

## WORKPLACE FLEXIBILITY 2010

Georgetown University Law Center

### **SELECTED EVENTS ON WORKPLACE FLEXIBILITY IN THE FEDERAL GOVERNMENT**

- 1978** Congress enacts the Federal Employees Flexible and Compressed Work Schedules Act (FEFCWA) and the Federal Employees Part-Time Career Employment Act
- 1982** Congress renews FEFCWA, allowing agencies to review and terminate existing programs.
- January 1, 1984** Federal employees hired on or after this date are covered by the Federal Employee Retirement System.
- 1984** Congress establishes the Senior Environmental Employment program (SEE) at the Environmental Protection Agency “to utilize the talents of older Americans.”
- 1985** Congress permanently authorizes FEFCWA.
- 1986** Congress changes the annuity computation under the civil service retirement system for part-time employees.
- 1989** Congress requires the Office of Personnel Management (OPM) to establish a formal job-sharing program in Fiscal Year 1990. OPM establishes the Federal Flexible Workplace Pilot Project in conjunction with the General Services Administration.
- 1990** Treasury, Postal Service, and General Government Appropriations Act funds federal “flexiplace” arrangements. (Permanent funding happens in 1995.)
- September 7, 1993** Vice President Gore and the National Performance Review (NPR) express concern about the federal government’s limited use of family-friendly workplace options. The NPR Report recommends that President Clinton use his office to encourage the expanded use of “compressed/ flexible time, part-time, and job-sharing work schedules . . . flexiplace, and telecommuting policies” within the executive branch “where appropriate.”
- July 11, 1994** President Clinton issues memorandum directing executive agencies to encourage and expand support for flexible work arrangements.
- 1995** Treasury, Postal Service, and General Government Appropriations Act provides funds to federal agencies to install telephone lines and other equipment and to pay monthly service charges in the homes of federal employees authorized to telework.

**June 21, 1996** President Clinton issues memorandum directing executive agencies to review and further utilize flexible policies already in place.

**2000** Department of Transportation and Related Agencies Act requires executive agencies to establish policies that allow eligible employees to telecommute “to the maximum extent possible without diminished employee performance.”

**2004** Congress enacts the Federal Workforce Flexibility Act to “[t]o further improve the Federal government’s ability to recruit and retain a world-class 21st century workforce.”

The National Defense Authorization Act requires agencies to conduct surveys of employee satisfaction of leadership policies, work environment, and other things.

**September 20, 2004** Senate Special Committee on Aging Hearing, “Breaking the Silver Ceiling: A New Generation of Older Americans Redefining the New Rules of the Workplace.”

Testimony by *Senator John Glenn*, The John Glenn Institute; *Jack Valenti*, Former President Motion Picture of America Association; *Ken Dychtwald*, Ph.D., President and Chief Executive Officer, Age Wave; *Sharon Brangman*, Professor of Medicine, Division Chief, Geriatrics, SUNY Upstate Medical University; *Doug Holbrook*, Vice President, Secretary/Treasurer, American Association of Retired Persons; *Victoria Humphrey*, Executive Director of Human Resources, Volkswagen; *Ed Potter*, President, Employment Policy Foundation.

**November 2004** Department of Labor (DOL) convenes intradepartmental older workers Task Force

**2005** The Department of Agriculture establishes the Agriculture Conservation Enrollees/Seniors (ACES) as a pilot project of the Natural Resources Conservation Service.

**2005** White House Conference on Aging convenes. Recommendations issued in 2006.

**July 18, 2005** Workplace Flexibility 2010 briefing, “What an Aging Workforce Can Teach Us About Workplace Flexibility,” co-sponsored by Senators Smith and Kohl. Moderated by Chai Feldblum, Co-Director Workplace Flexibility 2010. Panelists are *Kathleen Christensen*, PhD, Director, Workplace, Workforce and Working Families Program, Alfred P. Sloan Foundation’s National Initiative on Workplace Flexibility; *Robert Hutchens*, PhD, School of Industrial and Labor Relations, Cornell University; *Mick Smyer*, PhD, The Sloan Center for Flexible Work Options and Older Workers, Boston College; *Marcie Pitt-Catsoupes*, PhD, The Sloan Center for Flexible Work Options and Older Workers, Boston College; Robert B. Hudson, PhD, Graduate School of Social Work, Boston University.

**August 8, 2005** Energy Policy Act eliminates pension offsets for certain rehired federal retirees employed with the Nuclear Regulatory Commission.

**September 6, 2005** Article by Senators Kohl (D-WI) and Smith (R-OR) in *The Hill*, "Letting older Americans work will boost nation's productivity."

**October 4, 2005** Letter from Senators Smith and Kohl to DOL urging them to create an interagency task force about older workers in the federal government.

**December 2005** Government Accountability Office (GAO) issues report, "Older Workers: Labor Can Help Employers and Employees Plan Better for the Future." The report suggests the creation of an interagency task force on older workers, led by DOL, to help various agencies better align their efforts to remove barriers and create opportunities for older workers.

**April 6, 2006** Senate Special Committee on Aging Hearing, "Employment and Community Service for Low Income Seniors: Are We Getting the Job Done?"

Testimony by *Sigurd Nielson*, Director, Education, Workforce & Income Security, GAO; *John Beverly, III*, Administrator, Office of National Programs, Employment and Training Administration, DOL; *Melinda Adams*, State Older Worker Coordinator, Idaho Commission on Aging; *Shauna O'Neil*, Director, Salt Lake County Aging Services; *Carol Salter*, National SCSEP Director, Easter Seals.

**May 2006** DOL convenes an Interagency Taskforce on the Aging of the American Workforce.

**June 2006** OPM begins a Career Patterns Initiative to help agencies promote "flexibilities," including flexible work arrangements, part time employment, and mid-career entry.

**October 6, 2006** General Services Administration Modernization Act allows agencies to reemploy an annuitant in an acquisition-related position without stopping the individual's annuity. (This authority sunsets on December 31, 2011.)

**December 5, 2006** GAO convenes a Forum on Engaging and Retaining Older Workers

**February 2007** GAO publishes Highlights of a GAO Forum on Engaging and Retaining Older Workers

**February 12, 2007** Senator Kohl publishes a special to *Roll Call*, "Rethinking Retirement Is Necessary. How can Congress help seniors in the work force?"

**February 28, 2007** Senate Special Committee on Aging Hearing, “The Aging Workforce: What Does it Mean for Business and the Economy?”

Testimony by *David Walker*, Comptroller General, GAO; *Donald Kohn*, Vice Chairman, Board of Governors of the Federal Reserve System; *Marcie Pitt-Catsouphes*, Director, Center on Aging and Work/Workplace Flexibility; *Javon Bea*, President and CEO, Mercy Health System; *Preston Pulliams*, District President, Portland Community College.

*Older Worker Opportunity Act of 2007* (S.709) is introduced by Senator Kohl, co-sponsored by Senators Cochran (R-MS), Durbin (D-IL), Snowe (R-ME), Craig (R-ID), and Lincoln (D-AR). S. 709 would provide tax credits to businesses that employ older workers under a formal flexible work program. The tax credit would be worth up to 25% of the older worker's wages. The bill was sent to the Senate Finance committee; there has been no further action.

*Health Care and Training for Older Worker Act* (S.708) is introduced by Senator Kohl, co-sponsored by Senators Cochran and Durbin. S. 708 would extend COBRA insurance from the time of retirement (age of 62) until Medicare eligibility (65), make it easier for seniors to access federally funded training programs, and create a federal clearinghouse for best practices on hiring and retaining older workers. The bill was sent to the Senate HELP committee, where there has been no further action.

**March 30, 2007** OPM submits bills to amend FERS and CSRS to permit the reemployment of retired Federal employees on a limited basis without offset of their annuity from salary.

**June 19, 2007** HR 2780 introduced by Representative James Moran (D-VA) “to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service.” The bill had a markup in the House Subcommittee on Federal Workforce, Post Office, and the District of Columbia on September 18, 2007. It was forwarded to the full House Committee on Oversight and Government Reform, which held a markup and ordered to be reported by voice vote on March 13, 2008.

**August 2, 2007** House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia Hearing, “Federal Benefits: Are We Meeting Expectations?”

Testimony by *Tom Davis* (R-VA); *James Moran*; *Linda Springer*, Director, OPM; *Patrick McFarland*, Inspector General, OPM; *Gregory Long*, Executive Director, Federal Retirement Thrift Investment Board; *Hinda Chaikind*, Specialist in Social Legislation, Domestic Social Policy Division; Congressional Research Service; *Patrick Purcell*, Specialist in Social Legislation, Domestic Social Policy Division,

Congressional Research Service; *Colleen Kelley*, National President, National Treasury Employees Union; *David Cox*, National Secretary-Treasurer, American Federation of Government Employees; *Margaret Baptiste*, President, National Active and Retired Federal Employees Association

**August 3, 2007 / September 19, 2007** S. 2003 introduced by Senator Collins (R-ME), co-sponsored by Senators Voinovich (R-OH) and Warner (R-VA). HR 3579 introduced by Representative Davis, co-sponsored by Representatives Marchant (R-TX) and Wolf (R-VA). S. 2003 and HR 3579 would “facilitate the part-time reemployment of annuitants.” S. 2003 was sent to the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. HR 3579 was referred to the House Subcommittee on Federal Workforce, Post Office, and the District of Columbia.

**January 2008** The Department of Treasury, in conjunction with the Partnership for Public Service and IBM, announces the *FedExperience* program to recruit and hire retiring IBM employees to work in the federal government. Pilot set to begin in July 2008.

**February 2008** DOL releases the Report of the Interagency Taskforce on the Aging of the American Workforce.

**April 29, 2008** *Incentives for Older Workers Act* (S. 2933) is introduced by Senator Smith, co-sponsored by Senators Conrad and Kohl. S. 2933 seeks to “mitigate the effects of our aging workforce by providing incentives to older Americans to stay in the workforce longer, encouraging employers to recruit and retain older workers, and eliminating barriers to working longer.” The bill was sent to the Senate Finance committee; there has been no further action.

**April 30, 2008** Senate Special Committee on Aging Hearing, “Leading By Example: Making Government A Model For Hiring And Retaining Older Workers.”

Testimony by *Barbara Bovbjerg*, Director, Education, Workforce and Income Security, GAO; *Robert Goldenkoff*, Director, Strategic Issues, GAO; Nancy Kichak, Associate Director, Strategic Human Resources Policy, OPM; *Thomas Dowd*, Administrator, Office of Policy and Development and Research, Employment and Training Administration, DOL; *Max Stier*, President and CEO, Partnership for Public Service; *Chai Feldblum*, Co-Director, Workplace Flexibility 2010.