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January 30, 2023

The Honorable Tom Cole  
Chairman, House Committee on Rules  
H-312 The Capitol  
Washington, DC 20515

The Honorable Jim McGovern  
Ranking Member, House Committee on Rules  
H-312 The Capitol  
Washington, DC 20515

Dear Chairman Cole and Ranking Member McGovern:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 750,000 federal and District of Columbia government employees in over 70 agencies, we write to express our concerns with H.R. 139, the “SHOW UP Act of 2023” and ask that it be recommitted to the House Committee on Oversight and Accountability for further review before the House takes any action.

The bill was not considered at the committee level, so we did not have an opportunity to raise our thoughts and concerns earlier in the process. We do not oppose agencies’ studying the impact of telework and remote work and suggesting measures to optimize agency performance, costs, and interactions with the public we serve, as well as improving employee morale and retention. When agencies seek to modify telework or remote work arrangements that are covered by existing collective bargaining agreements, those changes are generally subject to negotiation with employee representatives. Such negotiations benefit all sides, since in the best case they result in solutions that all parties support and that frequently improve upon initial agency proposals. Rank-and-file employees are often best positioned to recognize the challenges associated with sudden changes to telework and remote work, including health and safety concerns, availability of office space, and unforeseen impacts on productivity and collaboration. The bill would actually compel agencies to revoke provisions of existing collective bargaining agreements that were negotiated after the beginning of the pandemic, which provide telework and remote work arrangements that all sides have agreed to and that agencies have viewed as benefitting their missions.

We believe the bill reflects a misconception that federal workers simply disappeared when COVID-19 arose and have never returned. In fact, more than half of our members never worked remotely at all even during the worst days of the pandemic, when there were no vaccines or treatments, personal protective equipment was scarce, and hospitals were overflowing with pandemic victims. Doctors and nurses at the Departments of Defense and Veterans Affairs and the National Institutes of Health, transportation security officers, food safety inspectors, corrections officers and border patrol agents are but a few examples of our members who served heroically at their posts throughout the pandemic, often risking their lives to do so. During this period, more than 600 of our members made the ultimate sacrifice, succumbing to the virus that likely infected them at work, according to AFGE’s estimate.



In other cases, federal workers whose primary responsibilities involved the review of analytical information, benefits claims, and legal documents, for example, were naturally directed to work remotely to the maximum extent feasible. This action not only saved lives but also spared their co-workers who could not telework the possibility of additional COVID exposure. Where data exist, we often see that these emergency arrangements actually benefited productivity. The most recent OPM report to Congress on telework, released in September 2022, notes that: “Agencies proved that the use of telework is critical in not only maintaining operations during exigent circumstances, but also in attracting, developing, and maintaining a highly qualified workforce.”

To revoke these arrangements with 30 days’ notice, as the bill requires, would cause a significant disruption to current agency operations and likely harm productivity. Agencies have adopted a variety of work arrangements since 2019, in some cases reducing their office footprint, hiring workers in remote locations far from any office, or adopting hybrid models. The bill does not take adequate account of this complicated existing landscape. The bill would also further compromise the federal government’s challenge in retaining the best and brightest employees, given that federal compensation already substantially lags the private sector and that most private employers have embraced remote work. According to a 2022 Gallup survey of all U.S. workers, 56% of workers report that their jobs can be done remotely and of these, the vast majority – some 80% – are in fact working either remotely or in hybrid arrangements. As the Society for Human Resource Management has observed, “Remote work is here for good.” Thus H.R. 139 would prescribe changes that are significantly out of step with the private sector, which for a multitude of reasons is not seeking any wholesale return to pre-2020 practices.

Given that the federal government is in constant competition to attract and retain the best talent, it would be imprudent and self-defeating to revoke all existing telework and remote work arrangements and precipitously set the clock back three years. Much has been learned during this time, and agencies have made many investments in creating effective remote work arrangements. We would appreciate the opportunity to discuss what we have learned with the Oversight Committee and to suggest more practicable approaches than the current bill, which unfortunately we are not able to support.

Thank you for your consideration. Should you have any questions, please contact me at [Julie.Tippens@afge.org](mailto:Julie.Tippens@afge.org) or Daniel Horowitz, [Daniel.Horowitz@afge.org](mailto:Daniel.Horowitz@afge.org).

Sincerely,



Julie N. Tippens  
Director, Legislative Department