



CONGRESSIONAL

TESTIMONY

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

PROVIDED TO THE

**SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS**

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Hearing on:

**“Modernizing Federal Telework: Moving Forward Using the Lessons Learned
During the COVID-19 Pandemic”**

NOVEMBER 18, 2020

Chairman Lankford, Ranking Member Sinema and Members of the Subcommittee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal employees who serve the American people in 70 different agencies, we thank the Subcommittee for holding this hearing to explore the lessons learned from the Coronavirus Pandemic with regard to federal employees' ability to perform their duties remotely through "telework."

Telework is valuable to the conduct of the public's business and an essential means of maintaining operations while keeping workers safe during the Coronavirus Pandemic. The benefits of telework in terms of productivity have been proven over a long period. A March 2018 OPM report shows a 4 percent increase in high performing employees, a 6 percent increase in potential employee retention, and an 11 percent increase in job satisfaction. Put another way, we have evidence that telework improves quality of work, satisfaction with the job, and stability of the workforce.¹ Congress has already called on executive agencies to maintain an effort to continue "maximizing telework opportunities."²

There is much to be learned from the lack of preparedness in February, March and April of this year as agencies started to shift workers to telework in response to the COVID-19 pandemic. There is even more value in examining the successes of telework throughout federal agencies and considering the resources and decisions needed to ensure telework can be utilized in our post-pandemic future in ways that make it even more successful for employees, agencies, and members of the public who rely on the federal government for services.

¹ <https://www.chcoc.gov/sites/default/files/2018-federal-work-life-survey-report.pdf>

² 5 U.S.C. § 6506 (B)(2)(E)

Initial Lack of preparedness

The COVID-19 virus was spreading rapidly throughout the country in January and February of 2020. It was not until March that federal agencies began to permit some of their employees to telework. Many agencies and employees did not achieve maximum telework until April, exposing workers and their families to the virus. This experience also exposed inconsistent execution of telework policies despite clear guidelines developed in the Telework Enhancement Act of 2010. In many cases, agencies had defined telework eligible positions very narrowly and applied standards for eligibility that were based on managers' personal views of telework and not on a documented need for employees to perform their work in an office or other onsite setting.

Even as the virus spread, agencies were slow to expand the availability of telework to employees who did not already have a telework agreement. The last annual report on the *Status of Telework in the Federal Government* issued by the Office of Personnel Management (OPM) before the Coronavirus Pandemic, covering 2019, found that telework participation contracted for the first time since the enactment of the Telework Enhancement Act.³ Restrictive telework policies left agencies less equipped to expand telework operations during the onset of the Coronavirus Pandemic. It also hurt federal employee unions' ability to advocate for telework because agencies have enforced administration-driven renegotiation of collective bargaining agreements to forbid telework as a subject of bargaining. On several occasions, agencies argued that they should not be forced to abide by Telework Enhancement Act requirements at the bargaining table.

The importance of maintaining robust telework operations during unforeseen circumstances like the Coronavirus Pandemic is a difficult lesson to learn during a national emergency and very likely cost lives. The lack of preparation and application of the Telework Enhancement Act delayed continuity of operations and productivity and needlessly exposed workers to the virus. We cite here some examples so that we can

³ <https://www.telework.gov/reports-studies/reports-to-congress/2019-report-to-congress.pdf>

learn from the mistakes agencies made and identify resources that were not in place for them to make better decisions.

At the Social Security Administration (SSA), the move to telework was slowed by the availability of telecommunications equipment, but also the agency's strong opposition to telework. In October 2019, SSA abruptly ended its six-year telework pilot in its field offices. On January 27, 2020, two days before Covid-19 was declared a global pandemic, the SSA Office of Hearings Operations severely limited telework for its personnel, including legal assistants who were effectively and productively utilizing telework for up to three days per week. Teleworking employees were informed that by March 2, 2020 they would be cut to one day of telework every two weeks, just as the virus was surging. These actions delayed the move to telework, placing employees, their families and fragile community members seeking Social Security benefits in danger.

The decision to cut or revoke telework was not made because telework harmed productivity. In a July 2017 Office of Inspector General report, it was indicated that among employees utilizing telework in Operations positions, 68 percent of employees completed more work when teleworking, 78 percent felt more satisfied with their jobs since the implementation of telework, and 90 percent indicated no difference in communication with a supervisor when needed.⁴ SSA's own data on productivity in Operations offices in the weeks of February 21st through March 20th, immediately prior to moving to telework, and the first five weeks of full telework (weeks of March 27th through April 24th) indicate that customer wait times went down as the number of customers served remained steady.

At the Mine Safety and Health Administration (MSHA) within the Department of Labor (DOL) employees report the ongoing requirement that they submit a telework request each single day they are requesting telework. Others report that they avoid requesting telework because they fear management retaliation. Throughout the field offices, Office

⁴ <https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-04-17-50267.pdf>

Administrators report being denied telework and having to be in offices where there are no plexiglass barricades or personal protective equipment to shield them from the mine inspectors and others who regularly interact with the public before entering their workspaces.

The Department of Veterans Affairs attempted to thwart expansion of telework during the early days of COVID. On March 12, 2020, OMB issued a memorandum explaining that “[a]ll Federal Executive Branch departments and agencies are encouraged to maximize telework flexibilities.”⁵ On March 13, 2020, the Veterans Health Administration issued the directive “Telework is not to be Authorized for administrative staff at this time.”⁶

A reversal, days after the media lambasted the VA for endangering its employees, saw the VA instruct “[m]anagers and supervisors are encouraged to maximize telework” and trumpet that “we can maintain operations in the event of a large increase in teleworking employees⁷.” The VA’s arguments against maintaining telework, however, remained, and its efforts to cut all substantive telework provisions were so ill-defended, the Federal Service Impasses Panel imposed a contract article upon the department, maintaining it.

Productive, Agile and Responsive Workforce

As the Coronavirus Pandemic approaches its one-year mark, thousands of employees continue to perform their jobs effectively through full-time or part-time telework that supports mission-critical operations throughout the federal government.

The Office of Personnel Management (OPM) issued its first guidance regarding telework on March 3, 2020.⁸ In its guidance, OPM cited the importance of telework to agencies’ Continuity of Operations Plan (COOP) as a key component of the Telework

⁵ Russell T. Vought, Acting Director, Office of Management and Budget Memorandum: Updated Guidance on Telework Flexibilities in Response to Coronavirus, March 12, 2020

⁶ VHA Covid-19 Incident Command Call March 13, 2020

⁷ Bryant Furlow, The VA Will Now Let Some Administrative Staff Work From Home, Pro Publica, March 25, 2020, <https://www.propublica.org/article/va-veterans-health-administration-telework-policy-work-from-home-coronavirus>.

⁸ <https://www.chcoc.gov/content/preliminary-guidance-agencies-during-coronavirus-disease-2019-covid-19>

Enhancement Act of 2010 and stated “each executive agency shall incorporate telework into the continuity of operations plan of that agency.” Further OPM advised in its March 3 Memorandum “If an agency COOP plan is in operation, that plan shall supersede any telework policy. Therefore, agencies should immediately review their current COOP plans to ensure that telework has been fully incorporated and that as many employees as possible have been identified as telework employees in the plan, and are telework capable (or “telework ready”).”

What we have learned through the Coronavirus Pandemic shift to telework is that agencies were not fully implementing the Telework Enhancement Act, and that they should have recognized that the move to telework not only saves lives but is an essential component of each agency’s COOP.

At SSA, despite the agency’s slow, inconsistent, and reluctant move to telework, employees are almost entirely teleworking at this time. Only “dire emergency” meetings take place at Social Security field offices, and mail is opened and files scanned and sent to teleworking personnel. All other needs are being met through teleservice centers and telephone appointments with field office personnel. Because SSA handles sensitive personal data, it has been important to provide telecommunications equipment that maintains data privacy standards.

At the Coast Guard, AFGE represents the personnel in the Finance Office. Most are able to perform their duties through telework. They have, however, found that they need simple equipment upgrades such as an additional computer screen because they are often navigating between multiple complicated spreadsheets.

At the Environmental Protection Agency (EPA) employees have been effectively teleworking since March 2020. Managers have acknowledged they have been able to successfully complete resolution of complaints and brought sites into compliance at rates comparable to previous years.

At the U.S. Citizenship and Immigration Services agency, most employees in service centers where visa applications are processed were moved to telework. However, some were still required to report to the office or use personal leave because they live in rural

areas and did not have access to the internet at home. This has since been resolved with the purchase of mobile hotspots. Supervisors were initially visiting employees at their homes to monitor their work, but they are now utilizing online tools to measure productivity.

The Department of Veterans Affairs (VA) has deployed more telemedicine and telehealth options to keep employees and the veterans they serve safer. In the case of teletherapy, workers report a higher incidence of veterans keeping their appointments because they do not have to travel to a VA facility.

The VA has since invested an enormous amount of capacity into expanding telework, receiving \$1.2 billion in additional funding for “up-front investment in Information Technology resources to support increased use of simultaneous telehealth appointments and upgrade associated bandwidth for employees and healthcare providers.”⁹

The VA not only has the capability to allow for mass telework but has invested in the equipment and built the infrastructure. That capacity will remain after the pandemic subsides.

At the Veterans Benefits Administration (VBA), production of claims processing was up during the pandemic compared to the period preceding the pandemic. This shows that teleworking employees are often happier. VBA reported it hit a production milestone on April 1st at the fiscal year (FY) 2020 halfway point issuing more than 52,000 decisions, which is approximately 15 percent more than the previous year. This occurred after most VBA workers had shifted to telework.¹⁰

To maintain this level of productivity the VA needs to invest in infrastructure and capacity. It is commonly reported that when west coast employees log into the VBA system, east coast employees are temporarily kicked out of the system.

⁹ Dwight Weingarten, Veterans Affairs Department Triples Telework Total, MeriTalk, (April 28, 2020) <https://www.meritalk.com/articles/veterans-affairs-department-triples-telework-total/>

¹⁰ <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5414>

AFGE represents thousands of frontline employees whose work must be conducted in the workplace, including medical personnel at the Department of Veterans Affairs (VA) and the Department of Defense, corrections officers at the Federal Bureau of Prisons and Transportation Security Officers at the Transportation Security Administration (TSA). Moving all employees whose duties do not have to be performed in the workplace to telework not only saves lives among those cohorts and their families; it limits exposure for frontline workers and members of the public.

Policy Considerations for the Future

AFGE has proposed language calling for expanded telework during the pandemic in legislation addressing pandemic relief. This language was included in the House-passed “Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act” and we ask the Senate to include the same language in legislation that addresses the health and safety needs of the public and workers.

Additionally, each agency should review equipment and service needs of teleworking employees to support prolonged and productive telework. This includes computer screens, telecommunications equipment and in limited instances includes provision of internet service. Agencies should review and expand their internet capacity and address security and privacy needs so teleworking employees’ productivity remains at its highest capacity. Agencies should also embrace new models for management and supervision of personnel that seamlessly incorporate telework.

Finally, Congress should urge agencies to remove barriers to telework. All agencies should recognize that telework is an essential component of any continuity of operations plan (COOP). Federal supervisors must stop denying telework requests from federal employees who have the capacity to telework and can do so while supporting agency mission-critical operations. We should be making it easier, not harder for federal employees to telework.

Thank you for the opportunity to share federal employees' experiences and provide recommendations to improve telework capacity during this pandemic and well into the future. For additional information, please contact Julie Tippens, julie.tippens@afge.org or Fiona Kohrman, fiona.kohrman@afge.org.