



2008

Bills Introduced in the 110th Congress Regarding Flexible Work Arrangements

Workplace Flexibility 2010, Georgetown University Law Center

This paper can be downloaded free of charge from:
<http://scholarship.law.georgetown.edu/regulations/5>

This open-access article is brought to you by the Georgetown Law Library. Posted with permission of the author.
Follow this and additional works at: <http://scholarship.law.georgetown.edu/regulations>



Part of the [Labor and Employment Law Commons](#), and the [Legislation Commons](#)

BILLS INTRODUCED IN THE 110TH CONGRESS REGARDING FLEXIBLE WORK ARRANGEMENTS

I. Policy Proposals to Encourage Action by Employers and Employees

A. Public Education

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Energy Independence and Security Act of 2007	H.R. 6	1/12/2007	Rep. N. Rahall (D-WV)	Provides that the Small Business Administration shall conduct a Telecommuting Pilot Program to “provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.”	12/19/2007 Passed by the Senate and the House, signed by the President.

*Workplace Flexibility 2010
October, 2008*

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Small Business Energy Efficiency Act of 2007	S.1657	6/19/2007	Sen. Kerry (D-MA) / Sen. Snowe (R-ME)	Requires that the Administrator of the SBA create a "Telecommuting Pilot Program" that would provide educational materials on the benefits of telecommuting, and conduct outreach to small businesses to encourage telecommuting.	12/19/2007 Incorporated into H.R. 6, passed by the House and the Senate, and signed by the President.
Family and Workplace Balancing Act of 2007	H.R. 2392	5/17/2007	Rep. L. Woolsey (D-CA)	Authorizes the Secretary of Labor to conduct a pilot program, lasting no more than 2 years, to raise awareness and encourage employers to offer telework options to employees.	7/17/2007 Referred to the Subcommittees on Workforce Protections; Early Childhood, Elementary, and Secondary Education; and Healthy Families and Communities.

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Expressing support for a National Telework Week to be established.	H.CON.RES.224	10/2/2007	Rep. F. Wolf (R-VA)	Supports the establishment of a National Telework Week during which employers are encouraged to allow their employees to telework for 1 day. The resolution cites reduced congestion and improved air quality as benefits of an increase in telecommuting.	10/23/2007 Referred to the Subcommittee on Workforce Protections.
National Highway Chokepoint Congestion Relief Act	H.R. 6435	7/8/2008	Rep. M. Castle (R-DE)	The Bill states that “[i]t is the sense of Congress that alleviating traffic congestion requires that the House of Representatives and the Senate commit to authorizing and funding . . . staggered work hour initiatives, and telecommuting.”	7/9/2008 Referred to the House Subcommittee on Highways and Transit.

Workplace Flexibility 2010
 October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Expressing support for designation of the month of October as "National Work and Family Month".	H. CON. RES. 1440	9/16/2008	Rep. C McCarthy (D-NY)	The resolution expresses support for designating October as "National Work and Family Month," and "recognizes the importance of balancing work and family to job productivity and healthy families [and] . . . that an important job characteristic is a work schedule that allows employees to spend time with families." Resolution also states that "job flexibility often allows parents to be more involved in their children's lives . . . [and] the 2000 Urban Working Families study revealed that a lack of job flexibility for working parents negatively affects children's health."	9/27/08 Agreed to by the House.

B. Incentives

1. Grants

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Renewable Energy, Fuel Reduction, and Economic Stabilization and Enhancement Act of 2007	S. 298	1/16/2007	Sen. Murkowski (R-AK) / Sen. Stevens (R-AK)	Among other things, provides funding – referred to in the legislation as “Traffic Reduction Grants” – to states for telecommuting and flexible work schedule initiatives that reduce traffic congestion in urban areas.	1/16/2007 Referred to the Committee on Finance.

Workplace Flexibility 2010
 October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Small Business Telework Promotion Act	H.R. 5217	1/29/2008	Rep. M. Udall (D-CO)	Directs the Administrator of the Small Business Administration to implement a competitive grant program to raise awareness of telework among small businesses and to encourage them to provide telework opportunities to their employees.	1/29/2008 Referred to the Committee on Small Business.
To direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy	H.R. 669	1/24/2007	Rep. J. Dingell (D-MI)	Directs the Secretary of Labor to award a grant to a public university to establish a Center for the Study of Women and Workplace Policy. The legislation calls for the center to publish a best practice guide containing guidelines on promoting a family friendly workplace.	5/18/2007 Referred to the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness.

2. Tax Incentives

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Older Worker Opportunity Act of 2007	S.709	2/28/2007	Sen. Kohl (D-WI) /Sen. Cochran (R-MS)	Amends the Internal Revenue Code to allow employers who have tax-qualified pension or retirement plans and provide health insurance coverage to receive tax credits in the amount of 25% of the first \$6000 of the wages of any employee over the age of 62 who is participating in a formal flexible work program.	2/28/2007 Referred to the Committee on Finance.
Parents' Tax Relief Act of 2007	S.816 / H.R. 1421	3/8/2007	Sen. Brownback (R-KS) /Rep. L. Terry (R-NE)	Establishes a telecommuting tax credit for employers in the amount of 40% of the first \$6000 of the wages paid to employees during the first year they telecommute 40% of the time.	3/8/2007 Referred to the Senate Committee on Finance. 3/8/2007 Referred to the House Committee on Ways and Means.

*Workplace Flexibility 2010
October, 2008*

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Transportation and Housing Choices For Gas Price Relief Act of 2008	H.R. 6495	7/15/2008	Rep. E. Blumenauer (D-OR)	Provides a tax credit to employers and employees for teleworking expenses.	7/15/2008 Referred to the Committees on Transportation and Infrastructure; Ways and Means; Financial Services; and Oversight and Government Reform.
Family Work Flexibility Act of 2008	H.R. 7009	9/23/2008	Rep. M. Bean (D-IL)	Provides a tax credit to employers of \$500 per teleworking employee up to \$50,000 for the cost of telecommuting equipment and expenses.	9/23/2008 Referred to the Committee on Ways and Means.

C. Removing Legal Barriers in Order to Encourage Voluntary Behavior

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Telecommuter Tax Fairness Act of 2007	S.785 /H.R. 1360	3/6/2007	Sen. Dodd (D-CT) /Sen. Lieberman (I-CT) /Rep. Shays (R-CT)	Limits state taxation of compensation earned by nonresident commuters, prohibiting taxation of income earned while working outside the state in which the employer is located, e.g., while working from home.	3/6/2007 Referred to Senate Committee on Finance. 3/30/2007 Referred to the House Subcommittee on Commercial and Administrative Law.

Workplace Flexibility 2010
October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
A bill to facilitate the part-time reemployment of annuitants, and for other purposes/ A bill to facilitate the temporary reemployment of Federal annuitants, and for other purposes	S.2003 / H.R. 3579	8/3/2007	Sen. Collins (R-ME)/ Rep. T. Davis (R-VA)	Permits heads of federal agencies to waive the application of civil service retirement system and federal employee retirement system provisions restricting annuities and pay upon reemployment with respect to certain annuitants employed as limited time appointees.	8/22/2007 Referred to the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. 9/26/2007 Referred to the House Subcommittee on Federal Workforce, Post Office, and the District of Columbia.
Family Friendly Workplace Act	H.R. 6025	5/13/2008	Rep. C. McMorris Rodgers (R-WA)	Modifies the Fair Labor Standards Act to allow employers to provide compensatory time (of one and a half hours for each overtime hour worked) in lieu of overtime pay to non-exempt employees.	5/13/2008 Referred to the House Committee on Education and Labor.

II. Policy Proposals that Require Action Through Labor Standards

A. Traditional Labor Standards (enforceable by a private right of action)

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Working Families Flexibility Act	S. 2419/ H.R. 4301	12/6/2007	Sen. Kennedy (D-MA)/ Rep. C. Maloney (D-NY)	Bill grants employees the right to request a change in: (1) the number of hours worked; (2) the times when the employee is required to work; and (3) the location where the employee is required to work. Bill requires employer to meet with the employee within 14 days of the request and to issue a decision no later than 14 days after the meeting. Bill prohibits employers from interfering with this right and provides an enforcement mechanism through the Administrator of the Wage and Hour Division of the Employment Standards Administration of the Department of Labor.	12/6/2007 Referred to the Senate Committee on Health, Education, Labor, and Pensions. 12/6/2007 Referred to the House Committees on Education and Labor; Oversight and Government Reform; House Administration; and the Judiciary.

Workplace Flexibility 2010
 October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Survivors' Empowerment and Economic Security Act /Security and Financial Empowerment Act	S.1136 / H.R. 2395	4/17/2007	Sen. Murray (D-WA)/Rep. Roybal-Allard (D-CA)	Requires employers to grant requests from victims of domestic and other violence for job modifications, including certain FWAs, unless doing so would pose an undue hardship.	4/17/2007 Referred to the Senate Committee on Finance. 7/17/2007 Referred to the House Subcommittee on Healthy Families and Communities.

B. Norm-Shifting Labor Standards

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Telework Enhancement Act of 2007	S.1000	3/27/2007	Sen. Stevens (R-AK) /Sen. Landrieu (D-LA)	Requires the head of each executive agency to establish a policy allowing eligible employees to telework and to appoint a telework managing officer. Requires the establishment of guidelines by the House and the Senate authorizing employees to telework.	<p>6/12/2007 Hearing titled "Assessing Telework Policies and Initiatives in the Federal Government" held by the Oversight of Government, the Federal Workforce, and the District of Columbia Subcommittee.</p> <p>10/1/2008 Bill reported out of the Committee on Homeland Security and Governmental affairs with an Amendment in the nature of a substitute and placed on the Senate Legislative Calendar.</p> <p>11/19/2008 Senator Lieberman filed written report #110-526</p>

Workplace Flexibility 2010
October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Renewable Fuels Consumer Protection, and Energy Efficiency Act of 2007	H.R. 2950	6/28/2007	Rep. H. Wilson (R-NM)	Requires that each Federal Agency “actively promote incentive programs that encourage federal employees and contractors to reduce petroleum usage through the use of practices such as . . . telecommuting.”	4/25/2008 Referred to the Subcommittee on Conservation, Credit, Energy, and Research.
Telework Enhancement Act of 2007	H.R. 3221	7/30/2007	Rep. N. Pelosi (D-CA)	Requires head of each Executive agency to establish policy allowing employees to telecommute, provide telework training, and appoint Telework Managing Officer.	7/30/2008 Signed into law by the President.

Workplace Flexibility 2010
October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Energy Efficiency Promotion Act of 2007	S. 1115	4/16/2007	Sen. Bingaman (D-NM)	Requires that each federal agency "shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum usage through the use of practices such as...telecommuting...."	4/23/2007 Hearing on S. 1115 held by Senate Committee on Energy and Natural Resources. S. 1115 was incorporated into S. 1321.
Energy Savings Act of 2007	S. 1321	5/7/2007	Sen. Bingaman (D-NM)		5/7/2007 S. 1321 was incorporated into S. 1419.
Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007	S.1419 /S. Amdt. 1503	5/17/2007	Sen. Reid (D-NV)		6/12/2007 S. 1419 is identical to S. Amdt. 1502, which was proposed to amend H.R. 6 and agreed to by unanimous consent.
Energy Savings Act of 2007	H.R. 2556	5/24/2007	H. Wilson (R-NM)		12/19/2007 H.R. 6 passed the House and Senate and signed by the President.
Energy Independence and Security Act of 2007	H.R. 6	1/12/2007	Rep. N. Rahall (D-WV)		

Workplace Flexibility 2010
 October, 2008

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Telework Improvements Act of 2007/ Telework Improvements Act of 2008	H.R. 4106	11/7/2007	Rep. D. Davis (D-IL)/ Rep. T. Davis (R-VA)	Requires that the head of each federal agency create a policy under which authorized employees are allowed to engage in telework for at least 20% of their hours, as measured in 2 week time periods.	<p>11/6/2007 Hearing titled "Telework: Breaking New Ground" held before Subcommittee on Federal Workforce, Postal Service, and the District of Columbia.</p> <p>6/3/2008 House passed H.R. 4106 by voice vote.</p> <p>6/19/2008 Referred to Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.</p>

BILL NAME	BILL NUMBER	DATE INTRODUCED	BILL SPONSOR	DESCRIPTION	SIGNIFICANT ACTIONS
Climate Matters Act of 2008	H.R. 6316	6/19/2008	Rep. L. Doggett (D-TX)	Requires percentage of funds deposited in the Transportation Alternatives Account to be used "to assist in reducing the direct and indirect greenhouse gas emissions of the regional transportation sector, through [,among other things,] telecommuting projects that do not include new roadway capacity."	11/19/2008 Referred to the House Subcommittee on Conservation, Credit, Energy, and Research.
Public Contracts	H.R. 4779	12/18/2007	Rep. J. Conyers (D-MI)	Requires the Federal Acquisition Regulation to allow telecommuting by employees of Federal Government contractors and prohibits the disqualification of (or discrimination against) a potential government contractor on the basis that the contractor permits its employees to telecommute.	12/18/2007 Referred to the House Committee on the Judiciary. 7/30/2008 Ordered to be reported out of the House Committee on the Judiciary by voice vote.

