelled out in written agreements.
- Files, records, and documents created using government-owned equipment are the property of the government.

Performance Requirements

- Work performance must not be diminished as a result of telecommuting, and performance appraisals are conducted in the same manner as if the work occurred at the central office.
- Participating employees must be able to work independently and require minimum supervision.
- In some cases, eligibility may require attainment of a certain performance rating.[52]

OPM and GSA are posting policies and agreements on telework from executive branch agencies on their joint Internet Web site.[53]

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[51]See CRS Report RS20463, *Application of the Occupational Safety and Health Act (OSHA) to Teleworkers*, by Kimberly D. Jones.

[52]See footnote 49.

[53]The joint Web site is available on the Internet at [http://www.telework.gov/agencies.htm], (continued...)

Implementation

Executive Branch

Section 359 of the Department of Transportation Appropriations Act for FY2001, which became P.L. 106-346 on October 23, 2000, directs executive agencies to establish policies under which eligible employees "may participate in telecommuting to the maximum extent possible without diminished employee performance." OPM issued guidance to the agencies on the law's provisions on January 29, 2001 and February 9, 2001. According to OPM:

> The purpose of the law is to require that each agency take a fresh look at the barriers that currently inhibit the use of this flexibility, act to remove them and increase actual participation. The law recognizes that not all positions are appropriate for telecommuting; therefore, each agency must identify positions that are appropriate in a manner that focuses on broad objective criteria. Once an agency has established eligibility criteria, subject to any applicable agency policies or bargaining obligations, employees who meet them and want to participate must be allowed that opportunity if they are satisfactory performers.[54]

The guidance included a form on which the agencies were to report to OPM, by April 2, 2001, on the establishment of their telecommuting policies, including the percentage of their workforce covered by and the basic elements of the policy.

By April 23, 2001, the Director of OPM had to ensure "that the requirements of the section are applied to 25 percent of the Federal workforce [eligible to participate], and to an additional 25 percent of such workforce each year thereafter."[55] The

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[53](...continued)
visited Dec. 17, 2001. Also see The PricewaterhouseCoopers Endowment for the Business of Government, *Managing Telecommuting in the Federal Government: An Interim Report*, by Gina Vega and Louis Brennan, June 2000. (Hereafter cited as *Managing Telecommuting*.)

[54]U.S. Office of Personnel Management, Memorandum for Heads of Executive Departments and Agencies, Establishing Telecommuting Policies, Jan. 29, 2001 and Feb. 9, 2001. Sent to CRS by the Family-Friendly Workplace Advocacy Office at OPM by facsimile Feb. 15, 2001.

[55]P.L. 106-346, Oct. 23, 2000, 114 Stat. 1356. In a Feb. 13, 2001 news release, Representative Frank Wolf stated the intent of the provision: "The program is to be phased in over the next four years, giving 25 percent of those eligible to telecommute the option of starting this year." The news release is available on the Internet at [http://www.house.gov/wolf/2001213Telecommute.htm], visited Dec. 17, 2001. Another provision on telework is included under the Department of Transportation, Office of the Secretary account in P.L. 106-346 as well. The Secretary of Transportation is directed to "conduct an assessment of the existing practices and infrastructure involved with telework efforts in the greater New York metropolitan area and determine if a telework program, supported by the federal government, could provide significant incentives for increasing the use of telework, thereby reducing vehicle miles traveled and improving air quality." The assessment is to identify representatives from local government, environmental organizations, and transportation
(continued...)

provision was added to the appropriations bill by the conference committee which explained the requirement in its report accompanying the bill:

> Within one year, the Office of Personnel Management shall evaluate the effectiveness of the program and report to Congress. Each agency participating in the program shall develop criteria to be used in implementing such a policy and ensure that managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are removed. Each agency should also provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy. Telecommuting refers to any arrangement in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee. Eligible employees mean any satisfactorily performing employee of the agency whose job may typically be performed at least one day per week [at an alternative worksite].[56]

OPM Report to Congress. OPM reported to Congress on the status of telework in the federal government in an interim report[57] published in June 2001 and in a final report[58] published in January 2002. OPM found that, as of October 1, 2001, 74,487, or 4.2%, of federal workers teleworked. Sixty-four agencies with a total workforce of 1,765,967 employees responded to OPM's survey on telework. At the National Credit Union Administration, 74% of the workforce teleworks. More than 30% of the workforce teleworks at three agencies — OPM (38.5%), the National Endowment for the Arts (36.5%), and the Farm Credit Administration (31.9%). At least 20% of the workforce teleworks in nine agencies. One department, the Department of Education, has 22.1% of its workforce teleworking. The other eight agencies are the Consumer Product Safety Commission (29.2%), the National Endowment for the Humanities (29.1%), the Federal Energy Regulatory Commission (23.9%), the Pension Benefit Guaranty Corporation (22.5%), the Merit Systems Protection Board (22.3%), the Environmental Protection Agency (21.6%), the Federal Communications Commission (21.2%), and the Equal Employment Opportunity Commission (20.8%).[59]

Among agencies responding to the OPM survey that have at least 3,000 employees, the Department of Veterans Affairs (0.4%) and the Department of State (0.9%) have the lowest percentages of teleworkers. Five other agencies have less than 2% of employees teleworking. These agencies are the Department of Agriculture (1.7%), the Department of Defense (1.6%), the Federal Emergency Management

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[55](...continued)
agencies to serve as "a New York City design team for implementing a telework program." The Secretary must report his or her findings to Congress within six months. Funding in the amount of $300,000 is provided to carry out these activities. See H.Rept. 106-940, p. 66.

[56]H.Rept. 106-940, p. 151.

[57]U.S. Office of Personnel Management, *Interim Report on Telework in the Federal Government*, June 2001.

[58]U.S. Office of Personnel Management, *Report to the Congress; The Status of Telework in the Federal Government*, Jan. 2002.

[59]Ibid., pp. 6-7.

Agency (1.6%), the Department of Justice (1.2%), and the National Archives and Records Administration (1.2%).[60]

House Committee on Appropriations. The committee report accompanying the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for FY2002, H.R. 2500, expressed a commitment to telework in the federal government. It also expressed the expectation that the departments, the judiciary, and the related agencies funded by the bill would fully comply with the requirements of section 359 of P.L. 106-346.[61]

Telework Issues Working Group. In November 2000, GSA and OPM formed a working group, which currently comprises representatives from 17 cabinet and independent executive agencies, to evaluate issues related to telework and to determine what further guidance or legislation, if any, might be recommended. (The departments and many independent executive agencies have had telework coordinators in place for some time.[62]) The working group anticipates that the Chief Information Officers will be active participants in its discussions, especially those on computers and other equipment. An initial meeting of the group on November 7, 2000 produced a listing of "Telework Related Policy Issues" for examination, covering nine areas (and 18 pages).[63] Some of the issues being reviewed, categorized by area, are quoted below.

> **Legal/Procurement:** Are existing telework guidelines up-to-date and accurate regarding liability laws?
>
> **Telecommunications:** [A]ddress the costs of maintaining two work stations for employees who telecommute. Should the agency be responsible for paying for computer equipment, job related internet costs [and the like].
>
> **Computers and Other Equipment:** To insure that Government work is not compromised as a result of viruses or inadequate safeguards that an employee may have on a personal computer at home, as funding is available, agencies should be urged to provide appropriate equipment and software for teleworkers [suggested by a Department of Energy representative on the working group].[64]
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> **Taxes:** If [an agency] establish[es] alternative officing and the employee no longer has full use of the workstation at the main worksite, does that mean the worker can write off [for tax purposes] use of [the] home office?

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[60]Ibid., p. 7.

[61]U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2002*, report to accompany H.R. 2500, 107th Cong., 1st sess., H.Rept. 107-139 (Washington: GPO, 2001), p. 7. The bill became P.L. 107-77 on Nov. 28, 2001.

[62]A listing of the coordinators is available on the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/tcoords.htm], visited Dec. 17, 2001.

[63]"Telework Related Policy Issues." Internal working document sent to CRS by a member of the working group by e-mail Nov. 28, 2000.

[64]Ibid., p. 4.

Worksite Health/Safety: Although self-certification forms, [certifying that health and safety requirements are met], are readily available from both GSA and OPM, it is not clear ... how and under what conditions they are to be used.

Human Resources Management: [Such issues as] (1) Should other employees have access to a teleworker's main worksite station when [it] is not in use? (2) Need [for] a governmentwide policy that excludes employees where feasible, from standard leave and hours of duty regulations. (The idea of [working] "anytime – anywhere"). (3) Need [for a] standard definition of telework: temporary disability, permanent disability, project work [and so forth and] [c]larification that telework covers any alternate worksite and not just home, telecenters [and so forth].

Continuation of Operations (COOP): Need clarification of policies on telework and [continuing agency operations].

Pay: [Such issues as] (1) Locality pay implications and guidance? (2) Manager has four long distance telework situations where he wants to pay competitive salary rates, travel costs from [the] home office to [the] traditional office, and not [have that] impact upon competitive area status during possible RIFs [reduction in force]. For example [the] regular office [is] in state A [and the] home office [is] in state B. Wants to pay travel to state A.

General, Training, Support: Need to clarify [the] roles of OPM and GSA in Telework .... It would be less confusing to agencies if OPM and GSA would clarify their respective roles in establishing Federal telecommuting policy and initiatives ... [and set up] a "one-stop" web site for telecommuting [suggested by a Department of Commerce representative on the working group]. Greater collaboration among Departments/Agencies would create the synergy needed to create first-class programs [suggested by a Department of Education representative on the working group].[65]

International Telework. Work abroad may also apply telework, as this example provided by OPM illustrates:

In 1995, one of the functional bureaus at the Department of State proposed that a civil service employee be permitted to perform her Washington-based job duties from overseas. The employee was married to a foreign service officer who was being posted in Ankara, Turkey. The bureau and the employee felt that a telework arrangement would be ideal and would meet the needs of both the agency and the employee. The department determined that the employee's duties in the financial bureau could be performed and monitored from the overseas location through the use of technology. A major benefit for the employee was that she did not have to leave her job and experience a break in her Federal service. The department was very interested in keeping this employee on board, given her excellent record, her extensive knowledge and superb skills. It further determined that she might be able to conduct site reviews in some European cities, thereby saving the department the more expensive travel costs of sending other employees from the U.S. According to the employee, the arrangement worked out very well, [and she] report[ed] that her production increased dramatically. While in Ankara, she occupied an office at the embassy. Issues of diplomatic immunity, reporting requirements, use of

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[65]Ibid., pp. 11-12.

technology, and office space and location were some of the details addressed by a team that worked to implement this arrangement.[66]

Telecenters. More than 400 federal employees are using telecenters, satellite offices shared by agencies, as their alternative worksites, as of October 1, 2001.[67] The two largest users of the telecenters are the Department of Defense and GSA. Telecenters are located in the states of Georgia, Illinois, Minnesota, and Ohio, and in the Washington, DC metropolitan area.[68] Among the sites in the DC area are telecenters located in the District of Columbia; in Bowie, Frederick, Hagerstown, Laurel, Prince Frederick, Silver Spring, and Waldorf, Maryland; in Fairfax, Fredericksburg, Herndon, Manassas, Stafford, Sterling, Winchester, and Woodbridge, Virginia; and in Ranson, West Virginia.[69] Monthly fees charged to an agency to lease an individual workstation vary by telecenter.[70] According to GSA: "Agencies that use telecenters must lease the telecenter workstations used by their teleworkers and, therefore, experience a double overhead cost for each teleworker using a telecenter (overhead for existing main worksite workstation plus lease cost for use of telecenter workstation). This, clearly, is not an efficient use of funds and is a primary deterrent to the development of telecenters."[71]

In its report accompanying the Treasury, Postal Service, and General Government Appropriations Bill for FY2002, H.R. 2590, the House Committee on Appropriations discussed the use of the GSA telecenters. According to the committee, the telecenters "are operating at about 50 percent of their full capacity and GSA is subsidizing operating costs not covered by user fees." The report directed GSA "to increase its marketing of the telecenters and to develop a business case for a pilot project that would allow a 60-day free trial period for certain federal employees to use the telecenters." Federal employees eligible to participate would be those employees who are eligible for telework but do not currently use telecenters. Additionally, the employees' agencies would have to "have sufficient funds to cover the user fees if the employee elects to continue using the telecenter after the trial

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[66]U.S. Office of Personnel Management, Office of Congressional Relations, statement sent to CRS by facsimile Nov. 29, 2000.

[67]Data provided to CRS by GSA by telephone Nov. 6, 2001. For information on the history of telecenters, see *Evolution of Telework*, pp. 24-31.

[68]Interagency Telecenter Listing, available on the Internet at [http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=114308&contentType=1004&P=1&S=1], visited Dec. 17, 2001.

[69]Listed on the Internet at [http://www.wmtc.org/index.mv], visited Dec. 17, 2001.

[70]For an example of the fees, see: "Federal Interagency Telecommuting Centers, FY2001 Pricing Structure and Billing Procedures," available on the Internet at [http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=114308&contentType=1004&P=1&S=1], visited Dec. 17, 2001.

[71]U.S. General Services Administration, "Federal Telework Topics," p. 17, available on the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/mworkplce.htm], visited Dec. 17, 2001. (Choose Telework Topics for Federal Employees.)

period."[72] GSA would be required to submit the business case to the committee within 60 days of the act's enactment. If warranted, the pilot program would be implemented immediately.

GSA is offering federal agencies the opportunity to have their employees work at one of the 15 metropolitan Washington, DC telecenters for 60 days on a trial basis without having to pay the fee that normally accompanies such use. Stephen A. Perry, GSA administrator, announced the initiative in a March 6, 2002 letter to heads of departments and independent agencies. The 60-day period runs from March 6 through June 30, 2002. According to Mr. Perry, telecenters "may provide agencies with an effective means for distributing their workforces to enhance homeland security and continue government operations during emergency situations."[73] Federal employees working in the executive, legislative, and judicial branches are eligible to use the telecenters (subject to the policies of their respective agencies).[74]

The House Committee on Appropriations report also directed GSA:

> to prepare and deliver to the Committee 90 days after enactment of this Act a report evaluating the costs (actual costs on a per-worker basis based on historical data) of providing telecenters in comparison to the costs of establishing and operating a workplace within a telecommuter's home, and the other relative merits of each approach.

The report further directed GSA:

> to evaluate the needs and opportunities for establishing a telecenter to serve the Route 355/I-270 corridor and a telecenter to serve the Georgia/New Hampshire Avenue corridor in Montgomery County, Maryland, to include this evaluation in the cost evaluation report, and to proceed with establishing both or either of these centers if warranted.[75]

The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, P.L. 105-277, provided that "For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum $50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program." The law defined the term "flexiplace work telecommuting program" as "a program under which employees of an Executive agency are permitted to perform all or a portion of

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[72]U.S. Congress, House Committee on Appropriations, *Treasury, Postal Service, and General Government Appropriations Bill, 2002*, report to accompany H.R. 2590, 107th Cong., 1st sess., H.Rept. 107-152 (Washington: GPO, 2001), p. 71. (Hereafter referred to as H. Rept. 107-152.) President George W. Bush signed H.R. 2590 on Nov. 12, 2001, and it became P.L. 107-67.

[73]The letter is available on the Internet at [http://www.telework.gov/LtrAgcyHeads.htm], visited April 2, 2002. For more information on the initiative see [http://www.telework.gov (select Telecenters)].

[74]Telephone conversation with GSA National Capital Region staff on April 2, 2002.

[75]H.Rept. 107-152, p. 71.

their duties at a flexiplace work telecommuting center."[76] Telephone conversations with several executive agencies indicate that no procedure is in place to track the implementation of this provision.

The FY2002 Treasury, Postal Service, and General Government Appropriations Bill (P.L. 107-67) includes a provision at section 638 that requires executive agencies covered by P.L. 105-277 to submit a report to OPM within 60 days after the close of FY2001 on their efforts to implement the law. OPM in turn must prepare a report summarizing that information for the House Committee on Appropriations within 90 days after the close of FY2001.[77] OPM has requested reports from the agencies and is preparing its report to Congress.

The accessibility of telecenters could be enhanced by allowing teleworkers who are pre-registered to use the centers on other than a monthly or an annual basis. A portion of a center might be reserved for teleworkers who are walk-ins and who may have computers at home but may occasionally need to print or specially produce documents or use equipment at the center when their own equipment breaks down. Such walk-ins could use the centers on a hourly basis or during a reserved time period.

To highlight support for telework and the role that telecenters can play in facilitating telework, several Members of Congress have visited telecenters. Most recently, on January 25, 2002, Representatives Steny Hoyer and Albert Wynn toured the Bowie, Maryland Telecommuting Center with OPM Director Kay Coles James. While there, they talked with federal employees who are using the telecenter and discussed telecommuting in general. On January 8, 2002, Representative Shelley Moore Capito promoted telework by visiting the Jefferson County, West Virginia Telecenter. During her visit, she conducted official business and met with local officials.[78]

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[76]P.L. 105-277, Oct. 21, 1998, 40 U.S.C. 490 note, 112 Stat. 2681-522 - 2681-523. The law covered these departments and agencies: Depts. of State, the Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, and Veterans' Affairs; and General Services Administration, Office of Personnel Management, Small Business Administration, Social Security Administration, Environmental Protection Agency, and U.S. Postal Service.

[77]U.S. Congress, Conference Committees, 2001, *Making Appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and Certain Independent Agencies, For the Fiscal Year Ending September 30, 2002, and For Other Purposes*, conference report to accompany H.R. 2590, H.Rept. 107-253, 107th Cong., 1st sess. (Washington: GPO, 2001), p. 41. The House of Representatives agreed to the conference report on a 339-85 vote (Roll No. 413) on Oct. 31, 2001, and the Senate agreed to it on an 83-15 vote (Roll No. 321) the next day. President George W. Bush signed H.R. 2590 on Nov. 12, 2001, and it became P.L. 107-67.

[78]"Hoyer, OPM Director Try Telecommuting," Jan. 25, 2002. Available on the Internet at [http://www.house.gov/hoyer/20020125.htm], visited April 2, 2002. "Capito Continues to Promote Telecommuting, Jan. 8, 2002. Available on the Internet at [http://www.house.gov/apps/list/press/wv02_capito/pr010802telecentr.htm], visited April 2, 2002.

Studies. Several studies on telework have been conducted by the General Accounting Office (GAO), OPM, GSA, and the PricewaterhouseCoopers Endowment for the Business of Government. Additionally, MSPB and the Senate Governmental Affairs Committee considered telework as part of their broader reports. Evaluations have focused on the implementation of telework programs, best practices for telework, federal employee views, and the benefits of telework.

Implementation of Telework Programs. The General Accounting Office published the results of an evaluation of flexiplace in July 1997, which included these observations:

> Agency officials said that most employees using flexiplace were in professional occupations. They told us that the staff members most frequently using flexiplace were employed as engineers and engineering technicians, attorneys and paralegals, program and management analysts, computer personnel, investigators, and inspectors.
>
> Agency officials and union representatives told us that management resistance was the largest barrier to implementing flexiplace programs. They explained that some managers and supervisors resisted allowing staff to participate in flexiplace because they did not believe that employees were working unless they could see them.
>
> [A] lack of adequate equipment was identified as a barrier by 12 of the 28 agency officials and 4 of the 9 union representatives we interviewed .... Five of the 28 agency officials and 1 of the 9 union representatives believed that the nature of the job was a barrier to implementing flexiplace .... Five of the agency officials and one of the union representatives we interviewed said that the handling of sensitive data was a barrier.
>
> Agency officials reported few operational difficulties as a result of flexiplace arrangements. Although agency officials told us that some managers initially feared participants would abuse flexiplace arrangements, these officials reported few instances of abuse.[79]

At the request of Congress, OPM reviewed family-friendly workplace arrangements in the federal government in August 1998. Telecommuting was one of the programs about which agencies were asked to provide feedback. Data provided to OPM showed that 73% of the agencies reported that they had implemented telecommuting programs, but just 0.5% of federal employees were participating in such programs. The agencies reported to OPM that the top three reasons for not implementing telecommuting were that it "may cause customer complaints about availability; may cause difficulties in ensuring office coverage; and may cause problems scheduling meetings." According to OPM: "Several focus group participants stated that their offices do not permit telecommuting, even if their agencies had implemented the program. Focus group feedback indicated there are several barriers to implementing telecommuting programs: lack of resources, lack of

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[79]U.S. General Accounting Office, *Federal Workforce: Agencies' Policies and Views on Flexiplace in the Federal Government*, GAO Report GGD-97-116 (Washington: July 1997), pp. 13-16.

trust between supervisors and employees, time consuming paperwork necessary to track employee hours, difficulty in assessing employee performance, and security issues."[80]

In July 2001, GAO published the text of a briefing that was conducted for Representative Dick Armey "on potential tax, regulatory, and liability barriers that employers face when they establish telecommuting programs for their employees." In seeking to explore the potential barriers faced by private industry employers, GAO, among other activities, "interviewed representatives from two organizations that promote telecommuting programs, two industry trade organizations that represent employers who have telecommuting programs, four employers with telecommuting programs in place, several union officials, and an attorney from a law firm that provides assistance to employers who may want to establish telecommuting programs." GAO estimated that 16.5 million employees telecommute at least once a month and 9.3 million employees telecommute at least once a week. According to GAO:

> many telecommuting proponents believe that significant obstacles to increased use of telecommuting involve internal management concerns related to (1) assessing whether the employer has the types of positions and employees suitable for a telecommuting program, (2) maintaining security over sensitive company data while monitoring the actions of remote workers, and (3) ensuring that telecommuting activities do not adversely affect profits.[81]

Furthermore, GAO identified "individual state tax laws that could expose employers and employees to additional state taxes, and the applicability of federal workplace health and safety laws and regulations to telecommuters' home offices" as other potential barriers to telecommuting. Because several of these laws and regulations predate "the move toward the more technological and information-based economy in which telecommuting has developed," GAO observed that "their application to telecommuting is evolving and is somewhat unclear at this time."[82]

Best Practices for Telework. A June 2000 study published by the PricewaterhouseCoopers Endowment for the Business of Government concluded that "best practices in teleworking have yet to manifest themselves" and their development will be ongoing and incremental. The authors found that such practices would be "optimized by the happy confluence of work inherently suited to flexiplace; workers suited to independent work; and trusting, supportive, and unintrusive managers."[83]

In May 2001, OPM's Philadelphia regional office released a special study on successful applications of telework. The report identified the common themes and

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[80]U.S. Office of Personnel Management, Office of Workforce Relations, *A Review of Federal Family-Friendly Workplace Arrangements* (Washington: Aug. 1998), pp. 8-9, 13.

[81]U.S. General Accounting Office, *Telecommuting; Overview of Potential Barriers Facing Employers*, GAO Report GAO-01-926 (Washington: July 2001), p. 1.

[82]Ibid., p. 2.

[83]*Managing Telecommuting*, pp. 23, 26.

critical elements for success found in 13 telework cases.[84] Improved productivity, reduced employee stress, saved commuting time, access at home to electronic mail and information as at work, and increased attention to maintaining interpersonal relationships were the common themes. As for keys to success, three critical elements were "managers with a willingness to experiment, motivated, self-starting employees, and clearly defined expectations at the outset."[85] A March 14, 2001 seminar conducted by OPM also included presentations on specific employee experiences with telecommuting.[86]

The GSA's Office of Governmentwide Policy released the findings of its study on effective practices for establishing successful telework programs in September 2001. Conducted in the fall and winter of 2000, the study asked "62 experts with specializations in telework" "to assess the value of 33 telework practices" that a blue-ribbon panel of private sector, non-profit, and government experts had recommended in 1999. The experts rated seven of the recommended practices as "essential" to the success of a telework program. These practices were: (1) developing clear, measurable telework program goals; (2) utilizing an executive champion; (3) utilizing a telework program manager/coordinator; (4) requiring telework training for managers of teleworkers; (5) ensuring that teleworker performance appraisals follow the same procedures and guidelines as those applied to other employees; (6) conducting an assessment to determine teleworker and/or organizational technology needs; and (7) establishing formal arrangements for technical support of teleworkers.[87]

Federal Employee Views. The Merit Systems Protection Board's (MSPB's) 2000 survey on Merit Principles asked executive branch employees throughout the government about the availability and importance of various family-friendly programs. With regard to telecommuting, 20% of respondents reported that such a program was available to them; 63% said it was not available; and 17% didn't know or were not sure. A telecommuting program was either important or very important to 47% of employees responding to the survey.[88] Of those employees who considered

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[84]The cases were a GS-13 budget analyst, a GS-13/14 information technology specialist, a GS-12 contract specialist, a GS-13 hearing representative, a GS-13 mathematical statistician, a GS-13 medical librarian, a GS-7 office automation assistant, a GS-12 and a GS-13 human resources specialist, a GS-12 safety and health compliance officer, a GS-12 safety specialist, a GS-12 statistician, and a GS-7 voucher examiner.

[85]U.S. Office of Personnel Management, Office of Merit Systems Oversight and Effectiveness, *Telework Works: A Compendium of Success Stories* (Washington: May 2001), pp. 3-5.

[86]The presentations are available on the Internet at [http://www.opm.gov/wrkfam/telecomm/telecomm.htm], visited Dec. 17, 2001.

[87]U.S. General Services Administration, *Expert Consensus on Recommended Practices for Telework Program Success* (Washington: Sept. 2001), p. i.

[88]U.S. Merit Systems Protection Board, Office of Policy and Evaluation, *Issues of Merit*, Sept. 2000, p. 5. Using OPM's Central Personnel Data File (CPDF), MSPB selected random samples of 750 employees from 22 major executive branch departments and independent agencies. A 23rd category, called "other," included a random sample of 750 employees from the remaining smaller agencies. For information on the survey, see the MSPB Web site at

(continued...)

telecommuting important, 55% "are more likely to plan to leave when it is not available" than when it is available (44%).[89] In reporting the findings, MSPB noted:

> Of all the family-friendly programs that we asked about in our survey ... telecommuting stood out for several reasons. First, it showed the greatest disparity between importance and availability; making it one of the most-desired but least-available programs. Second, of all the work/life programs we asked about, only telecommuting was the one that appeared to have a relationship to employee intentions to retire or look for another job in the coming year (i.e., 'planning to leave')....Telecommuting is certainly not the only factor related to employee plans to leave their jobs. Indeed, more than a few respondents to whom telecommuting is important say they plan to leave even when telecommuting is available. Nevertheless, the data show that telecommuting has high appeal for many employees.[90]

Telework Benefits. A December 2000 report issued by the Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia of the Committee on Governmental Affairs supported efforts to increase the number of federal employees who are telecommuting, stating that such programs "make federal service more attractive to many employees, especially parents of young children," and "ha[ve] the potential to reduce traffic congestion and pollution in large metropolitan areas."[91]

U.S. Congress

Telework has been demonstrated to have a practical application in the event of emergencies to continue the critical legislative and administrative operations of Congress. The discovery of anthrax spores in the Hart Senate Office Building on October 17, 2001, and the subsequent sweep of the Capitol complex buildings for anthrax contamination, propelled Members of the House and Senate, committees, and staff into a type of unscheduled telework program. This work at alternate locations constituted the first time Congress had vacated its office buildings since the British burned the Capitol in 1814. Most of the House and Senate Office Buildings reopened by November 6, 2001, except for the Hart Senate Office Building and selected offices in the Longworth House Office Building.[92] Fumigation of Hart Building offices to destroy all traces of anthrax spores began on December 1, 2001. The Hart Building reopened on January 22, 2002.

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[88](...continued)
[http://www.mspb.gov/studies/survey2000.html], visited Dec. 17, 2001. (Hereafter cited as *Issues of Merit.*)

[89]U.S. Merit Systems Protection Board, Office of Policy and Evaluation, *Issues of Merit*, Dec. 2000, p. 4.

[90]Ibid.

[91]*The Crisis in Human Capital*, p. 48.

[92]On Nov. 17 and 18, 2001, the Dirksen and Russell Senate Office Buildings were closed for further anthrax testing; they reopened on November 19, 2001. Following additional discoveries of anthrax, these buildings experienced further shutdowns for temporary periods.

Forced to leave their offices and committee rooms while the Centers for Disease Control conducted a sweep of all House and Senate office buildings for anthrax bacteria, House Members and staff set up temporary offices at the headquarters of the General Accounting Office (GAO), while Senators and their staff relocated temporarily to the Postal Square Building near Union Station, just blocks from their office buildings. Three staff members from each House office and up to 20 committee aides (a total of about 2,000 staff) were given office space on two floors of the GAO building.[93] Two telephones, two computers, and office supplies were given to each skeleton House staff. At the Postal Square Building, two staff members from each Senate office were given office space and one telephone line each.[94] The Library of Congress and the Congressional Research Service also offered office space to Members and staff. Congress continued to carry on its work, holding legislative sessions in the Capitol, after an abbreviated recess. Senators with "hideaway" offices in the Capitol building brought some of their staff to work, but not all Senators had such offices. Some House leadership offices and committees had office space in the Capitol building and were able to accommodate other staff. Still other congressional staff worked in Capitol basement hallways, out of cars and minivans, at home, or in the homes of Members and staff who live on Capitol Hill or in the suburbs. Some staff were dispatched to the Members' district or home offices.

Determination, improvisation, ingenuity, flexibility, and available technology enabled Members and staff to continue their work in a way that would not have been possible a few short years ago. Laptops, cell phones, pagers, palm pilots, Blackberries, and other wireless technology kept Members and staff in constant contact. Congressional staff whose offices had remote connectivity and policies in place were able to access their office computers and even make changes to Members' Web sites so that constituents as well as their colleagues could have updated information about the rapidly changing events on Capitol Hill, and about legislative action. Prior to October 15, 2001, an estimated 5% of congressional offices had the ability to update their Web sites remotely, and efforts to increase remote access had been widely discussed and were being planned. Some House staffers have Message Manager, a new voice mail tool that turns existing voice mail accounts into computer-based communications systems.[95]

Despite new technology and great effort, however, some work could not be conducted as efficiently because of the rushed departures and length of the shutdown, because certain files and paperwork remained in the quarantined offices, and because

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[93]Bill Swindell and Brian Nutting, "House and Senate Scramble for Temporary Office Space," *CQ Monitor News*, Oct. 23, 2001, available on the Internet at [http://oncongress.cq.com], visited Dec. 17, 2001.

[94]Polly Forster and Erin P. Billings, "Members, Staff Attempt to Deal With Office Upheaval," RollCallDaily, Oct. 23, 2001, available on the Internet at [http://rollcalldaily.com], visited Dec. 17, 2001.

[95]Congress Online Project, "How Is Anthrax Changing Congress and How Are Offices Using Technology to Cope?" Nov. 2001 newsletter available on the Internet at [http://www.congressonlineproject.org/november.html], visited Dec. 17, 2001. The Congress Online Project, funded by a grant from the Pew Charitable Trusts, is conducted by the George Washington University and the Congressional Management Foundation.

technological capabilities and equipment varied at the temporary work locations.[96] Staff were provided space to work, but may have had to go outside those temporary offices to make calls by cell phone. A period of adjustment to working under emergency conditions and in new environments occurred.

Some congressional hearings, scheduled before the congressional office shutdown, were held in the Capitol. On one morning, Capitol basement room SC-5 was the site for Senate hearings, including hearings on anthrax exposure held by the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education; in the afternoon, the Senate Armed Services Committee held a confirmation hearing in the same room. The House had a more difficult time keeping to its scheduled hearings because of the size of its committees, but it, too, was able to hold to some scheduled hearings, including, at the Department of Health and Human Services, the House Government Reform Committee's National Security, Veterans' Affairs, and International Relations Subcommittee hearing on vaccines to defend against biological warfare.[97] The House Democratic Task Force on Homeland Security met at a Capitol Hill townhouse to plan recommendations on terrorism issues.[98]

Discussions on contingency plans for continuing Congress's operations in the event of future evacuations and emergencies have begun. The House has embarked on a project to transfer its operations to Fort McNair under emergency conditions. These plans include replicating the House chamber to continue legislative sessions. The Senate's contingency plan includes meeting at a military installation.[99] The feasibility and desirability of an e-Congress system that would enable Members to vote electronically from a remote location continues to be debated.[100]

Working under these extraordinary and unprecedented conditions, Members and staff gained experience and knowledge about telework: what was possible, what was lacking and needed, and what they might do to improve their ability to work in any future emergencies, and prepare and plan for contingencies.[101]

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[96]Betsy Rothstein, "Displaced Hill Staffers Have Adjustment Woes," *The Hill*, Dec. 17, 2001, p. 7.

[97]Bill Swindell and Brian Nutting, "House and Senate Scramble for Temporary Office Space," *CQ Monitor News*, Oct. 23, 2001, available on the Internet at [http://oncongress.cq.com], visited Dec. 17, 2001.

[98]Amy Keller and Paul Kane, "Hill Works Through Closures," *Roll Call*, Oct. 22, 2001, p. 1.

[99]Susan Crabtree, "Ft. McNair Ready for House Action," *Roll Call*, Nov. 1, 2001, p. 1.

[100]Amy Keller, "E-Congress: Possible? Yes. Likely? No.," *Roll Call*, Nov. 5, 2001, p. 1.

[101]On Oct. 5, 2001, prior to the discovery of anthrax spores in Senate and House offices, the Congressional Management Foundation held a training seminar on crisis management, attended by staff from 55 House and Senate offices. The program included advice on preparations for sudden evacuations and tips on setting up alternate work spaces, telephone trees, and backup of computer systems in case of emergencies.

Prior to October 2001, an examination of the House and the Senate, their respective administrative offices, and legislative branch support agencies revealed no single telecommuting policy in the legislative branch. Senate, House, and legislative branch agencies that have established formal telework policies are not provided funding specifically for this purpose; funding must be taken out of existing budgets. In the House, ordinary and necessary telework expenses incurred by Members and their employees, in compliance with the Committee on House Administration's telecommuting policy, are reimbursable under the Members' Representational Allowance (MRA), as provided for in the *Members' Congressional Handbook.*[102] Funds for training qualify under the MRA as well. Conversations with the human resources offices of congressional offices and legislative support entities that have telework programs indicate that most teleworkers are working from home. As of October 1, 2001, only a handful of legislative branch employees were using the GSA telework centers. Entities in the legislative branch that have established formal telecommuting policies, or are considering a telecommuting policy, are discussed below.[103]

Members of Congress. Members may be said to telework. They perform legislative, representative, and oversight responsibilities in Washington, DC, carry out their duties at their respective home district and state offices, and hold field hearings and town hall meetings to develop and maintain personal contact with constituents. Laptops, palm pilots, and other wireless technology have enhanced their ability to work even when they are not in their Washington offices, in committee rooms, or in the Senate or House chambers. Travel between Washington and district/state offices by air, rail, or car is time-consuming, and Members make best use of this time by reading memoranda, reports, and briefing papers; analyzing issues; planning their schedules; and communicating on cell phones (without the usual interruptions they experience while in their offices). On occasion, Members participate in congressional delegations to foreign countries, inter-parliamentary exchanges, and international conferences. During such trips, technology has increasingly facilitated their mobility and ability to maintain contact with their offices.

State and District Staff. On occasion, some congressional staff who work at Members' home district and state offices carry out their responsibilities at locations outside of the primary office. These staff, usually field representatives and caseworkers, may schedule meetings regularly with constituents (about cases or other issues of concern) at local community centers or at other locations more convenient and accessible to constituents, particularly in districts and states that have large rural communities. Although not called telework, these activities performed away from the primary office location may be characterized as such. Frequently, senior district and state staff and/or Washington staff (such as the chief of staff or communications director) may also accompany the Member to such events as town hall meetings and other gatherings throughout the district or state.

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[102]See the telecommuting section of the *Members' Congressional Handbook*, available on the Internet at [http://www.house.gov/cha/handbook/handbook1.html], visited Dec. 17, 2001.

[103]Entities that have not established telecommuting policies, according to conversations with them, are the offices of the Secretary of the Senate, the Clerk of the House, the House Inspector General, the Government Printing Office, and the Architect of the Capitol.

House of Representatives. In the 106th Congress, the Committee on House Administration adopted a telecommuting policy available to Members' offices, committees, and House administrative offices, in committee resolution 106-1-21 on October 21, 1999. The resolution provides guidelines and rules for offices that choose to establish their own programs. The House policy defines telecommuting as "a working arrangement, mutually agreed upon by the employee and the employing office, whereby the employee works at an alternative worksite on specified days and/or for specified hours." An alternative worksite is a location other than the central worksite approved by the employing office (for example, a residence or a telecommuting center).

The House Administration Committee chair and ranking member announced the bipartisan House policy to all House Members in a November 5, 1999 *Dear Colleague* letter. The policy states that telecommuting is not a right or benefit, and that the establishment of such a program is entirely at the discretion of each employing office. A clear prohibition specifies that the alternative worksite may not be a political, campaign, or commercial office.[104]

Under House Administration Committee resolution 106-1-21, the employing office has discretion, subject to applicable House rules and regulations, on establishing the criteria for selecting eligible employees to participate in its telecommuting program. A telecommuting agreement must be signed by employees prior to their participation in the program. Factors considered in the selection of employees for the program may include their ability to work without direct supervision; their specific work responsibilities (requiring minimum supervision); equipment or materials needed; and an assurance that telecommuting will not adversely affect their performance or the responsibilities of co-workers. In general, the program is not recommended as suitable for new employees, employees who require close supervision, or those who require interaction with co-workers.

Applicable rules and regulations under the House policy, in accordance with committee resolution 106-1-21, provide:

> An employee with a telecommuting work arrangement is covered by the same rules, regulations and procedures applicable to all employees of the employing office, including those set forth in Committee on House Administration regulations, the employing office's employee manual, the Rules of the House of Representatives, applicable federal laws, and the guidance of the House Committee on Standards of Official Conduct. Violation of any of these rules, regulations, procedures or laws may result in disciplinary action up to and including termination of employment.
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> Work schedules must comply with the Congressional Accountability Act and regulations promulgated thereunder.

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[104]In accordance with the House policy adopted by the House Administration Committee.

The *Members' Congressional Handbook* provides that ordinary and necessary telecommuting expenses incurred in compliance with the telecommuting policy are reimbursable.[105]

According to the telecommuting policy approved by the Committee on House Administration, strict guidelines on confidentiality and security are outlined in the House policy. The guidelines include a discussion of access to restricted information, storage of files, and establishment of procedures to ensure confidentiality.[106]

The Committee on House Administration, chaired by Representative Bob Ney, was responsible for temporarily relocating all House Members and some congressional staff off-site after the House buildings were closed on October 17, 2001 for anthrax testing.[107] During the shutdown, the ability to access office computer systems was possible only for Member offices that had the necessary technology and policies already in place.

In the aftermath of the September 11 attacks, Representative Steny Hoyer, ranking member on the Committee on House Administration, stressed the need for remote access to information by Member and committee offices, as well as storage solutions that raise security issues.[108] Responding to concerns of Members and staff that they be able to access their computer systems from off-site locations during future emergencies, House conferees inserted language in the FY2002 Legislative Branch Appropriations conference report (H.Rept. 107-259) that urged the "Chief Administrative Officer (CAO), the Clerk, and other relevant House officers to quickly develop a plan under which each office of the House of Representatives shall have available some permanent, reliable means to access its computer systems from a remote location." The House managers of the bill also requested that the CAO "prepare and submit a report to the Committees on House Administration and Appropriations of the House of Representatives not later than 90 days after the enactment of the bill which describes the progress made by the Chief Administrative Officer in preparing and implementing this plan." During House consideration of the rule to debate H.R. 2647, Representative Jim Moran, the ranking member of the House Appropriations Subcommittee on Legislative Branch, stated that he was pleased that the House Chief Administrative Officer:

> will be working on a plan to help more Members, staff, committees, and legislative branch agencies access their computer systems from a remote location. In times of peace, this initiative would have been called teleworking. In times of war, and our experience with the closure of House offices, providing Members access from

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[105]See the telecommuting section of the *Members' Congressional Handbook*, available on the Internet at [http://www.house.gov/cha/handbook/handbook1.html], visited Dec. 17, 2001.

[106]The House telecommuting policy and a sample agreement may be viewed on the House intranet Web site [http://intranet.house.gov], visited Oct. 25, 2001. (House Access Only)

[107]Rep. Bob Ney, press release of Nov. 6, 2001, available on the Internet at [http://nnn.house.gov], visited Dec. 17, 2001.

[108]Ethan Wallison and Ben Pershing, "Panels Planning for Crisis," *Roll Call*, Nov. 5, 2001, p. 1.

> a remote location, ... has become an essential requirement to preserve the operations of this institution.[109]

The House voted to approve the conference report for H.R. 2647 on November 1, 2001, as did the Senate. President Bush signed the bill into law on November 12, 2001, and it became P.L. 107-68.

Office of the Chief Administrative Officer (CAO). In spring 2000, this House administrative office established a telecommuting policy nearly identical to the general House telecommuting policy described earlier. The CAO policy defines telecommuting as "a working arrangement, mutually agreed upon by the employee and the Associate Administrator of an employee, whereby the employee works at an alternative work site on specific days and/or for specified hours." The policy was adopted following a pilot telecommuting program which began on February 1, 2000 and ended on April 30, 2000. Seven participants in the pilot program telecommuted part-time, ranging from two to eight days during the three-month period. Results of the surveys of both supervisors and participants enabled the CAO to review and modify its program for implementation throughout the CAO. The positive survey feedback resulted in the CAO's enacting a permanent telecommuting policy, which is now in effect. In 2001, five of approximately 570 permanent employees telecommute. The CAO program also addresses employees working from home because of disability and states: "In addition to this telecommuting program, in accordance with the Americans with Disabilities Act (ADA), the CAO may reasonably accommodate an eligible employee with a qualified disability by allowing the employee to work at home. As a condition of such a request, the CAO may require certification from a physician of the need for such accommodation."[110]

House Sergeant at Arms. According to the House Sergeant at Arms Office, the office follows the House telecommuting policy and guidelines. Currently, no employees participate in the program; however, should an employee ask to telecommute, the office would consider the feasibility of granting the request.

Senate. While there is no Senate-wide telecommuting policy, each Senate office and committee sets its own policy for employees on a case-by-case basis. The Senate Committee on Rules and Administration is currently examining the various aspects of telecommuting.

Senate offices and committees appear not to have a uniform definition or application of telecommuting. For example, some offices may include extended maternity or medical leave under this definition although they have no formal, established telecommuting policies.[111]

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[109]Comments of Rep. Jim Moran, *Congressional Record,* daily edition, vol. 147, Oct. 31, 2001, p. H7555.

[110]Information based on discussions with and documents received from the Office of the Chief Administrative Officer from Oct. 2000 through Jan. 2001.

[111]Based on conversations with the respective staffs of the Senate Committee on Rules and (continued...)

Senate Sergeant at Arms (SAA). Beginning in October 1998, this office implemented a telecommuting program that provides "full-time SAA employees the opportunity to complete certain pre-approved duties from a location other than the standard workplace." The SAA telecommuting policy is a voluntary and cooperative agreement between the SAA and the employee. Participation in the program is not an employee's right, nor is it guaranteed or expected as a condition of employment. The department director has sole discretion to establish eligibility for participation in the telecommuting program. Among the considerations to qualify for the program are an employee's overall performance (which must meet or exceed SAA standards); ability to work independently with minimal supervision; and ability to maintain a high level of productivity. In addition, position qualifications provide that the assignments and duties to be completed do not require on-site presence to be performed properly.

All SAA telecommuting agreements must meet the following requirements: (1) be approved in advance by the employee and the employee's department director; (2) have no adverse impact on SAA services provided to the Senate; and (3) allow for the agreement to be terminated at any time by the employee or the SAA for any reason. Under the policy, "the employee agrees to protect SAA records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 U.S.C. 552a." The telecommuting agreement must specify the necessary security provisions as needed. (The sample agreement provided by the SAA leaves this provision blank so that required safeguards may be tailored to needs.) An inspection of the alternate workplace may be conducted during the employee's normal working hours to ensure proper maintenance of SAA-owned property and conformance with safety standards.[112]

Legislative Branch Support Agencies

The following legislative support agencies have implemented telecommuting programs or are currently examining telework to determine its feasibility as a component of a flexible workplace policy.

Architect of the Capitol (AOC). The Architect of the Capitol has implemented a pilot alternative workplace program to enable employees experiencing medical difficulties to work from their residence. Upon conclusion of the pilot, the AOC will evaluate the effectiveness of the program.[113]

Congressional Budget Office (CBO).[114] This office established an alternate work location program in January 1999. CBO defines the program as "an

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[111](...continued)
Administration, the Secretary of the Senate, and various Members' offices from Nov. 2000 through Jan. 2001.

[112]Based on discussions with the human resources office in the Sergeant at Arms Office, and information sent to CRS by facsimile Nov. 15, 2000.

[113]Based on conversation with AOC human resources offices on Feb. 14, 2002.

[114]Based on discussions with the human resources office at the Congressional Budget Office in Oct. 2000 and Jan. 2001, and information transmitted to CRS by e-mail Oct. 17, 2000.

arrangement whereby an employee is permitted to work at home or in another location. In some cases, employees may be connected to the office by telephone, facsimile or computer." According to CBO, it developed alternate work location arrangements to optimize performance; recruit and retain staff; and help staff balance professional work life with personal and family needs. Participation in this program is considered on a case-by-case basis and is not granted automatically. Supervisors determine those who may participate according to work performance, and the needs of the office.

Participating CBO staff must sign a written agreement defining their work and performance expectations. A number of terms are stipulated in the agreement. The employee must be accessible in person at the off-site office, by telephone, or by electronic mail, during scheduled work hours. Moreover, the employee must be available to work in the main CBO office as needed. CBO has the right to inspect the off-site office. CBO-supplied property and other resources must be used solely for official CBO business and remain the property of the agency. Any CBO employee working off-site is advised to consult tax and insurance policies on the home worksite because it is the employee's responsibility, and CBO is not liable for the employee's personal or real property at the alternate workplace. Depending on the agreement, the employee may or may not have the option to return to the CBO workplace, and termination of the arrangement may occur with reasonable advance notice. The agreement also specifies security and confidentiality guidelines. In 1999, one employee participated in this program, and two employees participated in 2000 and 2001.

During a sweep of the Ford House Office Building (where the CBO offices are located) for anthrax contamination, traces were found in the building's mail facility that routes mail to the Longworth House Office Building. From October 18, 2001 until the CBO offices in the Ford Building were re-opened on November 6, 2001, CBO staff were displaced and worked at other locations. Many teleworked from home; others utilized temporary space at various alternate sites, including the Department of the Interior and Congressional Research Service offices in the Madison Building of the Library of Congress.

General Accounting Office (GAO).[115] In addition to participating in an OPM government-wide flexiplace pilot program, GAO also conducted its own pilot program. Since June 1994, GAO has had a flexiplace arrangement that allows employees to work outside the traditional office setting. The positive feedback from the two pilots resulted in the establishment of a flexiplace program. Flexiplace is defined as "flexibility in work location with no change in official duty station or conditions of employment."

Under this policy, all full-time and part-time employees are eligible to participate, provided they meet certain performance standards and have proven work records indicating their ability to work independently with limited supervision. Flexiplace may be short-term or ongoing. Managers determine whether duties and work

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[115]Based on discussions with officials at the U.S. General Accounting Office from Oct. 2000 through Jan. 2001, and Order 2300.5 in the *GAO Operations Manual*.

arrangements are appropriate for off-site work. Employees who telework on a continuing basis must be scheduled to spend at least one day a week in the office, unless exceptions are approved by the unit head. An employee may not work overtime without prior supervisory approval, and unauthorized overtime work may result in the termination of the flexiplace agreement, or other action. Employees are required to document time and attendance and submit bi-weekly work schedules for supervisory approval.

A number of specific safeguards for the protection of classified and sensitive data and records are stipulated in the GAO policy, as quoted below.

> Classified information shall not be taken to, accessed from, or processed at off-site (i.e., flexiplace) location.
>
> The processing of unclassified sensitive data is not recommended on off-site systems. However, it may be processed on off-site systems only when GAO/OMIC officials certify that the system adequately protects records and that such use conforms to applicable laws and policies.
>
> Employees with access to records that contain sensitive information, including records subject to GAO's privacy regulations, must maintain appropriate administrative, technical, and physical safeguards to ensure the security of the records.
>
> The authorization of the supervisor is required when sensitive information (including information subject to GAO's privacy regulations), whether in hard copy or electronic media form, is used by employees working at an alternate worksite. In addition, the supervisor must ensure that employees are knowledgeable of the appropriate/necessary safeguards.
>
> Employee agrees to protect government/agency records from unauthorized disclosure or damage and will comply with privacy requirements set forth in law and regulation.

GAO has the right to inspect the alternative worksite during the employee's normal working hours for purposes of ensuring safety standards and proper maintenance of government-owned property. If an inspection is deemed appropriate, the employee is to receive at least 24 hours' advance notice.

With the closure of the House office buildings because of the anthrax threat, about half of the 1,200 GAO employees whose offices were being used by House Members and congressional staff moved to work in conference rooms and doubled or tripled up with GAO colleagues in other parts of the building. The remaining staff teleworked, with the vast majority working at home.[116]

GAO is currently conducting an internal survey of each of its units to determine how many are participating in the flexiplace program. In addition, the survey will

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[116]Tanya N. Ballard, "In Anthrax Aftermath, GAO Turns to Telecommuting," Nov. 1, 2001, available on the Internet at [http://www.govexec.com], visited Dec. 17, 2001.

gather information on how frequently the program is used and the range of usage within the units.[117]

Library of Congress. The Library of Congress formed a task force early in 2000 to explore the feasibility and desirability of a telework program for its employees. The task force, composed of managers from a cross-section of the Library, was charged with reviewing any regulations or previous negotiations on working at home; which divisions or positions would be more conducive to such arrangements; and the associated costs of a telework program. The task force, formed under the auspices of the Library's Human Resources 21st Century initiatives, established a framework and guidelines for telework pilots that could be used by units in the Library having positions with job tasks that could be performed at home as easily as at the work site. As part of its work, the task force also revised the Library's regulations to allow service units to authorize episodic or intermittent work at home arrangements for health or other time-related needs.[118] Prior to implementing the telework framework and guidelines, the Library and its Professional Guild (American Federation of State, County, and Municipal Employees (AFSCME) Local 2910), one of four unions at the Library, had entered into bargaining over a new collective bargaining agreement. The bargaining was successfully completed in January 2002, and resulted in a new agreement that includes an article on a telework pilot program. It is anticipated that the formal signing of the agreement, including the telework pilot, will take place in mid-April 2002. According to the terms of the agreement, within six months after the signing, the Library will implement a one year pilot that will allow members of the Guild to participate in a pilot to test working at home. Concurrently, the Library is also selectively offering non-bargaining unit members an opportunity to test working at home (under a 90-day pilot program for a handful of employees that began in February 2002).

107th Congress Legislation

At this time, there is no pending legislation specifically related to policies on telework for federal employees.[119] However, legislation that would permit employees of federal contractors, in the performance of contracts with executive agencies, to telecommute has been passed by the House of Representatives. H.R. 3924, the Freedom to Telecommute Act of 2002, passed the House on a 421 to 0 roll call vote (No. 71) on March 20, 2002.[120]

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[117]Based on telephone conversation with GAO official on Nov. 2, 2001.

[118]*LCR 2014-8, Staff Members Working Offsite*, Jan. 24, 2002.

[119]Legislation is pending in the 107th Congress related to tax credits for telework. The bills are H.R. 1012, introduced by Representative Frank Wolf; H.R. 2597, introduced by Representative Scott McInnis; S. 521, introduced by Senator Rick Santorum; and S. 1856, introduced by Senator John Kerry.

[120]On the same day, the House agreed to the rule that provided for consideration of the bill by voice vote. H.R. 3924 was referred to the Senate Committee on Governmental Affairs on Mar. 21, 2002. Representative Tom Davis introduced H.R. 3924 in the House of Representatives

(continued...)

Oversight

The House Subcommittee on Technology and Procurement Policy of the Committee on Government Reform conducted hearings on telework in March and September 2001. The first hearing focused on managing telework policies. The second hearing addressed public and private approaches to telework.

Managing Telework Policies

During its March 22, 2001 hearing, the subcommittee took testimony from representatives of OPM, GSA, the Federal Railroad Administration (FRA), the National Industries for the Severely Handicapped (NISH), American Telephone and Telegraph (AT&T), and the Washington Metropolitan Telework Centers (WMTC). In his opening statement, the subcommittee chairman, Representative Tom Davis, identified telecommuting as critical to the federal government's recruitment and retention efforts.

Office of Personnel Management. Commenting on why telecommuting has not been implemented "as quick [sic] as many would have liked," the then Acting Director of OPM, Steven R. Cohen, said that this was "partly due to many misconceptions about telecommuting as a viable work option." He noted OPM's advisory role on telework, but emphasized that the law "gives the authority to develop and implement specific telecommuting policies to each executive agency."[121]

General Services Administration. David L. Bibb, Acting Deputy Administrator at GSA, recommended that agencies focus on four areas in implementing telework: (1) training for both managers and staff on working in a telework environment, including a focus on results rather than where the work is performed; (2) continuing ongoing initiatives to identify problems with and find solutions for telework; (3) "recogniz[ing] that greater numbers of teleworkers will require an increased investment in technology, connectivity, and training"; and (4) communicating the rationale for telework and communicating that it is encouraged where practical.[122]

Federal Railroad Administration. The Acting Deputy Administrator of the FRA, S. Mark Lindsey, testified that agency employees who telecommute have

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[120](...continued)
on Mar. 12, 2002, and it was referred to the House Committee on Government Reform. The committee considered and marked up the bill on Mar. 14, 2002. The text of H.R. 3924 previously had been introduced as Section 4 of H.R. 3843, the Federal Information Technology Workforce and Acquisition Improvement Act of 2002, introduced in the House of Representatives by Representative Dan Burton (for himself and Representative Davis) on Mar. 5, 2002 and referred to the House Committee on Government Reform.

[121]U.S. Congress, House Committee on Government Reform, Subcommittee on Technology and Procurement Policy, *Telework Policies*, hearing, 107th Cong., 1st sess., March 22, 2001 (Washington: GPO, 2001), pp. 30, 35.

[122]Ibid., pp. 43-44.

improved their productivity in terms of meeting deadlines and completing reports, assignments, and projects. A distraction-free work environment, reduced personal cost associated with commuting to work, and reduced employee stress were other benefits of telecommuting identified by employees.[123]

National Industries for the Severely Handicapped. According to Tony Young, the director of governmental activities for NISH, a non-profit organization, telework is "particularly attractive ... to people with severe disabilities who have significant transportation barriers to employment or who live in areas where transportation options are limited." Stating that "NISH is not aware of a government contract that employs great numbers of individuals with disabilities through telework," he recommended that federal agencies do more to reach this "previously underutilized workforce," such as contracting with the Javits-Wagner-O'Day Program, which provides employment opportunities to people with severe disabilities.[124]

American Telephone and Telegraph. The vice president for environment, health, and safety at AT&T, Dr. Braden Allenby, discussed his company's use of telework. He said that AT&T's management approach is partly responsible for the fact that 56% of the company's employees participate in telework at least once a month. AT&T believes that:

> telework should be integrated into the business.... [A]lmost every existing organization plays a role in terms of policies, processes and procedures within the existing business functions. For example, Real Estate takes telework into account when designing space. Security takes remote work into account when implementing new policies, processes and procedures. Information Technology Services takes telework into account when they build out our employee intranet. What this does is ensure a sustainable management system for telework.[125]

Further, according to Dr. Allenby:

> What we've learned is that many managers are already working with teams and individuals who work elsewhere ... perhaps on the other side of the globe, or maybe only the next building over.... [I]n today's environment, it is a basic expectation that managers are able to manage beyond their line of sight. Managers and workers who are sitting in an office working with managers and workers sitting in other offices are ideal candidates for telework.[126]

Washington Metropolitan Telework Centers. Jennifer Thomas Alcott presented testimony to the subcommittee on behalf of the telework centers that are administered by GSA. As a manager of three centers located between the Capitol beltway and Fredericksburg, Virginia, along Interstate 95, she said that "the full and long term support" of GSA is necessary for a successful telework center program. She stated that because "the program is not funded and overseen by one central office

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[123]Ibid., pp. 53-54.

[124]Ibid., p. 5.

[125]Ibid., p. 73.

[126]Ibid., pp. 73-74.

at GSA, ... there has been no long-term commitment from GSA ... in terms of either funding or management, and the local managing partners never know from year to year whether or not the telework center program will continue." In her opinion, "[t]he telework centers fill an important market niche" for telecommuters, including those who do not have the space or resources for a home office or who "prefer the distinct delineation between their work and their personal lives."[127]

Public and Private Approaches to Telework

At its September 6, 2001 hearing, the Subcommittee on Technology and Procurement Policy took testimony from representatives of GAO, OPM, GSA, the Information Technology Association of America (ITAA), Siemens Enterprise Networks, and CarrAmerica. Subcommittee chairman Davis stated that changing the federal workplace culture will not occur overnight and that federal "managers need to shift their focus from process-oriented performance measurements to results."[128]

General Accounting Office. Bob Robertson, director of Education, Workforce, and Income Security Issues at GAO, told the subcommittee that, in the private sector, "decisions on whether an organization ultimately adopted telecommuting programs or expanded them over time was heavily dependent on the resolution of three concerns: identifying the positions and employees suitable for telecommuting; protecting data; and controlling the costs associated with telecommuting." He also noted that the application of laws and regulations covering taxes, workplace safety, recordkeeping, and liability for injuries associated with telecommuting "is still evolving and unclear at this time."

Office of Personnel Management. According to Teresa Jenkins, director of the Office of Workforce Relations at OPM, its April survey of executive branch agencies found that 76 agencies have telework policies in place (18 agencies reported no policies in place), and 2.6% of federal employees telecommute at least one day per week. She identified for the subcommittee the various efforts the agency has undertaken to increase executive branch participation in telework. Among these efforts, OPM is sharing best practices with, and aggressively marketing telework to, federal agencies, has launched a joint Web site with GSA to improve access to information on telework, is developing an Internet-based training module on telework, and has conducted a leadership seminar for top agency officials.

General Services Administration. David Bibb of GSA noted for the subcommittee that 2,500 agency employees, or 21% of its workforce, are teleworking; 800 employees telework on a regularly scheduled basis one day per week; 200 telework on a regularly scheduled basis one day per pay period; and some

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[127]Ibid., p. 88.

[128]All quotations in this section are taken from the unprinted hearing record available on the Internet at [http://www.house.gov/reform/tapps/index.htm], visited Dec. 17, 2001 (choose Hearings), U.S. Congress, House Committee on Government Reform, Subcommittee on Technology and Procurement Policy, *Toward a Telework-Friendly Government Workplace: An Update on Public and Private Approaches to Telecommuting*, hearing, 107th Cong., 1st sess., Sept. 6, 2001 (Unprinted).

1,500 telework on an "ad hoc" basis. GSA expects that a study on federal home-based telework will be completed early in 2002. The study will identify technology barriers to telework, estimate the prevalence of such barriers across agencies and the number and types of employees affected, and recommend solutions and implementation of those solutions to break down technology barriers.

Information Technology Association of America. According to Harris N. Miller, president of the ITAA, the organization has compiled information showing the following benefits of telecommuting for the private sector:

> AT&T teleworkers work 5 more hours per week at home than AT&T office workers.
>
> JD Edwards teleworkers are 20-25% more productive than their office counterparts.
>
> AT&T saves $3,000 per teleworker annually.
>
> Telework can cut corporate real estate costs by 25-90%.
>
> Teleworkers save 52.9 minutes of commute time each workday.

Barriers to widespread participation in telework arrangements, according to Mr. Miller, may be the inability of employees to access broadband technologies remotely, concerns about information security, managerial resistance, and regulations related to tax and home safety issues.

Siemens Enterprise Networks. The vice president for global marketing for Siemens Enterprise Networks, Mark Straton, testified that since 1996, teleworking has resulted in a 35% nationwide decrease in office space, at an annual cost savings of over $3 million dollars and productivity increases of over 20% for the electronic company. He recommended that the federal government partner with the private sector on telework programs and consider pilot telework programs.

CarrAmerica. Robert M. Milkovich, managing director of CarrAmerica, a real estate investment trust with experience in providing office space for mobile workforces, believes that technology "will continue to be enhanced at a rapid pace." According to Milkovich:

> The challenge of telework is faced on the cultural side of the equation. It is our experience that the companies and organizations that are technologically on the forefront have fewer cultural hurdles to overcome. These companies are already invested in the new economy, both financially and culturally[,] and operate with an advanced or progressive way of doing business.... Facility projections for space utilization and growth are made easier for top management to track and project. These companies view telework as a method to create a more flexible use of workspace.... The cultural challenge can only be overcome if the technology is in place to support management and its employees and if the economic savings are substantial enough to make it a compelling business decision.

Future Considerations

Several issues related to telework will require continuous evaluation as entities in the executive and legislative branches consider, develop, and implement programs.

Security and Confidentiality[129]

Agency investments in information technology infrastructure, which allow firewalls to be created for both Internet and e-mail files, are increasing the security and confidentiality of government information. Security measures and established procedures for protecting sensitive information, such as the use of passwords for different gateways, likewise are designed to prevent unauthorized access. Nevertheless, information technology professionals and agency employees need to work together to monitor the effectiveness of policies and requirements specific to their work. Hackers are increasingly aggressive in infiltrating government computer networks and systems, and planting viruses that can incapacitate them and result in possible shutdown of entire systems. Files could be permanently lost, and the integrity and authenticity of data could be compromised. Agencies are continuously vigilant and share information to develop common safeguards and antidotes for combating these attacks. They will need to extend such vigilance to ensure that the connections between central worksites and alternative worksites are secure.

A Department of Energy representative told the Telework Issues Working Group that "There is a need to establish a Government-wide minimum level of teleworker access to non-classified information such as e-mail (particularly for networks which have significant controls/firewalls that prohibit teleworking on a regular basis)." The representative "strongly recommend[ed] a partnership among the Federal Chief Information Officers (CIO) Counsel, GSA, and OPM on this issue."[130]

In the legislative branch, as discussed under Implementation above, the House, Senate Sergeant at Arms, CBO, and GAO policies address confidentiality and security. Confidentiality in serving Congress is an important component of the missions of the legislative branch support agencies.

Privacy

In addition to the security and confidentiality considerations, the requirements of the Privacy Act must be met by federal agencies.[131] These include "requirements regarding their management — i.e., collection, use, and storage — of personally identifiable information."[132]

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[129]See CRS Report RL30745, *Electronic Government: A Conceptual Overview*, by Harold C. Relyea, esp. pp. 7, 19-20. (Hereafter cited as *Electronic Government.*)

[130]"Telework Related Policy Issues," p. 4.

[131]88 Stat. 1896; 5 U.S.C. 552a.

[132]*Electronic Government*, p. 29, also p. 5. See also CRS Report 97-71, *Access to*

(continued...)

GSA has counseled agencies that:

> Records subject to the Privacy Act may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities. Agencies should ensure that appropriate physical, administrative, and technical safeguards are used to protect the security and confidentiality of such records.[133]

The Telework Issues Working Group heard from a representative of the Department of Health and Human Services (HHS) that the agency "is very concerned about the protection of Government records while [federal employees are] telecommuting." HHS found this protection "to be a serious problem when translated to flexiplace" and suggested that OPM and/or GSA "specifically address this issue in telework guidance." According to the representative:

> Some form of control is necessary so that the appropriate Federal office will know exactly where a record is when it is not in the official files; that hard copy and electronic records are adequately protected during transmission to and from a telework site, and that all Federal electronic records and data bases used by an employee from a telework site are secure and protected at all times.[134]

In the legislative branch, each of the entities with telework programs addresses privacy issues in its policies, as discussed under the Implementation section above.

Another issue related to privacy is whether and how government officials will have access to personal computers owned by teleworking employees, if those computers are thought to have official government files saved on them. While an employing agency may arguably conduct unannounced inspections of agency equipment used in an employee's home, it is not certain whether such authority exists when an employee uses his or her own equipment.

Health and Safety[135]

As more employees participate in telework programs and increase the amount of time they spend at alternative worksites, health and safety at these locations, including standards for ergonomics, will continue to be issues for review. Both GSA and OPM have drawn up checklists that are not legally binding, but enable teleworkers to certify that specific health and safety elements are present at the alternative worksites, which may be subject to inspection by the employing office. Among the items on the checklist are the following.

> Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?

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[132](...continued)
Government Information in the United States, by Harold C. Relyea.

[133]"Telework Related Policy Issues," p. 17.

[134]Ibid, p. 5.

[135]See U.S. Library of Congress, *Application of the Occupational Safety and Health Act (OSHA) to Teleworkers*.

Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service?

Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires to the ceiling)?

Will the building's electrical system permit the grounding of electrical equipment?

Is there enough light for reading?[136]

At its initial meeting, the Telework Issues Working Group discussed the need for the Occupational Safety and Health Administration (OSHA) to "publish and maintain basic guidance [at the] lay-person level, on safety and health in the home office" and "establish/clarify health/safety responsibilities for alternate worksites such as telecenters or other non-residence, third-party owned/operated worksites."[137] During the 106th Congress, at least six bills were introduced on this subject, but none reached the floor. Five of the bills would have amended OSHA to prevent its application in home offices, while one bill would have specifically provided for its application.[138]

As discussed above, all the legislative branch entities with telework programs have provisions regarding the right of the employing office to inspect the off-site work location.

Other considerations on which the executive branch is expected to focus include the funding of telework programs and the training of both managers and employees about their responsibilities in carrying them out.

Funding

Very little data on the funding of telework programs are readily available. There appear to have been no formal requirements for data collection; hence OPM has modest data to report. The Departments of the Treasury and HHS anticipate that they will begin to collect data on their programs so as to monitor the implementation of the recently passed law mandating establishment of telework policies.[139] At the

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[136]U.S. General Services Administration, Evaluation and Innovative Workplaces Division, Office of Real Property, Office of Governmentwide Policy, *Implementation Manual, Appendix C: Self-Certification Safety Checklist for Home-Based Telecommuters*. Printed from the Internet at [http://policyworks.gov/org/main/mp/library/policydocs/manual10.htm], visited Dec. 17, 2001.

[137]"Telework Related Policy Issues," p. 6. An OSHA Directive on Home-Based Worksites dated Feb. 25, 2000, available on the Internet at [http://www.osha.slc.gov/OshDoc/Directive_data/CPL_2-0-125.html], visited Dec. 17, 2001.

[138]The five bills that would have amended OSHA application were H.R. 3518, H.R. 3530, H.R. 3539, H.R. 3588, H.R. 3643, and the one bill that would not have was H.R. 4080.

[139]P.L. 106-346. Telephone conversations with telework coordinators Garland Green (continued...)

Telework Issues Working Group meeting, a representative from HHS suggested that "The Human Resources Technology Council should be directed to bring about interagency consensus on a minimum standard data set for teleworking ... provid[ing] for consistent agency transmissions to OPM's Central Personnel Data File."[140] If accomplished, this would facilitate the evaluation and comparison of the various telework programs in the executive branch.

Training

OPM is developing a training module on telework that will be designed in a self-teaching format and accessible by computer. Similarly, the Department of the Treasury has discussed with GSA the possibility of establishing a common training program that can be used by all the executive branch agencies.[141] According to a Department of Education representative on the Telework Issues Working Group, "There is a need to find ways to make managers more comfortable with managing off-site employees, as well as a need for consistent training, especially in the area[s] of virtual teaming and communication techniques." A desire for an increased "commitment to management and teleworker training" was expressed by representatives from HHS and the EPA on the working group as well.[142] Some have observed that while trust and accountability cannot be taught, they can be built and environments conducive to them can be fostered.[143] OPM emphasizes that an agreement, worked out in common by, and specifying the responsibilities and work assignments of, managers and employees, must be signed by both parties before teleworking can occur. Fulfillment of the agreement would, perhaps, help overcome the "significant barrier to greater utilization of telework/flexible workplace arrangements, ... the attitude of the manager and the concern about work being completed."[144]

Conclusion

Interest in telework continues to grow, and policies continue to evolve in both the executive and the legislative branches. The Merit Systems Protection Board's *2000 Survey on Merit Principles*, discussed earlier, found that a telecommuting program was either important or very important to 47% of employees responding to

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[139](...continued)
(Treasury) and Karen Billingslea (HHS), Nov. 28, 2000. Both agencies said that some data were collected previously on an informal basis as needed.

[140]"Telework Related Policy Issues," p. 6.

[141]Telephone conversation with Garland Green, telework coordinator at the Dept. of the Treasury, Nov. 28, 2000.

[142]"Telework Related Policy Issues," p. 12.

[143]This statement is based on discussions with executive and legislative branch staff who administer programs mentioned in this report.

[144]"Telework Related Policy Issues," p. 12.

the survey. This response ranked telecommuting in sixth place out of 12 places.[145] The December 2000 report issued by the Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia expressed the desire that the goal set in January 1996 by the President's Management Council to have 160,000 federal employees telecommut[ing] nationwide by fiscal year 2002" would be met or exceeded.[146]

Among the factors that appear to contribute to successful telework experiences are: top management support; a clear telework agreement that includes expectations accompanied by measurable goals; accountability and performance results; rapport between the manager and the employee, and the temperament (of both) to be flexible as the workload and other demands dictate; participating employees who have proven performance records; an organizational culture that supports change, flexibility, and creativity; proper training, equipment, and infrastructure; and initial implementation as pilot programs or episodic arrangements.

Reservations about telework may include managerial concerns about maintaining performance and productivity in the office or organization; the security of government records and the use of software licensed to the government on computers at the alternative work sites; and the availability of funding to provide necessary support for employees to work away from the main office, while at the same time maintaining an office at the agency.

As additional information about what factors are important to successful telework programs becomes available, agencies may see applications for their own employees. Further, as the infrastructure to support telework develops and if security safeguards are enhanced, an increase in the number of telework programs may occur. The Telework Issues Working Group may identify whether additional legislation or guidance are needed. The newness of telework policies in the legislative branch has some of the entities reviewing existing programs, and looking to those in the executive branch and private industry for insights into the requirements for successful implementation of telework.

Some believe that the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon, and the discovery of anthrax in Washington, DC, and other cities have fundamentally changed the workplace and demonstrated the practical application of telework to the continued operation of the government. Issues of security, crisis management, disaster recovery, and remote access to office computer systems are prompting some federal executive and legislative branch agencies and their employees to expand existing telework programs or to consider telework, although in many cases, how to implement telework remains unclear.

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[145]Programs on flexible work schedule (86%), sick leave for family care (85%), compressed work schedule (71%), employee assistance programs (54%), and leave sharing (51%) placed higher. See: *Issues of Merit*, p. 5.

[146]*The Crisis in Human Capital*, p. 48.