

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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May 18, 2021

The Honorable Kathleen McGettigan
Acting Director
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Acting Director McGettigan:

I write today to urge the Federal workforce to return to the fullest possible degree to its normal places of work.

Since the onset of the COVID-19 pandemic—over a year ago—adaptations to the virus and its dangers have led to a high degree of fully remote working arrangements within the federal workforce. The Biden Administration signaled its intention for these practices to continue through the Office of Management and Budget’s (OMB) January 24, 2021, guidance on federal workplace safety. OMB’s guidance directed agencies to “maximize the use of remote work during widespread community transmission...” and that “...occupancy in Federal workspaces should be no more than 25% of normal capacity during periods of significant or high community transmission.”¹ Vaccination rates and COVID-19 immunity are rising rapidly across the Nation.² In addition, the Centers for Disease Control and Prevention recently advised that Americans who are fully vaccinated against the coronavirus may stop wearing masks or maintaining social distance in most indoor and outdoor settings, regardless of size.³ It is time to begin transitioning to the workplace. If it is the administration’s intention to prolong remote working arrangements, then it is appropriate to hold a comprehensive policy discussion around related issues.

Prolonging arrangements taken in an exigent situation is not a permanent solution. Members of Congress from both parties have emphasized that the lack of face-to-face services during the pandemic has had real, negative impacts on veterans, Social Security beneficiaries,

¹ Office of Management and Budget, *Memorandum for Heads of Executive Departments and Agencies – COVID-19 Safe Federal Workplace: Agency Model Safety Principles* (Jan. 24, 2021) (online at [M-21-15 \(whitehouse.gov\)](#)).

² Centers for Disease Control, CDC COVID Data Tracker (last visited May 12, 2021)

³ Roni Caryn Rabin, Apoorva Mandavilli and Noah Weiland, *Vaccinated Americans now may go without masks in most places, the C.D.C. said*, N.Y. Times. May 13, 2021

and others who need prompt, attentive service from public servants at federal agencies.⁴ This is particularly critical for the most vulnerable of our constituents including seniors and low-income Americans, as well as individuals who may not have internet access or the computer skills necessary to navigate an entirely virtual interaction with a government agency.

These are not hypothetical concerns. The Treasury Inspector General for Tax Administration recently found, at least with respect to the IRS, that “[a]lthough customer service operations have resumed, the IRS’s ability to provide adequate assistance to taxpayers continues to be affected by COVID-19” in part because of a limit on the number of employees who can physically present themselves to any given IRS office.⁵ That report noted that “[t]he information provided by the IRS raises significant concerns about taxpayers’ ability to obtain assistance during the 2021 Filing Season.”⁶ This raises concerns that other customer-service oriented federal agency functions are suffering from near uniform virtual work.

Even at agencies without daily direct contact with the public, the implementation of fully remote workplaces was not without serious concerns. For example, the Department of Defense Inspector General recently found that some Department of Defense (DOD) components failed to provide sufficient network capacity, communication tools, and equipment to enable personnel to be fully productive during the maximum telework precipitated by the COVID-19 pandemic.⁷ This caused some personnel to use “their own alternative solutions including the use of unauthorized video conferencing applications and personal laptops, printers, and cell phones to complete their work” which “increases the risk of exposing sensitive departmental information that could impact national security and DOD missions.”⁸

If the intention is to shift to remote working, there are other issues that must be addressed. For example, with the federal government spending approximately \$10 billion per year on building and rental costs, there is the question how much is actually needed if workers are not going to be in offices.⁹ It should also be noted that many employees receive large locality pay increases to their base pay; these are based on where they work, not where they live. For example, workers in the Washington, DC region receive an additional locality payment of 30.48% of their base salary.¹⁰ Even if they are now working fully remotely and not commuting to

⁴ See, e.g., Fedweek, *Calls Grow for Returning More Federal Employees to Their Regular Worksites* (May 4, 2021) (online at [Calls Grow for Returning More Federal Employees to Their Regular Worksites \(fedweek.com\)](https://www.fedweek.com/calls-grow-for-returning-more-federal-employees-to-their-regular-worksites/)).

⁵ Treasury Inspector General for Tax Administration, *Assessment of the Effects of the Coronavirus Pandemic on Customer Service Operations* (Apr. 22, 2021) (2021-46-029), available at <https://www.treasury.gov/tigta/auditreports/2021reports/202146029fr.pdf>.

⁶ *Id.* at pg. 7.

⁷ Department of Defense Inspector General, *Evaluation of Access to Department of Defense Information Technology and Communications During the Coronavirus Disease-2019 Pandemic* (Mar. 30, 2021) (DODIG-2021-065), available at <https://media.defense.gov/2021/Apr/01/2002612366/-1/-1/1/DODIG-2021-065.PDF>.

⁸ *Id.*

⁹ U.S. General Services Administration and U.S. Office of Personnel Management, *FY 2021 Congressional Justification* at GSA-4 (Feb. 10, 2020) (online at [GSA FY2021 Congressional Justification.pdf](https://www.gsa.gov/asset/fy-2021-congressional-justification)).

¹⁰ See Office of Personnel Management, *Salary Table 2021-DCB Effective January 2021*, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB.pdf>.

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work. If fully remote work arrangements continue indefinitely into the future, the taxpayers would benefit from reassessing whether remote workers should be considered eligible for locality pay.

In order to facilitate oversight over these important issues, I request a staff-level briefing no later than May 25, 2021 regarding the preparation and planning currently underway for a return of the federal workforce to its ordinary work locations. To make arrangements for the briefing or to ask any related follow-up questions, please contact Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform
The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations