

S 129

Federal Workforce Flexibility Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jan 9, 2003

Current Status: Became Public Law No: 108-411.

Latest Action: Became Public Law No: 108-411. (Oct 30, 2004)

Law: 108-411 (Enacted Oct 30, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/129>

Sponsor

Name: Sen. Voinovich, George V. [R-OH]

Party: Republican • **State:** OH • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred to	Mar 21, 2003
Oversight and Government Reform Committee	House	Reported by	May 18, 2004

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
108 HR 1601	Related bill	Feb 11, 2004: Subcommittee Hearings Held.

Federal Workforce Flexibility Act of 2004 - **Title I: Reforms Relating to Federal Human Capital Management** - (Sec. 101) Amends Federal employment law to allow the Office of Personnel Management (OPM) to authorize the head of a Federal agency to pay a recruitment or relocation bonus to an individual appointed, moved, or relocated to a position likely to be difficult to fill in the absence of such a bonus, if the individual is a newly appointed Federal employee or current employee who moves to a new position in the same area or relocates to another position. Allows such bonus only for General Schedule (GS) employees. Makes such payment contingent upon a written agreement to complete a period of employment with that agency of up to four years. Limits the bonus amount to 25 percent of the employee's basic pay times the number of years of the required service period. Allows a recruitment bonus to be paid to an eligible individual before the individual enters on duty. Allows OPM to authorize the agency head to waive the bonus limitation in the case of critical agency need, making the new limit 100 percent of the employee's annual basic pay. Requires each agency to establish a plan for the payment of such bonuses. Prohibits such bonuses from being paid to individuals who hold political appointment positions.

Allows OPM to authorize an agency head to pay a retention bonus to an employee if: (1) the unusually high or unique qualifications of the employee or a special agency need for such services makes it essential to retain the employee; and (2) the agency determines that, in the absence of such bonus, the individual would be likely to leave Federal service or move to another Federal position. Allows such bonus only for GS employees. Allows such bonus to be paid to a group of employees in one or more categories of positions in one or more geographic areas, if there is a high risk that a significant portion of such employees would likely leave or move to another position. Makes such payment contingent upon a written agreement to complete a period of employment with the agency. Provides bonus limits of: (1) 25 percent of basic pay, for individuals; and (2) ten percent of basic pay, for groups of employees. Allows OPM to authorize the agency head to waive the bonus limitation in the case of critical agency need, making the new limit 50 percent of the employee's annual basic pay. Requires each agency to establish a plan for the payment of such bonuses. Prohibits such bonuses from being paid to individuals who hold political appointment positions.

Expresses the sense of Congress that the Director of OPM should be notified within 60 days after a recruitment, relocation, or retention bonus authorized by this Act is paid, and should monitor the payment of such bonuses to determine their effectiveness.

Requires the Director of OPM to report annually, for a five year period, to the Senate Committee on Governmental Affairs and the House Committee on Government Reform on the payment of recruitment, relocation, and retention bonuses authorized by this Act.

(Sec. 102) Allows OPM (currently, the Office of Management and Budget (OMB)), upon the request of a Federal agency, to grant authority for such agency to fix the rates of basic pay for critical positions in such agency. Limits OPM (currently, OMB) authority for offering critical pay and requires OPM to consult with OMB (currently, vice-versa) before making any decision to grant or terminate critical pay authority. Requires OPM (instead of OMB) to report to the governmental affairs committees of Congress on the operation of provisions relating to pay authority for critical positions.

Title II: Reforms Relating to Federal Employee Career Development and Benefits - (Sec. 201) Requires each agency head to evaluate its agency training with respect to success in accomplishing performance plans and strategic goals, appoint a training officer, establish a comprehensive management succession program, and provide special training to managers for dealing with employees with unacceptable performances.

(Sec. 202) Authorizes annual leave for newly-hired Federal employees with qualified non-Federal experience (duties which are directly related to the duties of the current Federal position). Requires individuals in Senior Executive Service (SES) positions to receive the maximum biweekly annual leave authorized (eight hours).

(Sec. 203) Requires Federal agencies to provide employees compensatory time off for time spent in travel status away from their official duty stations, to the extent that such time spent is not otherwise compensable.

Title III: Provisions Relating to Pay Administration - (Sec. 301) Amends provisions of Federal employment law relating to pay comparability to: (1) exclude retained rate of basic pay from the definition of rates of pay under the General Schedule; (2) authorize OPM (instead of the President) to establish special pay rates for employees in certain localities; (3) expand the authority of OPM to prescribe special pay rates; (4) revise rules relating to adjustment of special pay rates; (5) provide pay adjustments, under OPM conversion rules, for an employee reassigned to a new position; (6) include retained pay rates in basic pay, for purposes of civil service retirement and other federal employment benefits; (7) require adjustments of special pay rates for law enforcement officers; (8) repeal certain restrictions relating to performance-based cash awards; and (9) provide conversion rules for individuals receiving a retained pay rate.

(Sec. 302) Includes the position of Administrator of the Office of Electronic Government as a Level III Executive Schedule position.

Actions Timeline

- **Oct 30, 2004:** Signed by President.
- **Oct 30, 2004:** Became Public Law No: 108-411.
- **Oct 21, 2004:** Presented to President.
- **Oct 18, 2004:** Message on Senate action sent to the House.
- **Oct 11, 2004:** Resolving differences -- Senate actions: Senate agreed to House amendment by Unanimous Consent.(consideration: CR S11263-11267; text as Senate agreed to House amendment: CR S11264-11267)
- **Oct 11, 2004:** Senate agreed to House amendment by Unanimous Consent. (consideration: CR S11263-11267; text as Senate agreed to House amendment: CR S11264-11267)
- **Oct 7, 2004:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Oct 6, 2004:** Mr. Davis, Tom moved to suspend the rules and pass the bill, as amended.
- **Oct 6, 2004:** Considered under suspension of the rules. (consideration: CR H8259-8264)
- **Oct 6, 2004:** DEBATE - The House proceeded with forty minutes of debate on S. 129.
- **Oct 6, 2004:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H8259-8263)
- **Oct 6, 2004:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H8259-8263)
- **Oct 6, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 5, 2004:** Reported (Amended) by the Committee on Government Reform. H. Rept. 108-733.
- **Oct 5, 2004:** Placed on the Union Calendar, Calendar No. 454.
- **Jun 24, 2004:** Committee Consideration and Mark-up Session Held.
- **Jun 24, 2004:** Ordered to be Reported (Amended) by Voice Vote.
- **May 18, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **May 18, 2004:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **May 3, 2004:** Referred to the Subcommittee on Civil Service and Agency Organization.
- **Apr 20, 2004:** Received in the House.
- **Apr 20, 2004:** Message on Senate action sent to the House.
- **Apr 20, 2004:** Referred to the House Committee on Government Reform.
- **Apr 8, 2004:** Measure laid before Senate by unanimous consent. (consideration: CR S4062-4070; text of measure as reported in Senate: CR S4062-4068)
- **Apr 8, 2004:** The committee substitute as amended agreed to by Unanimous Consent.
- **Apr 8, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S4068-4070)
- **Apr 8, 2004:** Passed Senate with an amendment by Unanimous Consent. (text: CR S4068-4070)
- **Jan 27, 2004:** Committee on Governmental Affairs. Reported by Senator Collins with an amendment in the nature of a substitute. With written report No. 108-223.
- **Jan 27, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 428.
- **Oct 22, 2003:** Committee on Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 21, 2003:** Committee on Governmental Affairs referred to Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.
- **Jan 9, 2003:** Introduced in Senate
- **Jan 9, 2003:** Read twice and referred to the Committee on Governmental Affairs.

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