



Statement for the Record

American Federation of Government Employees, AFL-CIO

Provided to the

House Committee on Oversight and Accountability

Hearing on

“The Stay-at-Home Federal Workforce: Another Biden-Harris Legacy”

January 15, 2025

The American Federation of Government Employees, AFL-CIO (AFGE), represents more than 800,000 federal and District of Columbia employees who serve the American people in 70 different agencies across the country and around the world, including 42,000 employees at the Social Security Administration (SSA). Thank you for providing an opportunity for AFGE to share its views on the important topic before the Committee this morning, “The Stay-at-Home Federal Workforce: Another Biden-Harris Legacy.”

As a preliminary matter, AFGE is compelled to note that the title of today’s hearing unfortunately distorts how telework fits into larger work practices and protocols at federal agencies in order to unjustly criticize federal employees. Hardworking, dedicated federal employees should not be derided as “stay-at-home workers.” Our members perform vital roles in public safety, law enforcement, and health care – including providing care for active-duty military and millions of veterans. The majority of our members were ineligible for telework even when the pandemic was at its worst and no vaccines or treatments were available. Many members died of COVID during this period, likely contracted while performing their work for the American people. For many thousands of our members, it is thus bitterly ironic to now castigate the “stay-at-home federal workforce.”

AFGE respectfully urges Committee members to discontinue viewing federal telework policies through the lens of the national emergency that President Trump declared in March 2020 that precipitated the wholesale adoption of remote work practices in virtually every private and public sector of American life that did not involve the need for personal contact. Service-based businesses, schools, government agencies, and, yes, even House and Senate offices switched to remote work when the scale and danger posed by COVID-19 became clear in early 2020. Federal telework today is not a simple continuation of telework policies that were adopted during the pandemic to enable federal agencies to meet the needs of taxpayers while protecting the health of their employees.

Instead, the Committee should recognize that federal telework as it operates today derives from the 2010 Telework Enhancement Act that authorized – but did not mandate – the expansion and utilization of telework throughout the federal government for positions deemed telework eligible.

This bipartisan legislation was enacted with the express purpose of achieving greater flexibility in managing the federal workforce, providing agencies with a valuable tool to meet mission objectives while helping employees enhance work-life balance.

Far from being a license for federal employees to work wherever they want, whenever they want, without supervision or accountability, the 2010 Telework Enhancement Act amended Title 5 of the United States Code by adding a new chapter, Chapter 65, entitled “Telework,” which defines telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of his or her position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. The Act directs agency heads, with guidance from OPM, to establish policies under which employees, with significant exceptions, are authorized to telework and stipulates that these policies must ensure that telework does not diminish employee performance or agency operations. The Act also directs agencies to appoint a Telework Managing Officer, who is responsible for implementing the telework policies and providing training to managers, supervisors, and employees participating in telework. Under the Act, agency employees who are ineligible for telework include those whose official duties require the direct handling of secure materials determined to be inappropriate for telework by the agency head, or on-site activity that cannot be addressed remotely or at an alternate worksite.

Perhaps most significant for the purpose of today’s hearing, employees are required to enter into written agreements with their agencies before participating in telework. Agency heads can void these agreements if employees are not fulfilling the terms of the agreements or if the nature of their duties changes. Telework is not and never has been “a right” in the federal workplace. Poor performance is always grounds for revocation of a telework agreement as well as other disciplinary action, including removal.

As mentioned above, AFGE represents more than 40,000 SSA employees who ensure Americans receive the retirement and disability benefits they have earned. The Social Security Administration faces a critical staffing crisis, having the lowest staffing level in over 50 years while struggling to retain trained and experienced workers. No employee is required to utilize SSA’s hybrid telework program. No fully remote positions exist within the bargaining unit at

SSA, and management retains authority to modify and suspend telework schedules and even recall employees the same day as needed. All telework-eligible employees must complete required trainings, sign formal agreements, maintain consistent duty hours and respond promptly to communication. Comprehensive monitoring systems ensure accountability through keystroke tracking, workload reports, and case clearances.

SSA has testified that this hybrid telework model significantly enhances cost efficiency while improving employee productivity, and this flexible work model has proven essential for recruiting and retaining talented staff in a competitive job market. Most importantly, telework has strengthened mission engagement and enabled more effective workload management across our operations. Performance data collected by SSA demonstrate that agency productivity increased 6.2% in 2024 under current hybrid arrangements.

AFGE urges Committee members to recognize that there is a larger principle at stake than telework. The bottom-line is policies governing federal workplace rules and conditions, such as the role and extent of telework, are reached on an agency-by-agency basis pursuant to the collective bargaining process enshrined in USC Title 5. Telework agreements in agencies where they are authorized – and to be clear, not every agency has such agreements – are subject to rigorous scrutiny and can be voided at certain times during the life of an agreement if agency managers conclude telework is not meeting expectations. If agency managers believe telework has outlived its usefulness, they can raise their objections when agreements are up for renewal and insist that telework provisions be scaled back, modified, or simply not renewed. Should Congress void telework provisions in existing agreements, it will effectively be substituting its own judgment for that of agency managers and declaring that such agreements are not worth the paper they are printed on and can be cast aside or amended at will.

When Congress enacted the 1978 Civil Service Reform Act, which forms the heart of Title 5, it charged agency managers and employee representatives with the duty of collaboratively and responsibly deciding which workplace arrangements are best suited to the missions of their agencies. There is no “one size fits all” with respect to federal workplace rules, including telework rules. What might be ideally suited for a VA claims processor may not be suited to an

NIH researcher or Agriculture Department food inspector. Calls in Congress to abolish or restrict telework call this process into question by assuming that telework per se, on the basis of flimsy, incomplete, or distorted information, is an inferior mode of working that should statutorily be outside the collective bargaining process. Congress should not get in the business of micromanaging conditions of employment at the federal workplace such as telework. If Congress is so inclined to do so, it might well ask itself if it should do the same with respect to workplace conditions at private contractors, and whether those conditions are maximizing the value of services taxpayers are paying for.

On a final note, AFGE urges Committee members to reject the assertion made by some telework critics that the federal workforce can be neatly divided into two discrete categories: employees who telework (or work remotely) and employees who work in an agency office building. This assertion is wrong in three important ways: (1) it fails to accurately account for the tens of thousands of federal workers who never telework but whose work is split, often unpredictably from week-to-week, between an agency office building and the field, such as EPA inspectors, law enforcement officers, Border Patrol agents, TSA supervisors, and park rangers, to name only a few; (2) it fails to accurately account for tens of thousands of federal workers who are assigned to a duty station but spend all their time in the field, such as Department of Agriculture food safety inspectors and federal firefighters, and (3) it classifies as a “teleworker” an employee who spends a minority of the workweek teleworking, for example, an agency employee who, pursuant to an agency workplace arrangement, teleworks one day a week and works the other four days in the office. The failure to accurately account for these distinctions has inflated the number of employees whom critics deride as teleworkers as well as the volume of federal building space they claim “is vacant.”

AFGE hopes that today’s hearing will illuminate the benefits that telework agreements have brought to SSA and other federal agencies: improved employee morale and productivity, strengthening of continuity of government operations in weather and other emergencies, and less traffic congestion. These benefits motivated members of both parties to support telework in the past. Even as recently as 2024, bipartisan senators sought to move legislation codifying remote work into title 5 and to *expand* – not reduce - remote work opportunities for military spouses and

others. These leaders recognized that the country sorely needs the best talent to join the federal service, and that the quality of work produced is no longer a function of where it is performed. Moving forward, AFGE hopes Committee members will come to recognize that federal workers are not species apart from the rest of America but hardworking professionals who deserve a better than the title of today's hearing implied.