

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 24, 2021

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Inspector General Horowitz:

On June 2, 2021, House Committee on Oversight and Reform Chairwoman Carolyn Maloney, along with the subcommittee chairs of the Committee, wrote you about the federal workforce's cybersecurity posture while teleworking. Specifically, they asked you to provide:

*“an assessment of any vulnerabilities created or exacerbated by the Department's use of remote-access software to facilitate telework during the coronavirus pandemic, and whether any such vulnerabilities were effectively mitigated as part of your annual cybersecurity assessment required by the Federal Information Security Modernization Act of 2014 (FISMA).”*¹

While the security issues referenced in the June 2 letter are important, additional issues require your review, including the inability of some employees to perform their job duties and the decline in job performance by federal employees while working remotely. On June 8, 2021, Rep. Gerry Connolly, chairman of the Government Operation Subcommittee, wrote the acting director of the Office of Personnel Management (OPM) regarding the Biden Administration's “recent move to require agencies to submit reentry plans by June 19, 2021” and the additional requirement that such plans include safety measures.² The letter further highlights telework as a “proven successful” safety measure and cites the 2020 Federal Employee Viewpoint Survey

¹ Letter from Chairwoman Carolyn Maloney, *et al.*, Committee on Oversight and Reform, to Inspector General XXX the addressee of the specific letter (June 2, 2021)(online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Letters%20to%20Inspectors%20General%20-%20Cyber%20Vulnerabilities.pdf>)

² Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operation, Committee on Oversight and Reform, to Kathleen McGettigan, Acting Director, Office of Personnel Management (June 8, 2021), on file with Committee staff

(FEVS) as evidence of this success.³ However, despite Chairman Connolly’s endorsement of telework, it has not been successful for all federal agencies and employees.

On June 9, 2021, the Committee received a briefing from the National Archives and Records Administration and National Personnel Records Center regarding the backlog of record requests affecting veterans seeking access to benefits; a backlog of half a million requests that agency officials estimate will take at least a year to resolve. This occurred because the NRPC was not structured to handle a remote work environment and will not be for some time.⁴ Meanwhile, veterans are unable to obtain records they need to receive benefits earned while serving our country.

Telework has also led to a less effective federal workforce. The same FEVS cited by Chairman Connolly’s June 8 letter also points out “meaningful declines” in workplace performance during 2020, the period during which expanded telework policies have been in place, and that the “largest difference (-8 percentage points) was in met customer needs.”⁵ While FEVS is not a definitive look at the workforce, the decline in performance it reflects raises questions about the effectiveness of telework and should be investigated further.

FEVS can be a valuable tool for understanding aspects of the federal civil service work experience, such as the consistent rise in job satisfaction over the course of the Trump presidency, or the continued dissatisfaction with the ability to discipline poorly performing coworkers.⁶ It is not, however, an objective benchmark with which to assess the challenges and shortcomings of expanded telework as a permanent policy. Additional work is needed.

On June 10, 2021, OPM, the Office of Management and Budget (OMB) and the General Services Administration (GSA) released a memorandum for the heads of executive departments and agencies giving guidance on the increased return of federal employees and contractors to physical workplaces.⁷ The memorandum encourages permanent, increased utilization of telework, remote work and flexible work schedules.⁸ It further states, “[a]s shown during the pandemic, agencies can, where appropriate, deploy personnel policies such as telework, remote work, and flexible work schedules effectively and efficiently.”⁹ It is unclear, however, what the objective basis for this claim is.

I therefore request your office prepare an assessment of the impact of telework on your agency’s mission accomplishment, customer satisfaction and employee performance over the

³ *Id.*

⁴ Committee on Oversight and Reform briefing with David S. Ferriero, William J. Bosanko and Scott A. Levins (June 9, 2021)

⁵ Office of Personnel Management, *2020 Federal Employee Viewpoint Survey* (online at <https://www.opm.gov/fevs/reports/governmentwide-reports/governmentwide-management-report/governmentwide-report/2020/2020-governmentwide-management-report.pdf>)

⁶ *Id.*

⁷ OMB, OPM and GSA, *Memorandum for the Heads of Executive Departments and Agencies M-21-25* (June 10, 2021) (will post link when it’s up)

⁸ *Id.*

⁹ *Id.*

course of the COVID-19 pandemic. As the Biden Administration moves forward with its return-to-work plans, this information is vital to understanding potential impacts on the level of service Americans can expect.

Sincerely,

A handwritten signature in blue ink that reads "Jody Hice". The signature is written in a cursive style with a large initial "J" and "H".

Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald Connolly, Chairman, Subcommittee on Government Operations