

**MODERNIZING FEDERAL TELEWORK: MOVING
FORWARD USING THE LESSONS LEARNED DURING
THE COVID-19 PANDEMIC**

HEARING

BEFORE THE

SUBCOMMITTEE ON
REGULATORY AFFAIRS AND FEDERAL
MANAGEMENT

OF THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

NOVEMBER 18, 2020

Available via <http://www.govinfo.gov>

Printed for the use of the Committee on Homeland Security
and Governmental Affairs



U.S. GOVERNMENT PUBLISHING OFFICE

42-886 PDF

WASHINGTON : 2021

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MODERNIZING FEDERAL TELEWORK MOVING FORWARD USING LESSONS LEARNED DURING THE COVID-19 PANDEMIC

WEDNESDAY, NOVEMBER 18, 2020

U.S. SENATE,
SUBCOMMITTEE ON REGULATORY,
AFFAIRS AND FEDERAL MANAGEMENT,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:11 p.m., via Webex and in room 342, Dirksen Senate Office Building, Hon. James Lankford, Chairman of the Subcommittee, presiding.

Present: Senators Lankford, Scott, Sinema, Carper, and Rosen.

OPENING STATEMENT OF SENATOR LANKFORD¹

Senator LANKFORD. Welcome, everybody. Thanks for being here. This is a hearing for the Regulatory Affairs and Federal Management Subcommittee (RAFM) titled “Modernizing Federal Telework: Moving Forward Using Lessons Learned during the Coronavirus Disease 2019 (COVID-19) Pandemic.” We should at least have something good come out of this pandemic.

This hearing is really focused on what we can gain, what has already been learned, what gaps are still there, and what we can do to better improve the process. It has been a decade since the last significant piece of Federal telework legislation, the Telework Enhancement Act of 2010. It set the baseline standard for Federal agencies to follow for telework.

Over the last 10 years, we have seen great advances in technology, workforce expectations, and an increase in cybersecurity threats. So many changes in the world, it makes sense to take a close look at the current telework policies and strategies in the Federal workforce. The current pandemic has acted as a magnifying glass for telework policy improvement.

This Committee held a hearing in July with a panel of private industry witnesses. During that hearing, we were able to gather valuable information concerning what private employers have done to support their remote workforce. We were also able to draw on some lessons learned that could help the Federal workforce recalibrate its telework strategies and policies.

During that hearing, we also gained some insight into what the current private workforce is demanding. This, coupled with all the

¹ The prepared statement of Senator Lankford appears in the Appendix on page 31.

environmental challenges we now face, may help us create remote work policies that keep the Federal Government competitive in the hiring of highly qualified individuals.

Since early March, Federal agencies have been forced to deal with complex problems like cybersecurity, remote performance management, and employee engagement on a massive scale. The pandemic has been extremely disruptive to all of our lives, and I am hopeful we can use these challenging times to shine a light on telework processes and find long-term solutions that provide real value for Federal agencies and their employees.

As I stated in the first hearing, there are some very important telework questions that I believe need clarity on in order for us to chart a clear path forward for the Federal workforce. For example, how do we best prepare employees so that during a future disaster or pandemic they can seamlessly transition into a Federal workforce policy? How do we effectively train managers to stay engaged and to monitor performance of remote workers? What tasks could be permanently teleworked, which would open up opportunities to hire anyone, anywhere in the country?

I want to make sure that cybersecurity threats and information technology (IT) infrastructure improvements are at the forefront of future telework legislation conversations.

Today, I look forward to hearing from the front line. We have heard anecdotal evidence of agencies overcoming the challenges of a mostly remote workforce, but today we have the opportunity to hear from the source. I hope that we can take what we learn in today's hearing, use it to create a more efficient, flexible, and competitive Federal workforce.

I do want to thank this panel for taking the time away from their very busy schedules. You have all done written statements in advance and you have been a part of this for your oral testimony as well. We really appreciate the opportunity to be able to pick your brain, be able to hear about what the agencies have done, what experience that you have gained in the process.

For everyone watching this hearing, this is what we are affectionately calling a hybrid hearing. We have some individuals that are here in the room, though it is very few. Four of our witnesses that will testify in this hearing, two of them are live, two of them are remote. Most of the individuals that are here will be remote for this hearing, and everyone is very well spaced during this hearing as well, to be able to make sure that we maintain social distancing in the time period. So we are being attendant to all of those basic elements through this. But I do want us to be able to get this information out. It is important that we get it on the record as well.

With that I would like to recognize Ranking Member Sinema for her opening remarks, and she is joining us remotely.

OPENING STATEMENT OF SENATOR SINEMA¹

Senator SINEMA. Thank you so much, Mr. Chairman, for holding this important hearing, and as this is likely our last Subcommittee hearing of the year I want to thank you for your leadership

¹The prepared statement of Senator Sinema appears in the Appendix on page 37.

throughout this Congress. It has been an absolute pleasure to work with you.

I do want to submit a statement for the record from the American Federation of Government Employees.¹

I appreciate all of our witnesses joining us today. I had hoped that all of our witnesses would agree to join the hearing remotely, because I think that would be a great message to show our Committee and the country as our COVID numbers are increasing across the country, and demonstrate our ability to work remotely and to adapt to this changing world.

Our hearing today is important for a number of reasons, but a key one is to dispel the myth that telework automatically means decreased productivity. My office has been working completely virtual since March, and there has been no disruption in our work. Every day our team is working to help Arizonans, and, in fact, we have found that telework can increase productivity, improve employee morale, and allow workers the flexibility they need to care for their kids and their loved ones.

So the key is to develop an effective telework strategy so that workers have the tools they need and that everyone in the organization understands the policies and goals.

I look forward to our conversation today on those topics, learning more about the problems and challenges you all have overcome, and what operational challenges remain. It is also important to note the risks of returning our Federal workforce to their offices too soon. According to a recent Government Executive article, more than 100,000 Federal employees nationwide have tested positive for COVID. Many States have seen alarming rises in COVID cases recently. This week in Arizona, the percent of positive COVID tests has reached its highest level in 3 months, and the number of Arizonans hospitalized for COVID at the beginning of this week was 70 percent higher than it was just on November 1.

While most Federal employees continue to work from home, there are certainly some positions, such as our agents and officers at the border, our postal workers, and Veterans Affairs (VA) staff who cannot do so. So to protect those individuals, it is critical that we allow maximum telework to minimize the number of people in Federal buildings.

With that, Mr. Chairman, I yield back, and I look forward to hearing from our witnesses today.

Senator LANKFORD. Thank you.

At this time I want to be able to proceed with testimony from our witnesses. Let me do a quick introduction of the four of them.

Joining us remotely is Michelle Rosenberg. She is the Acting Director of U.S. Government Accountability Office (GAO's) Strategic Issues Team, where she oversees the agency's work on Federal human capital issues. Prior to joining the Strategic Issues Team she served for over 20 years on GAO's Health Care Team. Throughout her tenure in GAO, Ms. Rosenberg has been recognized with numerous GAO-wide and Health Care Team awards, including two Meritorious Service Awards and a Distinguished Service Award. She will be testifying first and will be joining us remotely.

¹The statement submitted by Senator Sinema appear in the Appendix on page 66.

Keith Washington is here. He is the Deputy Assistant Secretary for Administration at the U.S. Department of Transportation (DOT). He has been with the Department since 1991. In his current position, he provides leadership and oversight in the areas of human resources (HR), security, audit relations, acquisitions and grants, transportation and facilities, and space management. Maybe you could lead National Aeronautics and Space Administration (NASA) for us next, since we need a new director for NASA, since you are good at space management. What do you think? We will talk about that.

Prior to this role, he was the Director in the departmental Office of Human Resource Management.

Sydney Rose is also here. She is the Chief Human Capital Officer (CHCO), at the U.S. Department of Labor (DOL). She has over 40 years of Federal service, all of which have been spent in human resources-related occupations. Ms. Rose is responsible for all the Department's human capital policies and programs and is key advisor to departmental leadership on employee engagement efforts.

Ms. Rose joined the U.S. Department of Labor in 2011, and has previously served at the Bureau of Labor Statistics (BLS), U.S. Patent and Trademark Office, and the Office of Personnel Management (OPM). Thank you for being here.

Also joining us remotely is Jim Borland. He is the Assistant Deputy Commissioner and Deputy Chief Information Officer (CIO) for IT Operations at the Social Security Administration (SSA). He leads the day-to-day management of the agency's computing infrastructure. He previously served as the Acting Deputy Commissioner for Communications and the Assistant Deputy Commissioner for Social Security's Office of Disability Adjudication and Review.

Prior to joining Social Security Administration, he served in various analytical, technical, and leadership positions over 15 years with the U.S. Departments of Agriculture and Education here in Washington, DC.

I want to thank all four of you for your preparation for being here.

It is the custom of this Subcommittee to swear in all witnesses that appear before us. So if I would ask you all to please stand and raise your right hand. Yes, even remotely. Sorry about that.

Do you swear that the testimony you will give before this Subcommittee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. ROSENBERG. I do.

Mr. WASHINGTON. I do.

Ms. ROSE. I do.

Mr. BORLAND. I do.

Senator LANKFORD. Thank you. Let the record reflect that all witnesses answered in the affirmative.

We are using a timing system, with even the folks that are joining us remotely should be able to see the timer as well, as you go through the process. We will try to stick fairly close to that, to be able to make sure we give as much time as possible for questions and for conversations as we go through this in the process.

So with that I would recognize Ms. Rosenberg for your opening statement.

**TESTIMONY OF MICHELLE ROSENBERG,¹ ACTING DIRECTOR,
STRATEGIC ISSUES TEAM, GOVERNMENT ACCOUNTABILITY
OFFICE**

Ms. ROSENBERG. Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, I am pleased to be here today to discuss Federal telework.

Telework offers benefits to both Federal agencies and the Federal workforce. It can help with recruitment and retention of employees, reduce the need for costly office space, and as the Ranking Member mentioned, provide an opportunity to better balance work and family demands. Telework is also a tool that agencies can and have used to accomplish their mission during periods of disruption. As you know, during the current COVID-19 pandemic, use of telework has allowed Federal employees to work remotely in order to sustain agency operations and serve the American public.

GAO previously identified key practices in telework-related literature and guidelines that Federal agencies should implement as part of a successful telework program. Regular attention to the key practices can help to foster program growth and remove barriers to telework participation.

My written statement lists all of the key practices we identified. This afternoon I will highlight three.

First, telework agreements. To facilitate telework, agencies should have telework agreements that outline the agreed-upon work arrangements between agency managers and teleworking employees. The Telework Enhancement Act of 2010 requires agencies to have such written agreements. However, in 2017, we reported that selected agencies did not require regular reviews, or document the reviews of telework agreements.

Given the likelihood of changes in work responsibility and employee schedules over time, it is important for agencies to regularly review their telework agreements to ensure that they reflect and support their current business needs. In addition, if telework agreements are not up to date, agencies may be using inaccurate telework data when making decisions such as space planning and technology investments.

The second key practice I will highlight is training, something Senator Lankford mentioned. Telework involves a different way of working as well as supervising employees. As such, agencies are required to provide training to eligible employees and to managers of teleworkers. Such training should cover agencies' telework policies and provide an orientation to telework, and focus on telework program activities, including the IT applications used while teleworking and performance management.

Our 2017 review of selected agencies' telework programs found that managers were generally not required to complete telework training before approving staff's telework agreements. As a result, managers may have been approving or denying requests to

¹ The prepared statement of Ms. Rosenberg appears in the appendix on page 39.

telework before they fully understood the agency's telework policies and goals.

The third key practice I will mention is program evaluation. It is important for agencies to develop program evaluation tools. This should include a tracking system that can help to accurately determine the status of telework implementation at the agencies. Agencies should use the evaluation tools to identify problems or issues with the program, and their progress in achieving program goals. Agencies should then develop an action plan to guide any needed changes.

Assessments of the costs and benefits, including cost savings, of agencies' telework programs can help decisionmakers in determining the overall effects and value of telework. However, our past work found that selected agencies have little data to support the benefits or costs associated with their telework programs. OPM has indicated that agencies have improved in their ability to track cost savings, but not all agencies are reporting cost savings information in response to OPM's annual telework data call.

In conclusion, the telework key practices GAO has identified, several of which are required by statute, provide a roadmap for Federal agencies to successfully implement their telework programs. However, we have previously found that agencies face challenges related to implementing telework programs that align with the key practices. The challenges agencies face provide a valuable learning opportunity as we look to expand and modify Federal telework programs. Improving the mechanics of telework programs can yield benefits to agencies, Federal employees, and the public.

This concludes my prepared remarks. I am happy to answer any questions you may have.

Senator LANKFORD. Thank you. Mr. Washington.

TESTIMONY OF KEITH WASHINGTON,¹ DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

Mr. WASHINGTON Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, thank you for the opportunity to discuss Federal telework during the COVID-19 public health emergency on behalf of the U.S. Department of Transportation. I am Keith Washington, the Deputy Assistant Secretary for Administration, and I have been with the Department for 29 years.

The Department's longstanding support for and encouragement of telework across our widespread operations proved its value and stability when we quickly and seamlessly converted headquarters and field operations in mid-March to maximum telework to meet the COVID-19 public health emergency. Telework has been a critical flexibility that enables DOT employees to ensure America has the safest, most efficient and modern transportation system in the world. It boosts our economic productivity and global competitiveness and enhances the quality of life in both rural and urban communities.

Telework allows the Department to achieve important performance goals and improve the Department's capability to support

¹ The prepared statement of Mr. Washington appears in the Appendix on page 52.

homeland and national security requirements, all while supporting employees' work-life balance outcomes.

In 2013, well before the onset of COVID-19, DOT implemented an agency-wide policy in accordance with the Telework Enhancement Act of 2010. The policy encourages the use of telework and includes notifying 100 percent of our employees of their individual telework eligibility status. That policy remains in effect today.

DOT leaders encourage the use of telework to the maximum extent possible while maintaining office coverage and consistent operations. To ensure the vitality of DOT's telework program, DOT conducts telework exercises to give employees and managers opportunities to practice working remotely and to test the information technology capacity to support telework. Those efforts resulted in additional investments in emerging technologies and innovation, including secure virtual private networks and virtual desktop infrastructure.

DOT's transition to maximum telework was virtually seamless following the onset of the COVID-19 public health emergency. Because of advanced preparations across DOT, monthly Federal employee teleworkers increased from about 14,000 in February to 30,000 in March, without disruption to the agency's mission or network.

Under normal circumstances, typically just under half of the DOT total workforce is telework eligible, and about a quarter of total employees telework monthly, on average. Since the onset of the COVID-19 health emergency, upwards of 60 percent of the total workforce teleworks monthly. The remaining positions are in positions that require their physical presence to perform their core responsibilities, such as air traffic controllers in the Federal Aviation Administration (FAA), line handlers in the St. Lawrence Seaway Development Corporation, and merchant mariners in the Maritime Administration.

Perhaps one of the most viable lessons learned was to use a considerable degree of flexibility when leveraging the telework policy, work scheduling procedures, and human resources flexibilities and authorities. As a result, some offices are reviewing plans to reduce their office footprint by eliminating leased space and maximizing work and telework once the COVID-19 public health emergency ends.

The maximum telework environment has provided DOT with an opportunity to test and implement relatively new and various methods of communicating with both large and small groups. Maximum telework also presented some ongoing challenges, including adjusting to new team dynamics and synergy virtually, limited access to office supplies and equipment, and connectivity issues for some.

Several months into this new reality, thousands of our employees are now teleworking full-time, and managers are experiencing how their organizations can function successfully under these conditions, providing vital information on future decisions about our operations.

The Department has been successful at implementing maximum telework. DOT has a wide array of workforce missions and has

maintained a consistent level of operations and productivity during the health emergency.

Thank you again for the opportunity to appear before you today to discuss Federal telework during the COVID-19 public health emergency, on behalf of the Department of Transportation. I am happy to answer any questions that you may have.

Senator LANKFORD. Thank you, Mr. Washington. Ms. Rose.

TESTIMONY OF SYDNEY T. ROSE,¹ CHIEF HUMAN CAPITAL OFFICER, OFFICE OF HUMAN RESOURCES, OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT, U.S. DEPARTMENT OF LABOR

Ms. ROSE. Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, thank you for the invitation to testify today.

On March 11, 2020, the novel coronavirus disease, was declared a pandemic by the World Health Organization (WHO). On March 13, 2020, the United States declared the COVID-19 outbreak a national emergency, and by mid-March 2020, the U.S. Department of Labor entered a maximum telework posture due to the COVID-19 global pandemic health emergency.

As it became clear to us that COVID-19's impact would require significant modifications to the Department's operations, the Office of Human Resources had the tools available to support the Department in moving to a maximum telework posture, modifying internal guidance as necessary. DOL issued HR guidance, increased technical assistance to employees and managers, and responded to hundreds of inquiries from managers and employees on a full range of human resources issues that included pay, leave, benefits, staffing, telework, work schedules, and other workplace flexibilities.

Additionally, DOL rapidly developed guidance related to emergency paid sick leave, offered under the Families First Coronavirus Response Act, to ensure that our employees who were unable to work or telework due to qualifying COVID-19 related reasons, as outlined in the regulations, are aware of their entitlements under the law.

In accordance with OPM pandemic guidance, the Department allowed telework-eligible employees to telework to the maximum extent possible in order to maintain operations as close to normal as possible, while ensuring our employees' safety.

Prior to and during the pandemic, telework eligibility at the Department requires that an employee's duties be suitable, in whole or in part, for performance at a telework site and that individual employees meet the additional criteria required by the Telework Enhancement Act, departmental policy, and our applicable collective bargaining agreements. Further, individual employee participation in telework is subject to supervisory approval, based on factors such as the business needs of the office, the cost of an arrangement, and the availability of technology and equipment required to support the duties of the position.

DOL's recent implementation of enterprise-wide shared services for human resources and information technology supported and fa-

¹ The prepared statement of Ms. Rose appears in the Appendix on page 57.

cilitated the Department's ability to quickly adapt to a posture of more remote work in response to the pandemic. More centralized HR allowed DOL to decisively expand the use of telework during the declared pandemic and implement any necessary HR policy changes to support those shifts in work arrangements.

Similarly, DOL's implementation of a more centralized IT service delivery model allowed the Department to make the necessary policy changes and resource investments to ensure that DOL was able to adequately support the shift to more remote work.

Telework participation at DOL requires completion of interactive telework training, available through the Department's internal learning development system. Additionally, the Department provides employees with supplemental telework resources, available on our intranet, as part of a helpful repository of coronavirus guidance and resources. The department is presently continuing to use telework to ensure its continuity of essential functions and to perform the bulk of its day-to-day operations.

DOL is very proud of its work to implement a robust telework policy in response to the pandemic. We believe our efforts have helped the Federal workforce to achieve and maintain productivity and to serve the Department's mission and the American public.

Thank you again for the opportunity to address the Subcommittee about the Department's work, and I look forward to answering your questions.

Senator LANKFORD. Thank you. Mr. Borland.

TESTIMONY OF JIM BORLAND,¹ ASSISTANT DEPUTY COMMISSIONER FOR SYSTEMS AND DEPUTY CHIEF INFORMATION OFFICER FOR IT OPERATIONS, SOCIAL SECURITY ADMINISTRATION

Mr. BORLAND. Thank you. Good afternoon. Chairman Lankford, Ranking Member Sinema, Members of the Subcommittee, thank you for inviting me to discuss telework at the Social Security Administration. I am Jim Borland, the Assistant Deputy Commissioner for Systems and the Deputy Chief Information Officer for IT Operations.

Social Security first began to offer remote work options around 20 years ago, when technology was much different and the solutions we had today were not widely available. Our online services were limited and our work was heavily paper-based.

Since then, we have made significant progress in modernizing our workloads and IT infrastructure. We have implemented technology solutions that allowed us to be more agile, by replacing desktop computers with laptops, and building a virtual private network to improve our business continuity. We have also expanded our online presence to make it easier for our customers to do business with us without having to come into our offices. For our employees, we implemented electronic solutions that facilitate virtual and telework service environments. For example, technology allows employees to answer their office phones through their laptops.

These decisions were practical, budget conscious, and made business sense from a customer service standpoint. When the unprece-

¹ The prepared statement of Mr. Borland appears in the Appendix on page 61.

dented COVID-19 pandemic hit earlier this year, those decisions supported our ability to keep service going remotely. While we closed our offices to the public, we never stopped providing service, with over 90 percent of our employees able to telework. This maximal telework not only protects our employees but also the public we serve, many of whom, by definition of the work we do, meet the Centers for Disease Control and Prevention (CDC's) high-risk categories.

Still, we know we can do better. Our goal is to serve the public at least as well as we serve them in person, and right now that is not possible because not all of our work is portable. For example, we need employees onsite to handle certain sensitive workloads that require face-to-face interviews, and to open mail and scan mailed documents into our systems so that teleworking technicians can process them.

We have been able to find workarounds for some of our in-person services which has allowed us to address some of the challenges of serving the public remotely. We have also been flexible with policy. For example, in some cases, we are allowing telephone attestation as an alternative way to sign documents.

At SSA, telework is not one size fits all. Some work does not inherently lend itself to telework. In non-emergency times, different jobs may warrant different amounts of telework, or in some cases no telework at all. We also have confirmed that a successful continuity of operations plan requires a robust telework program built on modernized IT infrastructure, and we have been reminded that we have more work to do to establish a fully robust telework program based on accountability and objective measures. This makes sense for the public we serve and our employees.

The pandemic has delivered a real-time pressure test of our capability and it is helping us focus on where we can improve. I would like to thank the public, our employees, and you for being patient and supportive of us in this national emergency.

I look forward to answering any questions you may have. Thank you.

Senator LANKFORD. Jim, thank you very much.

Senator Sinema and I have a habit in our hearings that we hold our questions to the end and we defer to the other Members to be able to add questions in. This will be an interesting dynamic just for the four witnesses to be able to participate in this. You will, at times, some Senators that will call you by name or title and will ask you a specific question, and they will sometimes be open to anyone who wants to answer it. I would encourage those who are joining us remotely to just unmute and just jump in if you want to be able to answer a question and feel like you are in the room with us as well, to be able to participate.

With that I would recognize Senator Carper for his questions.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Can you recognize me with my mask on?

Senator LANKFORD. I can.

Senator CARPER. Good. Here we go. Everybody, thanks so much for joining us today.

I wanted to start off with a question of Mr. Borland, and this is actually a question, Mr. Borland, that was suggested to us by a member of our constituent services team back in Delaware. It goes something like this.

As you know, the Social Security Administration requires physical inspection of original personal identification documents, such as birth certificates, in order to process certain kinds of requests to come in. Due to the pandemic, the Social Security Administration is currently asking people to send these original documents by mail, so they can undergo physical inspection.

I have heard from a number of our constituents in Delaware that are concerned about mailing their original documents, specifically about the security of those documents and the timeliness for which they are returned.

Mr. Borland, here is my question. Can you share with us how the Social Security Administration is working to address concerns of this nature? Thank you.

Mr. BORLAND. Thank you, Senator Carper. Let me first say that we recognize that the pandemic has produced service challenges for us. You are correct. One of the requirements of our regulations is that for a new social security card or a social security card that reflects changes—name, for instance—we do require original documentation and the inspection of original documentation.

We take protecting the integrity of the social security card and number very seriously. We do have, in some cases, limited ability to set appointments for individuals. Those opportunities are limited. We are forced, on a public health direction, to limit the number of employees that we have in our offices and to limit the numbers of the public that we provide in-person service to. Appointments are available for what we call the priority cases, and we are fulfilling that requirement.

As I mentioned in my testimony, we do not have a workaround for all of our in-person services, and unfortunately the social security card is one of those. I also want to say that most Americans who need a replacement card can use our My Social Security service. They can go online at [socialsecurity.gov](https://www.socialsecurity.gov), set up a My Social Security account, and request a no-change replacement card fully online.

Senator CARPER. Thank you, Jim.

Mr. Washington, how many years have you worked at DOT?

Mr. WASHINGTON. Senator, I have worked at the Department of Transportation for 29 years.

Senator CARPER. OK. Have you testified before at hearings where I was privileged to be in attendance?

Mr. WASHINGTON. Sir, this is my first opportunity to testify.

Senator CARPER. How is it going?

Mr. WASHINGTON. So far, so good.

Senator CARPER. When I was Governor, I used to love testifying before House and Senate hearings. I hope you enjoy this one as much as I did when I was sitting in your seat.

I was encouraged to learn that the Department of Transportation has successfully moved its in-person onboarding program to a fully virtual format and that the flexibility of virtual onboarding allows more senior leaders to participate in the program.

As you know, in the next couple of months we will have a new administration with thousands of new employees serving in the Federal Government. Could you take just a moment to explain how the Department of Transportation ensures that new employees have the resources and support they need to be successful during this time? The second half of my question is, do you have any recommendations for other agencies across the government with regard to newly onboarded employees? It is a two-part question, please. Thank you.

Mr. WASHINGTON. Thank you, Senator, for that question. So at the onset of the pandemic, we reached out right away, our Human Capital Office, to our stakeholders and information technology, and we came up with a virtual onboarding experience. And as you stated, that really has allowed very senior levels of the Department to participate. In fact, we have successfully onboarded over 500 new Department of Transportation employees across the country, and they have been able to hear from the chief of staff. He actually personally participates in that virtual onboarding experience every other Monday. So that has worked very well.

Another thing that we have done, recognizing the need that many of our employees are working in a remote environment, we have assigned a sponsor for all of our new employees so that they could really feel part of the team and that they can get best practices from, long-serving employees.

So I think the collaboration between, human capital, our stakeholders, and the information technology organization has been really integral to rolling out that successful onboarding process so our employees across the country are getting that experience. So that would be my recommendation for other Federal agencies, that collaboration and partnership with the various elements of the organization.

Senator CARPER. I agree. Thank you. One last question if I can to Ms. Rose, Mr. Washington, and Mr. Borland, that deals with agency coordination with the Cybersecurity and Infrastructure Security Agency (CISA) over at the Department of Homeland Security (DHS). Over the years, a number of my colleagues and I worked to give the Department of Homeland Security the resources necessary to carry out its cyber mission [inaudible]. One agency that I am most proud of with their mission, capabilities, and leadership is the Cybersecurity and Infrastructure Security Agency at the Department of Homeland Security.

I often say if you want to go fast, go alone, and if you want to go far, go together. As I went through each of your testimonies I did not see much at all on interagency coordination with CISA, which I would presume would be incredibly valuable as they provide the cybersecurity tools, incident response services, and assessment capabilities to safeguard the [inaudible] networks.

And I ask each of you, starting with Ms. Rose, to describe your relationship with CISA, and tell us if more needs to be done to improve interagency partnership in the cybersecurity space. Let's just start with Ms. Rose, and then Mr. Borland and Mr. Washington. Thank you. And if we run out of time, I always do. Just be brief.

Ms. ROSE. Oh, I am sorry, Senator. You wanted to start with me?

Senator CARPER. Ms. Rose.

Ms. ROSE. Yes. Information technology is not in my portfolio. However, I do work very closely with our chief information officer to make sure that as we onboard new employees and as we equip employees to move into a telework environment we are meeting all Federal cybersecurity requirements.

Senator CARPER. All right. Let us turn to Mr. Washington. Same question. Please describe your relationship with CISA. Is there more that needs to be done to improve interagency partnership in the cybersecurity space?

Mr. WASHINGTON. Thank you, Senator, for that question. At the Department of Transportation we take cybersecurity very seriously, and we believe a lot of the investments and the coordination and centralization of a lot of our commodity IT, sort of centralizing and getting rid of duplicative systems, has really put us in a better posture, from a cyber perspective. We have promoted annual security awareness training, and we give weekly messages, just reminders of employees how to operate from a cybersecurity perspective in a remote environment.

We also have issued laptops, DOT-issued laptops, to all of our remote employees, and they have security-monitoring software on them that alerts the user and DOT cyber officials if a threat is detected. We really have not noticed an increase in attacks during the pandemic.

Senator CARPER. All right. Thank you. I think my time has expired. Mr. Chairman, thank you so much for letting me go over time. Thank you. Mr. Borland, to be continued. Thank you.

Senator LANKFORD. Thank you, Senator Carper. I am going to go next to Senator Sinema for questions.

Senator SINEMA. Thank you so much, Mr. Chairman. First I just want to thank our panelists again for their presentations today.

I did note, Mr. Washington and Ms. Rose, in your testimony you highlighted a number of successes that your agencies have had in expanding telework during the pandemic, which I very much appreciated hearing about. I do find it slightly strange, though, that your agencies then insisted on you appearing before the Committee in person, which I am not sure is quite the message we want to send during this time of rising COVID cases. So just a thought for you to have as we move forward.

My first question is for Mr. Borland. Before the pandemic, your agency reported it was moving away from telework because it could not evaluate the impact of telework on public services and did not have the metrics in place to ensure accountability. Today your agency is working to put these controls and metrics in place, and there are media reports that SSA employees are successfully decreasing the backlog of claims while in this maximum telework situation.

So could you tell me, what has SSA learned about telework in recent months to cause it to change directions dramatically, and how do these learnings inform your decisions moving forward?

Mr. BORLAND. Thank you for that question, Senator Sinema.

So as I mentioned in my testimony, at SSA telework is not one size fits all. We obviously have a core public service function, but that manifests itself in many different kinds of work. Prior to the pandemic, we did re-evaluate our telework program to focus on ac-

countability and to ensure that we could address our public service challenges. I think that we all recognize that the Social Security Administration is serving the 10,000 Baby Boomers that retire every day. So that is claims for Medicare, claims for retirement benefits.

And public service has always been so very fundamental to our mission. So in the re-evaluation of our telework program, because we did not have historically adequate metrics, and as my colleague from GAO said, an adequate program evaluation, each subcomponent of the agency determined telework eligibility based on public service needs, the availability of portable work, and the ability to ensure accountability.

Senator SINEMA. Thank you. I have a follow-up question for you as well. One of the challenges of this pandemic has been recognizing that some jobs cannot be done fully or even partially through telework. Early in the pandemic, my Arizona casework team was fielding calls from constituents who were having a hard time getting social security cards replaced at their local field offices. Access to online-only services can be particularly difficult in rural areas or areas where access to a computer is limited.

So how are you collecting and considering feedback from beneficiaries as you review the shift to maximum telework and assess these practices moving forward?

Mr. BORLAND. Thank you. It is a perfect question to pose to me because I am a technology guy, and we are looking at new ways to use technology. I mentioned our nonportable work. Our nonportable work is not portable because there is not technology, or we have not laid in technology to support that. It is really one of the lessons learned from trying to serve the American public remotely.

Specifically with regard to social security cards, we are looking at the use of technology, at video technology, and the ability to rather than inspect physically, for example, driver's license, to confirm a driver's license features through a data exchange, real time, so that we could use a combination of data exchange and video technology to handle social security card workloads. The technology is there, but until the pandemic, we were not looking at it. We are looking at it now very seriously.

Senator SINEMA. Thank you. I appreciate that.

My next question is for Mrs. Rose. Mine Safety and Health Administration inspectors have to be onsite to perform inspections, but some portion of their jobs can be done remotely. Employees have shared with our Committee that they are not being granted permission for partial telework, and even more concerning, some employees are not asking their supervisors for telework over fears of retaliation.

So how is DOL working to overcome longstanding prejudice against telework so that all employees who are eligible and able to perform telework can do so for at least a portion of their job, and what mechanisms is DOL using to allow employees to request telework and then report concerns about denial of telework without fear of retaliation?

Ms. ROSE. Senator Sinema, thank you so much for that question. I am very happy to report that 99 percent of DOL employees at this time are eligible for telework, and up to 98 percent of our em-

employees are teleworking almost every day. And that does include our mine safety inspectors and our other employees who work in the field, performing enforcement and inspection duties.

We have encouraged our mine safety inspectors and our other field employees to telework to the maximum extent feasible. There are portions of their job that easily translate to a remote telework site or to a home site, and other portions of their job do require them to continue to remain in the field. We make sure that they have personal protective equipment (PPE) and they are properly equipped and trained when they have to go into public areas to perform inspection and enforcement duties, but we are also working very hard to make sure that those portions of their job that do not require them to be onsite are being done remotely, safely, and with social distancing.

We meet on a regular, recurring basis with their union representatives to discuss their concerns and issues. Our Assistant Secretary for Administration and Management is meeting on a weekly basis with leadership and representatives of our three bargaining units to address the kinds of concerns that you are sharing today and to make sure that we have solutions and we work collaboratively with the union to craft those solutions.

Senator SINEMA. I appreciate that, and we may follow up with some of the concerns we have heard from employees as well.

Ms. ROSE. Thank you.

Senator SINEMA. My time is soon to expire but I have one last question for Mr. Washington. In May, Transportation's chief information officer was quoted in a Federal Times article that noted your agency as, "absolutely seeing an increase in productivity," across the workforce. So how are you measuring these increases in productivity and to what do you attribute those increases to?

Mr. WASHINGTON. So thank you so much for that question, Senator. We do believe that productivity has increased at the Department of Transportation under the remote environment, and we are very proud that the Department of Transportation employees have risen to the occasion.

One example, we wanted really metrics for assessing productivity, so we did do a survey—to survey our managers, and we are proud to report that 55 percent of them felt that their work unit was even more effective during the COVID-19 pandemic. So that is one metric that we used, the survey.

But also I know when Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Federal Transit Administration (FTA), they were able to obligate all of the funding to the stakeholders, over \$24 billion, ahead of the statutory deadline. So there are numerous examples of the productivity enhancements as a result of the remote environment at the Department of Transportation. So we are continuing to assess that.

Senator SINEMA. Thank you so much, Mr. Washington.

Mr. Chairman, I have slightly exceeded my time. I apologize and I yield back.

Senator LANKFORD. That is not a problem. If you want to do a second round as well, Senator Sinema?

Senator SINEMA. Yes, I will. Thank you.

Senator LANKFORD. OK. Great. We will make sure that we reserve that as well. I know that we have—Senator Rosen is joining us in just a moment. Let me ask a few questions until Senator Rosen is able to be able to join us remotely as well.

Ms. Rosenberg, you have been left out in this conversation. I do not want you to feel left out on it, but I do want to be able to zero in on some of the things that GAO has established. Obviously, GAO has looked at this issue of telework for a long time. You have submitted to us some of the things that you have done in the study, but there is one statement that stuck out to me on it. In the statement from GAO, you said this about performance management: “Agencies should also establish guidelines to minimize adverse impacts that telework can have on non-teleworkers.”

So provide some clarity for us on agencies should establish guidelines to minimize adverse impacts that telework can have on non-teleworkers. What did you mean by that?

Ms. ROSENBERG. Thank you, Senator. We do not want to create disagreements between those who can telework and those who cannot, for example, by forcing those who are in the office to take up responsibilities of those that are teleworking, whether that means physically moving documents or doing work that cannot be done remotely. And so you want to make sure that if there are times that someone who is not teleworking needs to stand in for someone who is, that there is equity in that, so that responsibilities are shared across both those who telework and those who do not.

Senator LANKFORD. So let me provide a little color to this in how I ask you this question. Several years ago, I was visiting one of our agencies, and I will leave the agency out as I do this. But I was visiting one of our agencies, and it happened to be on a Friday, just walking around through the cubicle farm in that particular entity and just talking to different employees there—How is it going? How is the morale? Anything I need to be able to learn and to be able to help with?

In the dialog I heard repetitively, “It is Friday, so half of our people are not here. They are quote/unquote teleworking today but I know they are just not working today,” and they were angry. Just about every cubicle I went to, “I am working hard. They took the day off but they say they are quote/unquote teleworking.”

When I read that statement from you from GAO I thought I personally heard that, where individuals felt like they were carrying the burden. Now in the last several months just about everybody across the Federal workforce has been teleworking. There has not been an option here, back and forth. But in the days ahead we all look forward to the time we have a vaccine and we do have that option again. What would you recommend here? Because what I was picking up from people that were not teleworking was a sense that the people that were teleworking were not being held to account, that the same metrics were not being used for them for productivity as it was for those who were actually in the office, for productivity.

Ms. ROSENBERG. Thank you for that. One of the key practices that we emphasize is that the performance appraisal system and performance management needs to treat teleworkers and non-tele-

workers the same. They need to be rated on the same competencies and judged accordingly.

I think one of the issues is that telework requires a different way of managing staff. As opposed to managing by observation, you need to manage by results. We would also suggest that someone that you have a performance issue with, you are likely to have that performance issue with them regardless of whether they are teleworking or in the office.

And finally, if there are concerns that someone that you cannot observe is not working, I would argue that that is not a telework issue but that is a trust issue. And again, that goes back to holding staff accountable for the results and the timeframe and the work product that they are supposed to produce, regardless of where they are working.

Senator LANKFORD. OK. Thank you. Ms. Rose, I am going to ask you a similar question on that. At the Department of Labor, are your managers able to hold teleworkers to account, to be able to check in on them, evaluate, to be able to have metrics performances? This is not new to the Department of Labor. You have done telework for a very long time and you have a lot of workers that telework some days are in-office some days.

What authorities does your management have, or I should say the opposite, what boundaries do they have in their management capabilities in the office versus in telework situations?

Ms. ROSE. Thank you, Senator Lankford. We have worked very hard with our managers and supervisors to make sure they feel equipped and supported to manage in a virtual environment. As you have acknowledged, it is different to supervise someone remotely than it is someone that you can see physically throughout the work day and check in on periodically.

We have been able to leverage technology to replicate as much of a real-life experience as possible, just as we are doing today with a partially virtual hearing. We find that works very well. Our performance management system for years at DOL has been metrics based, and we really work hard to make sure that all employees' performance plans are linked to departmental and agency operating plans and contain quantifiable measures. I am delighted to report that we just completed our 2020 performance year and have noticed no appreciable decrease in productivity or achievement against those operating plan metrics, the whole time we have been teleworking.

It also is interesting to note—and I think this goes back a little bit to perception versus reality—not a day goes by that I do not have managers and supervisors tell me how amazed and delighted they are at how well 99 percent telework is working. I always ask, “What did you expect?” and they stop and say, “Well gee, I don’t know, but I am just really surprised and happy that it is going so well.”

So the training, the support, and the performance elements that we are holding employees to seem to be working.

Senator LANKFORD. OK. Mr. Borland, I want to bring you into this conversation with Ms. Rose as well. Both of you deal with a lot of private information, more so than many other entities do. Obviously, every agency does some, but you deal with a lot, for both

of your entities, not only from your employees dealing with that on a laptop that is now in a home environment rather than in a more controlled office environment. There are personal identifiable information (PII) issues that are there.

But there is also, as we have mentioned already, which Senator Carper and Senator Sinema brought up, there are individuals trying to get access to you. I will tell you, Mr. Borland, I had the same calls in to my constituent services and caseworkers. Those calls have come in saying, "I am trying to get a social security card replaced and I cannot get anyone there." We have an extra hurdle in Oklahoma that we are still trying to be able to get all of our Real ID stuff all worked out, and it has made it much more complicated, and physically putting documents in the mail and mailing them to you has been a challenge. For Department of Labor, I have had individuals that have contacted me that said, "We love the flexibility that we have, because we have employees that we have hired remotely and we are not having to physically handle their documents this year. We are given authority to be able to virtually look at their license, virtually look at their birth certificate for an I-9." And their statement is, "How do we keep that?"

So there are really two sides of this—the dialogue both for the customer, for our taxpayers, to say how can they continue to get that kind of flexibility, and for the agency, how can they continue to be able to maintain private information as private and secure?

So, Mr. Borland, you are the IT genius in this conversation and so I am going to let you take off on this first.

MR. BORLAND. Thank you, Senator. Certainly we do hold as custodians some very private information of the American public and very valuable information. While telework is not new for us, technology does give us opportunities to ensure the continued protection of that information.

First, I think we were one of the first agencies to implement a two-factor authentication for our employees and our contractors. So we have logical and physical access through our personal identity verification cards. Our network monitoring is similar to, but not the same as, pre-pandemic. And when I say that, when you take a workforce that is connected to the wall and immediately swing it to connect it to the Internet, there are some specific challenges there. We were able to pivot and change the way we do things like scanning for vulnerabilities and remediating them.

We also look at, from a program integrity standpoint, we have a longstanding process for monitoring transactions that take place within our systems to make sure that no one, employees or the public, are misusing the access to the systems that they have. Our employees, again, our information security policy is very clear. We do not allow bring your own device. Employees are not allowed to print at home. We have done extensive telework training and cybersecurity training for our remote workforce, and we think that has probably improved our security posture, although we do certainly have some unique challenges in being remote.

Senator LANKFORD. Any thoughts that you have for the end user, for the taxpayer themselves, and their use of digital items to be able to submit. Are there statutory limitations of that or is it just technology limitations?

Mr. BORLAND. There are some limitations, some regulatory, but technology can overcome some of those challenges. As I mentioned in my response to Senator Sinema's question, we are looking at how we can use data exchanges to verify identity documents so that they do not have to be physically produced.

Senator LANKFORD. Ms. Rose, do you want to make a comment on this, as far as protecting private information, and then also giving the flexibility to individuals to be able to submit their information?

Ms. ROSE. Yes. Thank you, Senator Lankford. We have implemented many of these same security protocols that the Social Security Administration has in place. We are using personal information verification (PIV) for multi-factor authentication. We do not permit sensitive data to be accessed on anything but government-provided DOL computers, and people must use RSA tokens to log into our network. So we feel that we have an environment, and we work closely with our colleagues in the Information Technology Office to make sure that environment stays safe and secure.

We have onboarded over 1,000 people now virtually since the pandemic started, and we have gotten extremely positive feedback from all of the users, the people who are being onboarded, the supervisors and managers who are welcoming new employees in. A lot of people have commented on the facility and ease of the application and onboarding process, because we have converted all of those paper-based forms and processes to the computer. And we have done away with wet signature everywhere we can. We are using digital signatures now. We provide the oath of office virtually. We will probably continue that process, with lessons learned, beyond the pandemic. It has been so successful and it has made face-to-face contact with people who are remotely duty-stationed much more effective and vibrant.

Senator LANKFORD. OK. We are going to come back to that as well. I want to recognize Senator Sinema for a second round of questions.

Senator SINEMA. Thank you, Mr. Chairman.

Ms. Rosenberg, one thing I have noticed regarding Federal telework policies is that they vary based across agencies, and even sometimes within offices inside agencies. So it makes it pretty confusing for Federal employees and challenging for Congress to track.

Are there recommendations that you would make to Congress to better standardize agency policies and the tracking of those policies as we look at telework in a post-pandemic world?

Ms. ROSENBERG. Thank you, Senator. That is a very good question.

So one of our key practices is that eligibility be based on—approved on—an equitable basis, and that the criteria be things such as the suitability of tasks to the remote environment and employee performance. So I think the key is to ensure that agencies have concrete eligibility criteria that are based on those types of things and that are applied consistently across the agency.

I would say that it would make sense that there would be some variation among agencies since their missions differ and the type of work differs, and, of course, some positions are less suitable for remote or telework than others.

Senator SINEMA. Thank you. Ms. Rose, given the broad success of telework during the pandemic, how are you approaching plans to move employees back onsite once this public health emergency is over, and what data are you examining to ensure that onsite work is safe and essential?

Ms. ROSE. We have worked very hard and long, Senator Sinema, on our reconstitution plans, our reopening plans, as it were. We will take a phased approach. We will follow State and local guidelines in doing that and follow the government-prescribed gating criteria to bring people back.

We have already put safety procedures and protocols in place in all of our government office space, things that include the wearing of masks in public and common spaces. We have put in Plexiglas barriers and shields so that people who face the public in the office are protected, and the public is protected. We have set up seating schematics so that people in cubicle farms are not working on top of each other or directly next to each other. So we will continue to leverage telework with an onsite presence in order to maximize social distancing in what traditionally have been fairly close working spaces, with cubicles, and the movement away from traditional four-wall offices.

So we have gotten a lot of information about safety and security out to our workforce already. Everything is posted on our Intranet. We will continue to work with our labor unions and our employees as we move back into a more traditional work posture, to make sure people feel safe, secure, and protected, and, in fact, are safe, secure, and protected.

Senator SINEMA. Thank you. Another question for you. Your agency is unique in that not only were you transitioning your own employees to maximum telework but you were also releasing guidance to the nation's broader labor force about telework policies and best practices. I realize that private sector guidance is not your area of expertise, but I would like to follow up with your agency on this topic.

Ms. ROSE. Yes. Guidance on telework external to the Federal Government has been provided, it is my understanding, by our Wage and Hour Division, and we would be happy to get you that information.

Senator SINEMA. I appreciate that. Now focusing on the Department of Labor's workforce, can you share any instances where work you initially thought had to be done in an office space ended up being compatible with telework? Are any of these instances relative to changing Labor's view of determining telework eligibility?

Ms. ROSE. We had a higher percentage of the people whose jobs were not considered telework eligible under the Telework Enhancement Act prior to the pandemic, and our managers and supervisors have worked to see how those positions can be reformatted, how duties and responsibilities can be reallocated, and how technology can be leveraged, for example, using data on forms that used to be paper that have now been converted to digital so that we could send more of our employees home to work during the pandemic.

We have very few jobs that require an in-office, onsite presence, jobs like receptionist, jobs like mail clerk, jobs like building engineer. And even with those positions we have tried to find duties

and responsibilities that are discrete and unique and compatible to moving into a remote work environment, even if it is part-time.

Senator SINEMA. Thank you.

Mr. Washington, in your testimony you noted that your agency was considering a new remote work policy before the pandemic. Looking ahead, I think as we all are, to a non-pandemic situation, what advantages will a robust remote work policy bring to your agency, and what barriers do you foresee in implementing such a policy?

Mr. WASHINGTON. So thank you, Senator, for that question. We were considering, even prior to the pandemic, a remote policy, and we are continuing to assess that. But one of the rationales for it was to help us with the ability to recruit and retain talent. And what we found, particularly in the national capital area where we compete for HR specialists and acquisition specialists among each other—I see my colleague at Labor nodding her head—that has been a challenge. So we are hoping that if we can broaden the applicant pool nationwide that we can really recruit and retain employees at a better rate, so that it will really improve our attrition.

So that is our rationale. We are continuing to assess that. We have learned a lot over the last few months. So we tried to make that business case before going forward with our remote policy. We are benchmarking with the private sector and our stakeholders and counterparts at other Federal agencies as well.

Senator SINEMA. Thank you. Mr. Chairman, that concludes my round of questioning, and thank you for holding this hearing again. I have learned so much.

Senator LANKFORD. Thank you. Thanks for your participation in the hearing as well and your engagement on this.

Mr. Washington, I want to continue to press this, and actually I want to talk to all four of you on this one issue, and it is about hiring. It is a shift in perspective, because many of the telework individuals are really people that are connected to the office and they telework 1 day a week, 2 days a week, 3 days a week, but they are in the office, or maybe they are in the office once a month or whatever it may be. But there is a physical connection here.

There is a paradigm shift in the conversation to say we have now learned that we cannot only telework 5 days a week but we can do that month after month after month, and it begs the basic question, why couldn't you hire someone in Oklahoma to be able to do a task for an agency that is based in Washington, DC.? What is the difference between Washington, DC, Northern Virginia, Oklahoma, and Arizona for actually bringing people on board? And the practical answer is there is not one.

It also brings up a significant job opportunity to, let's say, spouses of our military, which often are working in very remote areas. By definition a base or post is very far from another area and there are very few jobs available. But they could work at Department of Transportation in a telework situation even if they are in beautiful, fabulous Altus, Oklahoma, where there are not as many jobs available in that area, because it is a remote training area.

So that is whether you are Border Patrol and you are assigned to the Northern Border in North Dakota, in a remote area, and you

are a spouse and you do not have any options, or whether you are a military spouse or whatever it may be. This opens up a lot of options for those spouses, to be able to help those other Federal families, not to mention a lot of other people that want to work in other areas.

So I want to drill down, and be as specific as you can. What would prohibit you, either in the regulatory space or the statutory requirements, or just in practical engagement, from not hiring people that you literally never plan to meet, or if you do plan to meet it may be an annual meeting at some point in the future. But you are talking about onboarding, supervising, working at a distance, with no intention that they will drive in once a week, to be able to ever connect with the office on that. What would prohibit that?

So Mr. Washington, you are first.

Mr. WASHINGTON. Thank you so much for your comments, and that is so interesting that you mention military spouses because I just had that conversation with a colleague a couple of weeks ago. Because, with a lot of military spouses you bring the person on board, you train them, they are an excellent employee, and then the veteran is deployed somewhere, and you do not want to lose your investment.

So we have been flexible, even pre-pandemic, at the Department of Transportation, with allowing employees to transition and work remotely. We are hoping, as a result of a lot of our lessons learned from the health emergency that managers would be more receptive.

I think it is more of a culture change, and we are compiling a lot of the data, assessing metrics, to build that business case to have a more rigorous remote work policy. But I think a lot of it is culture change.

Senator LANKFORD. So there is not anything regulatory or statutory right now that you could not do that today. Or let's say we are post pandemic, that you could not do that in just a decision you want to make?

Mr. WASHINGTON. I am not aware of regulatory or statutory barriers. In fact, there could be cost savings. I mean, if the employee is working in Oklahoma or a rural area where the cost of living and the locality pay is cheaper, there could actually be cost savings associated with that.

Senator LANKFORD. That is correct. I would think the exact same thing. I am grateful to say that Oklahoma has a much lower cost of living than Northern Virginia, so hiring people out of Northern Virginia rather than hiring people out of Oklahoma or so many other great States around the country, there is a cost savings there, and plus there is a ready workforce that may be interested in being able to take that on and another group of people you could recruit from.

Ms. Rose, talk about this on the hiring side of this. Why wouldn't that work and what are the barriers that you see?

Ms. ROSE. It absolutely would work, and it does work. We had already started making that shift at the Labor Department just as the Transportation Department has. It was a paradigm shift for some of our managers and supervisors who now had their eureka moment, like, this is working really well and now, suddenly, I have

an applicant pool that is the entire United States, not just the Washington, DC. metro area.

We are routinely announcing jobs at this time for all locations, no longer just a Washington, DC. duty station or a Chicago, Illinois duty station, but considering everyone in the country. In the Office of Human Resources itself, about a third of my staff is 100 percent remote telework, and that will continue permanently beyond the pandemic, because of where they are located and where they are working.

I just had an employee in my office whose husband was posted to Germany, and she was going to accompany him to Frankfurt, obviously. She is still working for us, I am happy to report, and will continue to work for me full-time for his entire 3-year assignment in Germany.

It is the best, and we have found that employees outside the Washington, DC. area stay longer. They are happy to stay working with the agency that recruited them and hired them. Employment in the government in Washington tends to be a revolving door, and we just steal people from each other, and it goes around and around and around. I am delighted that we can now access a much bigger applicant pool of very qualified people.

Senator LANKFORD. OK. Thank you. Mr. Borland?

Mr. BORLAND. Thank you, Senator. I think looking across government we know that the Patent and Trademark Office has been doing this for years, and so I do not believe there are any regulatory or statutory barriers to permanently out-stationing or having kind of work-from-anywhere situation.

I think that we have learned, at Social Security, that whether it be provisioning security credentials, laptops or cellphones, providing training, that work can be done remotely. The workforce can be remote. We have been addressing challenges, public service challenges on our 800 number, and we have new 800 number agents that received all of their equipment, their security credentials, their onboarding, their orientation, and their training remotely, and they are working from home.

Senator LANKFORD. Ms. Rosenberg, let me refine this question, not only just for your agency as well, but Washington, DC. is one of the most expensive real estate areas in the country. Is there a potential that this could be a cost-savings issue that agencies could, if they worked through the process, determine I do not need as big of a footprint here in Washington, DC. to be able to hire on people, knowing I am going to assume I am going to add 25 percent or 20 percent or 40 percent, whatever the number is, agency to agency, that could be hired anywhere in the world, at this point from any American citizens? Is that something that you would see that would be a change and shift here in D.C. as well, in how we actually manage things? I know that is much a General Services Administration (GSA) question, but I have GAO in front of me rather than GSA right now, so I am asking you first.

Ms. ROSENBERG. I think there is certainly the potential for cost savings, I think in two ways. One is that individual salaries are based on their official duty station, and if their official duty station is their home or a telework location that is in a less-expensive area, then salaries could be reduced. And it also could mean savings for

agencies in terms of space. I know when GAO moved to expanded telework it enabled us to reduce our footprints, both in our regional offices and reduced the amount of leased space, as well as in our headquarters building. It enabled us to rent out parts of our headquarters building to other agencies since we had less people who needed physical space in the building.

Senator LANKFORD. Senator Rosen, I see that you are there now as well. I would love for you to be able to join in the conversation, and let me open this up to you for questions.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Senator Lankford. I am really happy that you have held the second hearing on telework because really our Federal workforce, particularly how they are coping with the stresses of the pandemic, but they still have to deliver the services that everyone needs, and deliver them out to the American people in the way that is best. So I am really glad we are coming together in a bipartisan way to figure out how we do this.

I want to talk a little bit about cybersecurity, because with millions of Federal and private sector workers navigating the transition from an office environment to their home, obviously because of COVID-19, maintaining cybersecurity while teleworking, it is imperative for our national security, really. Small organizations, in particular, face challenges like resource constraints and protecting themselves from increasingly sophisticated cyber threats like ransomware. We know how destructive that can be and how frightening that is for companies when that happens, or agencies.

So to address this vulnerability, just this very afternoon I introduced bipartisan legislation, along with Senator Moran, that requires CISA, in coordination with the Federal Trade Commission (FTC), to publish a network of telework-related cybersecurity best practices for small organizations, including small businesses, nonprofits, and small governmental jurisdictions. Those could be our school districts, and we have had issues with ransomware attacks on school districts, of course, in my State, and I know across the country.

However, even large Federal agencies are facing unprecedented cybersecurity challenges now that, like you say, the majority of your workforces are working virtually. Ms. Rosenberg, can you tell us what you assess to be the most significant and most prevalent challenges Federal agencies may be facing when they are implementing telework-related cybersecurity practices? And you know that National Institute of Standards and Technology (NIST) and CISA, we have put out guidelines and done a lot of work on that. How can we assure that those best practices are reaching particularly our Federal workforce?

Ms. ROSENBERG. Thank you, Senator Rosen. What I could say to you is that we have ongoing work. Our information technology and cybersecurity team has initiated work that is looking at what selective Federal agencies experiences have been in implement IT telework solutions in response to the pandemic, and to what extent the selected agencies addressed Federal information security guidance when implementing those solutions. That work is still in its

initial phases, but the team expects to issue something this summer.

Senator ROSEN. Thank you. Anyone else want to talk about the cybersecurity practices and the challenges you have had, or how we can help best respond and overcome those cybersecurity challenges, as you are protecting, obviously, personal information, particularly our Social Security Administration.

Mr. BORLAND. Senator Rosen, if I may, I am Jim Borland from the Social Security Administration. Thank you for that question. I want to emphasize, and getting back to something that Senator Carper said earlier, that our agency has a very close and productive working relationship with CISA. Obviously, cybersecurity is of critical importance to the American public when it comes to protecting their personal information, and Social Security has one of the largest repositories of that information in government.

We have found the concept of having CISA to be so incredibly helpful, because they have the ability to do threat assessment and intelligence gathering, that even as a large Federal agency, would take many resources and would be duplicative. So when we get a binding operational directive from CISA, we know that it has been thoroughly researched, it is a real threat. They give us advice as to what to do, and our role is just to get it done. And so in that regard the advice, the direction that we get from CISA really has a major role to play in improving and sustaining strong cybersecurity posture.

Senator ROSEN. That is fantastic. I cannot see everyone there, if there is anyone else that wants to respond to that. Otherwise I do have one other question in my remaining time. Of course, as we know, the general public, they are depending on our Federal agencies for our vital services, our social security checks, like you say, our VA benefits, so many things that they are going to benefit all of us in the long run, and maintenance of our public lands even.

So particularly at the time when reliable information about public health and safety is so important, we have to have the public trust our Federal agencies to offer fast services and accurate responses. So anyone who would like to address this, can you talk about how you have met the pandemic's challenges in terms of providing public services, customer service, especially that aspect of your agency's mission, as you are missing out on some of the face-to-face. What kind of adaptations did you have to make, and really, I know there are benefits but what are we missing or what can we help you do better, because some things do get lost in translation when you are maybe just on the phone.

So maybe Mr. Borland, if you want to speak about that.

Mr. BORLAND. Thank you, Senator. I would be happy to. So when the pandemic was declared by the World Health Organization, we pretty quickly swung to maximum telework, but we also made the decision to close our offices. As I mentioned in my opening remarks, we serve a population that is particularly vulnerable to COVID-19; and because of the nature of the work that we are doing [audio difficulties-inaudible] across America. You need to protect not only employees but the public.

We made the decision to close our offices, but we swung immediately to a public information campaign to make sure that local

communities knew that while our physical buildings were closed that our employees were working, that they could be reached at the phone number for their local Social Security Office, and if you have a claims representative that you worked with at that office you can reach that claims representative.

Our 800-number service had some different challenges, ones that we were able to overcome pretty quickly. We had a situation where we have a legacy telephone platform, and only 25 percent of our employees that work in our teleservice centers were equipped to telework. We quickly re-engineered a solution that would allow the 800-number employees to use the system that is used in our field offices, so we could quickly telework-enable all of our 800-number agents.

I am happy to say we just ended our fiscal year (FY), and we met our average speed of answer goal for our 800 number. It is not as low as we want it to be and we are going to keep working hard to continue to provide better service to the public.

Senator ROSEN. Thank you. I know my time is just about up, but I know it is always—speaking from my own experience, whenever you try to do something with customer service it is nice to be able to get to a person. And then if you have to call back again, particularly with some things with social security perhaps, that the ability to have continuity with the same person is really important in resolving a case without having to revisit it and re-litigate it, and satisfaction for everyone.

So I appreciate it and I yield back my time. Thank you, Senator Lankford.

Senator LANKFORD. Senator Rosen, thank you.

I do want to ask a couple more questions here. Ms. Rose, you talked before about onboarding and those lessons learned. Obviously, that is one of the challenges that we have all discussed. It is a very different dynamic onboarding someone you have never met, your manager is not interacting with on a daily basis, and the challenge that you have typically when you land in the middle, as you and I have both said, the cubicle farm, and you do not know how to fill out a certain form or to be able to do a certain process, you turn to the person next to you and they kind of help you through that.

You do not have that at this point when you are working remotely. You do not know the people that you work around. You do not know who else to be able to call on the team that is also doing this same job, to be able to help you in the process. You do not even know your manager and your manager does not know you.

So what lessons have you learned at this point, and I would be interested in any of the other of the three of you, if you have specific ideas on this issue about onboarding, mentoring, helping people in the earliest days to be able to be a productive, valued part of a team, what lessons you have learned in this. Because if we are going to start hiring people no matter where they live, then we are going to have to take what we learned during this time period and to be able to accelerate that in a broader perspective.

So anyone can answer that question. If you have additional insight, jump in. But I would like Ms. Rose to go first.

Ms. ROSE. Thank you, Senator Lankford. That is such an important point and it is a vital lesson learned. We knew very early on that we would have to stay very engaged with our employees if we are not going to be physically co-located with them. We have provided training to managers and supervisors on how to manage and supervise in a virtual environment, and quite frankly, we have really leveraged information technology to every extent possible to try to replicate a real-time, face-to-face experience for our employees and for our supervisors. So we are using programs like Teams and Skype so that people can have conversations in person, digitally, and see one another, because that really makes a difference in getting to know someone.

We have also tried to replicate some of our morale-boosting experiences in a virtual environment. We are going to launch our Secretary's Honor Award ceremony tomorrow, and it is going to be conducted completely virtually, but it will be streamed out so that all of our employees can participate and send congratulations to their colleagues, just as they would if we were having the ceremony in our auditorium.

It takes a lot of effort and you have to rethink the way you do things, but technology has given us the ability to be almost as good as being there if we try and we use it.

Senator LANKFORD. OK. So can I ask just a follow-up question on that as well?

Ms. ROSE. Sure.

Senator LANKFORD. As you are gathering all this information and these ideas and you have new training modules and everything else, are the CHCOs sharing that with each other or is every agency kind of developing their own structure, their own idea, because everyone is ramping up through this time period? How much collaboration is there agency to agency to say, we have found this module to be really good for training new employees, we have found this to be really good for onboarding, we have found this metric to be really good for measuring performance and evaluating this in the remote setting.

So I am just asking the question, is collaboration happening at this point, at what level? I am not expecting us to be perfect at this yet because we all trying to figure it out. But has that started, and if so, what does it look like?

Ms. ROSE. I am pleased to report it has started. We have weekly CHCO collaborative calls that all of the Executive Branch agencies participate in. We have not done as much sharing of lessons learned as I think we will coming out of this, because as you have acknowledged, we are still kind of in the thick of it. And we talk to each other on a case-by-case, individual basis. We know each other. It is a small community, and the collaboration vehicle is there for us to make more use of it as we gain more experience and have time to share lessons learned.

Senator LANKFORD. OK. That would be very helpful. And if we can participate in that, we want to be able to help in that process. Senator Sinema and I are very engaged in this, along with the rest of our Committee. What I do not want to have is a contractor pull together a really good training module and sell it to you, and sell it to you, and sell it to you, and suddenly the taxpayer

is not getting good bang for the buck because one contractor created something that is really good and now they are selling it all over the place to everyone, when we could actually buy that license once and use it governmentwide if we choose to on that.

OK. Mr. Washington, do you have anything to add to this?

Mr. WASHINGTON. The one additional thing I would add is that we have identified a sponsor for any new staff, I mean, even before they come on board, so they could have that as a resource that they could reach out to. And the sharing of best practices and the collaboration, that has really been integral to our success at the Department of Transportation. I mean, we have 54,000 employees all over the country, so when the pandemic hit we started weekly meetings with our HR directors, and they were able to raise challenges and talk about best practices. So that has been very integral to our success.

Senator LANKFORD. OK. Mr. Borland, do you have anything you want to add?

Mr. BORLAND. It is a technology solution that we found to be particularly helpful, but a pretty rudimentary one, and it is persistent chatrooms. In other words, giving folks kind of that water cooler place to check in during the day, to ask questions, to touch base. We have found it to be very effective in keeping those connections that we are all used to from our physical work space and perpetuating them.

We also make widespread use of video teleconferencing, for meetings. I think many people have forgotten how to use their telephones because they are so used to just clicking on someone and calling them.

So there is lots of great technology out there, but the important part of the use of the technology is the human aspect of it. It is that human connection. That is why we are moving toward video as well as audio, to make that human connection. We have all been isolated a long time, and it is frankly really good to see my colleagues from time to time.

Senator LANKFORD. You know what? I cannot begin to tell you the number of times I have heard, in the last few months, when I ran into someone in person at some spot, that their first response is, "It is so nice to see a person." And so I get that.

Ms. Rosenberg, anything that you want to be able to add to this as well?

Ms. ROSENBERG. I would certainly echo the sentiments that my colleagues made, that maintaining that social connectedness and being creative in the way you do it is very important.

I think the one thing I would add is that as part of this continuing communication is that employees' needs change over time, and so you need to adapt as the employees' needs are changing. I think we have certainly learned that as the pandemic has lasted longer than I think any of us had hoped, that we have had to adjust the types of resources we provide to staff and how we outreach to them as the situations that they are facing change.

Senator LANKFORD. I appreciate that very much, and you are right. This has lasted much longer than any of us had thought or hoped. I distinctly remember conversations in early March saying by Easter, and then we would fill in the blank after that. We did

not realize it was Easter 2021. But it is just the reality of where we are today.

I have about 9 hours more of questions for each of you, but you will all be glad to know that a vote has been called and so I am not going to be able to do 9 hours more of questions with you. But I very much appreciate your insight.

Let me ask one favor of all of you. As you work through this process you are going to bump into regulations and the statutory prohibitions of things that you think, this really needs to be done. This is the Committee that will work on those things. So when you run into the statutory problems and issues, or regulatory issues, would you please make sure you actually share them with us and not assume that Congress does not care to hear this. We do. We are just not doing the same thing you are doing all day, every day. We are not going to see it at the same level you are.

So when you see those statutory barriers, or you see a regulatory issue that needs to be addressed, please make sure you share it back with our Committee. We are going to continue to be able to work on this, because this is a paradigm shift for how we work as the Federal Government. We are opening up a much larger pool of individuals that are eligible to be able to work with us, and with greater flexibility on some of the tasks that we have.

We will always have in-person, and we should always be here in Washington, DC, with our agency heads and all of those things, to be able to interact for those face-to-face meetings that need to occur. But we have millions of people around the country that would love to be able to serve their country by serving in one of these agencies, and I would love for them to be able to have the opportunity to be able to do that as well, and to be able to compete, to end up on someone's list as the well-qualified candidate that happens to live in Altus, Oklahoma, and they get the opportunity to be able to compete for those tasks as well.

I look forward to ongoing dialogue about these issues, and please make sure that you continue to be able to keep that communication going with our team, as we are pulling together different ideas. Senator Sinema and I have already started the conversation about legislation that may be needed or helpful in this process as well. But as you have ideas, and your legislative team has ideas, please make sure those actually get shared with us on a timely basis.

That concludes today's hearing. I am very grateful, again, for the witnesses that are here and for the time that you have been able to share with us, all four of you. Thank you for that.

The hearing record will remain open for 15 days until the close of business on Thursday, December 3rd, which it is hard to believe 15 days from now we are into December, but we are. That will be for the submission of statements and questions for the record.

Thank you again very much for your continued service, as you have done for a very long time, and we look forward to getting the chance to be able to work together on this. This hearing is adjourned.

[Whereupon, at 4:45 p.m., the Subcommittee was adjourned.]

A P P E N D I X

Opening Statement

**Hearing before the Regulatory Affairs
And Federal Management Subcommittee,
Wednesday, November 18th at 3:00 PM**

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

- Good afternoon and welcome to today’s Subcommittee hearing to examine the lesson’s federal agencies have learned during the COVID-19 pandemic regarding remote work practice and policies.
- It has been a decade since the last significant piece of federal telework legislation. The Telework Enhancement Act of 2010 set a baseline standard for federal agencies to follow. Over the last ten years, we have seen great advances in technology, changing

workforce expectations, and an increase in cyber security threats.

- With so many changes in the world, it makes sense to take a close look at current telework policies and strategies within the federal workforce. The current pandemic has acted as a magnifying glass for telework policy improvement.
- This committee held a hearing in July with a panel of private industry witnesses. During that hearing we were able to gather valuable information concerning what private employers have done to support their remote workforce. We were also able to draw out some lessons learned that could help the federal workforce recalibrate its telework strategies and policies.

- During that hearing we also gained some insight into what the current private workforce is demanding. This, coupled with all the environmental challenges we now face, may help us create remote work policies that keep the federal government competitive in the hiring of highly qualified individuals.
- Since early March, federal agencies have been forced to deal with complex problems like cyber security, remote performance management, and employee engagement, on a massive scale.
- The pandemic has been extremely disruptive to all of our lives. I am hopeful that we can use these challenging times to shine a light on telework processes and find long term

solutions that provide real value for federal agencies and their employees.

- As I stated in the first hearing, there are some very important telework questions that I believe we need clarity on in order to chart a clear path forward for the federal workforce.
- For example, how do we best prepare employees, so that during a future disaster or pandemic, they can seamlessly transition into a federal telework posture?
- How do we effectively train managers to stay engaged and monitor performance of remote workers?

- What tasks could be permanently telework which would open up opportunities for hiring anywhere in the country?
- I want to make sure that cyber security threats and IT infrastructure improvements are at the forefront of future telework legislation conversations.
- Today I look forward to hearing from the frontlines. We have heard anecdotal evidence of agencies overcoming the challenges of a mostly remote workforce, but today we have an opportunity to hear from the source. My hope is that we can take what we learn in today's hearing and use it to create a more efficient, flexible, and competitive federal workforce.

- I want to thank this panel for taking time away from their very busy schedules. We really appreciate the opportunity to be able to hear about your agencies experience with telework and what lessons you have learned.
- With that, I would like to recognize Ranking Member Sinema for her opening remarks.

HSGAC RA FM Subcommittee Hearing
Modernizing Federal Telework: Moving Forward Using Lessons Learned
During the COVID-19 Pandemic
November 18, 2020
Senator Kyrsten Sinema Statement for the Record

Thank you, Mr. Chairman, for holding this important hearing. And, as this is likely our last subcommittee hearing of the year, thank you for your leadership throughout this Congress. It's been a pleasure working with you.

I would like to submit a statement for the record from the American Federation of Government Employees.

I appreciate our witnesses joining us today, although I had hoped all our witnesses would agree to join this hearing remotely to better protect themselves and the Committee as COVID-19 numbers increase across the country.

This hearing is important for a number of reasons, but a key one is to dispel the myth that telework automatically means decreased productivity. My office has been completely virtual since March and there has been no disruption in our work. Every day my team is working to help Arizonans. Telework can increase productivity, improve employee morale, and allow workers the flexibility they need to care for their kids or loved ones.

The key is to develop an effective telework strategy so that workers have the tools they need and everyone in the organization understands its policies and goals. I look forward to our conversation on those topics, learning more about the problems you've overcome and what operational challenges remain.

It is also important to note the risks of returning our federal workforce to their offices too soon. According to a recent *Government Executive* article, more than 100,000 federal employees nationwide have tested positive for COVID. Many states have seen alarming rises in COVID cases recently. This week in Arizona, the percent of positive COVID tests has reached its highest level in more than three months and the number of Arizonans hospitalized for COVID-19 at the beginning of this week was 70 percent higher than it was on November 1st.

While most federal employees continue to work from home, there are certainly some positions, such as our agents and officers at the border, postal workers and VA staff who cannot do so. To protect these individuals, it is critical to allow maximum telework to minimize the number of people in Federal buildings.

With that, I look forward to hearing from our witnesses.



United States Government Accountability Office

Testimony

Before the Subcommittee on Regulatory
Affairs and Federal Management,
Committee on Homeland Security and
Governmental Affairs, U.S. Senate

For Release on Delivery
Expected at 3:00 p.m. ET
Wednesday, November 18, 2020

FEDERAL TELEWORK

Key Practices That Can Help Ensure the Success of Telework Programs

Statement of Michelle B. Rosenberg, Acting Director,
Strategic Issues

GAO Highlights

Highlights of [GAO-21-238T](#), a testimony before the Subcommittee on Regulatory Affairs and Federal Management, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

Telework offers benefits to federal agencies as well as to the federal workforce. These include improving recruitment and retention of employees, reducing the need for costly office space, and an opportunity to better balance work and family demands. In addition, telework is a tool that agencies can use to help accomplish their missions during periods of disruption, including during the current COVID-19 pandemic.

Congress has encouraged federal agencies to expand staff participation in telework, most recently by passing the Telework Enhancement Act of 2010 (the act). The act established requirements for executive agencies' telework policies and programs, among other things.

This statement provides key practices to help ensure the success of telework programs. The statement is based on GAO's body of work on federal telework issued from July 2003 through February 2017.

GAO has recently initiated two reviews related to federal telework. One is examining the extent to which agencies have used telework during the COVID-19 pandemic, including the successes and challenges agencies experienced. The second is reviewing agencies' telework information technology infrastructure.

View [GAO-21-238T](#). For more information, contact Michelle B. Rosenberg at (202) 512-6806 or rosenbergm@gao.gov.

November 18, 2020

FEDERAL TELEWORK

Key Practices That Can Help Ensure the Success of Telework Programs

What GAO Found

The Telework Enhancement Act of 2010 (the act) defines telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of their position and other authorized activities from an approved worksite other than the location from which the employee would otherwise work. GAO previously identified key practices in telework-related literature and guidelines that federal agencies should implement in ensuring successful telework programs. These key practices may be grouped under seven categories.

- **Program planning.** Consistent with a key practice GAO identified, agencies are required to have a telework managing officer. Other key practices related to planning for a telework program include establishing measurable telework program goals, and providing funding to meet the needs of the telework program.
- **Telework policies.** Agencies can help ensure their workforces are telework ready by establishing telework policies and guidance. To ensure that teleworkers are approved on an equitable basis, agencies should establish eligibility criteria, such as suitability of tasks and employee performance. Agencies should also have telework agreements for use between teleworkers and their managers.
- **Performance management.** Agencies should ensure that the same performance standards are used to evaluate both teleworkers and nonteleworkers. Agencies should also establish guidelines to minimize adverse impacts that telework can have on nonteleworkers.
- **Managerial support.** For telework programs to be successful agencies need support from top management. They also need to address managerial resistance to telework.
- **Training and publicizing.** Telework training helps agencies ensure a common understanding of the program. The act requires agencies to provide telework training to employees eligible to telework and to managers of teleworkers. Keeping the workforce informed about the program also helps.
- **Technology.** Agencies need to make sure teleworkers have the right technology to successfully perform their duties. To that end, agencies should assess teleworker and organization technology needs, provide technical support to teleworkers, and address access and security issues.
- **Program evaluation.** Agencies should develop program evaluation tools and use such tools from the very inception of the program to identify problems or issues. Agencies can then use this information to make any needed adjustments to their programs.

GAO has previously reported instances where selected agencies faced challenges implementing telework programs that aligned with key practices. For example, three of four selected agencies did not require review or document their review of ongoing telework agreements. These reviews are important to provide assurance that the agreements reflect and support their current business needs. GAO also previously reported that managers at three of four selected agencies were not required to complete telework training before approving staff's telework agreements. The training is important to ensure managers fully understood agency telework policy and goals before approving or denying requests to telework.

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

I am pleased to be here today to discuss our previous work on key practices related to federal telework programs. Telework offers benefits to federal agencies as well as to the federal workforce. These include reducing traffic congestion and pollution, improving recruitment and retention of employees, and reducing the need for costly office space. Employees also can realize benefits from teleworking, including reduced commuting time; lowered costs in areas such as transportation, parking, and food; and an opportunity to better balance work and family demands.

Telework is also a tool that agencies can use to help accomplish their missions during periods of disruption, such as during severe weather events and major emergencies including the current Coronavirus Disease 2019 (COVID-19) pandemic. During this crisis agencies have been encouraged by the Office of Management and Budget to maximize the use of telework, which has allowed federal employees to work remotely in order to sustain agency operations and serve the American people.¹

Congress has encouraged federal agencies to expand staff participation in telework, most recently in 2010 by passing the Telework Enhancement Act of 2010 (the act). The act defines telework as a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position and other authorized activities from an approved worksite other than the location from which the employee would otherwise work.²

The act requires executive agencies to establish telework policies, incorporate those policies into their respective continuity of operations plans, and provide interactive telework training to employees eligible to telework and managers of teleworkers.³ The act also assigns the Office of Personnel Management (OPM) leadership responsibilities including: (1) providing policy and policy guidance for telework in specified areas; (2)

¹Office of Management and Budget, *Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID-19*, OMB Memorandum M-20-16 (Washington, D.C.: 2020).

²Pub. L. No. 111-292, 124 Stat. 3165 (Dec. 9, 2010), codified primarily at chapter 65 of title 5, United States Code.

³5 U.S.C. §§ 6502-6503.

assisting each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; (3) identifying best practices and recommendations for the federal government; and (4) reviewing the outcomes associated with an increase in telework.⁴

My statement today discusses key practices for helping to ensure successful telework programs. This statement is based on our body of work on federal telework issued primarily between July 2003 and February 2017.⁵ This work included identifying key practices in telework-related literature and guidelines that federal agencies should implement in developing telework programs.⁶ More detailed information on our objectives, scope, and methodology for that work can be found in the issued reports. In addition, we reviewed the Telework Enhancement Act of 2010 to highlight the intersection of aspects of the act and the key practices related to telework we previously identified.

We have recently initiated two reviews related to federal agencies' use of telework.⁷ One is examining the extent to which agencies have used telework during the COVID-19 pandemic as well as the successes and challenges agencies experienced with telework throughout the pandemic, including lessons learned. The second is reviewing agencies' telework information technology infrastructure and assessing agencies' initial experiences implementing telework solutions in response to the COVID-19 pandemic.

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides

⁴5 U.S.C. § 6504(b); § 4 of the act.

⁵GAO, *Federal Telework: Additional Controls Could Strengthen Telework Program Compliance and Data Reporting*, [GAO-17-247](#) (Washington, D.C.: Feb. 17, 2017); *Federal Telework: Better Guidance Could Help Agencies Calculate Benefits and Costs*, [GAO-16-551](#) (Washington, D.C.: July 2016); and *Human Capital: Further Guidance, Assistance, and Coordination Can Improve Federal Telework Efforts*, [GAO-03-679](#) (Washington, D.C.: July 18, 2003).

⁶[GAO-03-679](#).

⁷These reviews are being conducted as part of our work in response to GAO's oversight responsibilities under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, § 19010, 134 Stat. 281, at 579-81 (2020).

a reasonable basis for our findings and conclusions based on our audit objectives.

Key Practices That Can Help Ensure the Success of Federal Agencies' Telework Programs

The key practices for developing telework programs that we previously identified can be grouped into seven categories: (1) program planning; (2) telework policies; (3) performance management; (4) managerial support; (5) training and publicizing; (6) technology; and (7) program evaluation. (See appendix I for a complete list of the key practices we identified). Regular attention to the key practices, several of which are required by the act, can help to foster program growth and remove barriers to telework participation.

Program Planning

The act required agencies to designate a telework managing officer (TMO).⁸ Establishing such a leadership position is consistent with the key practices we identified. According to OPM guidance, the TMO is to develop telework policy, serve as a resource for teleworkers and their managers, and advise the chief human capital officer on the agency's telework matters.⁹ OPM guidance stresses that the TMO position encompasses more than administrative responsibilities.

The TMO is the single agency official accountable for that agency's telework program and its compliance with the act. Agencies may also designate other officials to implement the day-to-day operations of the telework program.

Other key practices we identified related to program planning include: establishing a cross-functional project team, establishing measurable telework program goals, developing an implementation plan for the telework program, developing a business case for implementing a telework program, providing funding to meet the needs of the telework program, and establishing a pilot program when initiating telework efforts.

⁸Prior to the 2010 act, Congress required certain agencies to designate telework coordinators to be responsible for overseeing the implementation of telework programs and serve as a point of contact on such programs for the Committees on Appropriations. See, for example, Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 627, 118 Stat. 3, 99 (2004).

⁹Office of Personnel Management, *Guide to Telework in the Federal Government* (Washington, D.C.: April 2011).

Telework Policies

Agencies should establish telework policies and guidance to ensure that their workforces are telework ready.¹⁰ Another key practice to facilitate telework is to establish telework agreements for use between teleworkers and managers; agencies are now required to have such agreements. The act requires agencies to ensure an employee enters into a written agreement with an agency manager that outlines the agreed upon specific work arrangement between the manager and the teleworking employee before the employee participates in telework.¹¹ Our previous telework-related literature search found that telework agreements should establish job duties and expectations, performance standards, and measurable outcomes and deliverables.

However, we reported in 2017 that three of four selected case study agencies either did not require review or document their review of ongoing telework agreements.¹² Without regularly required review of telework agreements, agencies would not have assurances that the agreements reflect and support their current business needs. Given the likelihood of changes in work responsibilities and employee schedules over time, telework agreements not subject to a periodic and documented review may contain outdated information.

In turn, management at these agencies may end up using inaccurate data when making decisions that require telework data, such as for space planning, technology investments, or calculating the costs and benefits of telework. Further, agencies that do not have a documented periodic review lack an important internal control to better help ensure the accuracy of reporting and to reasonably assure that policy guidelines are being maintained.

Other key practices related to telework policies include establishing eligibility criteria to ensure that teleworkers are approved on an equitable basis using criteria such as suitability of tasks and employee performance; establishing policies or requirements to facilitate

¹⁰The act required agencies to establish a policy under which eligible employees may be authorized to telework within 180 days after enactment. 5 U.S.C. § 6502(a)(1)(A).

¹¹5 U.S.C. § 6502(b).

¹²We recommended that these agencies should require documentation of regular or periodic reviews of all telework agreements in agency telework policies. Two of the three agencies have implemented this recommendation. According to the remaining agency, it is developing a tracking system that will ensure a regular review of telework agreements and anticipates it will fully implement this recommendation in fiscal year 2021. [GAO-17-247](#).

communication among teleworkers, managers, and coworkers; and developing guidelines on workplace health and safety issues to ensure that teleworkers have safe and adequate places to work off-site.

Performance Management

Our past review of telework-related literature found that agencies should take steps to ensure that the same performance standards are used to evaluate both teleworkers and nonteleworkers. In addition, agencies need to establish guidelines to minimize adverse impacts that telework can have on nonteleworkers before employees begin to work at alternate worksites. Following these practices can help eliminate any perceived unfairness and reduce potential sources of tension between teleworkers and nonteleworkers.

The act calls for agencies to establish performance-related internal controls by making performance a criterion for continued program participation. The act states that telework policies should ensure that telework does not diminish employee performance or agency operations.¹³ It also requires agencies to ensure that teleworkers and nonteleworkers are treated the same for the purposes of performance appraisals, among other management activities.¹⁴

Managerial Support

Our previous review of telework-related literature found that, to establish an effective telework program, it is critical to obtain support from top management and to address managerial resistance to telework. Managers may resist telework in part because the change requires them to shift from managing by observation to managing by results. Managers' acceptance of telework is highly dependent on top management's commitment to those changes.

In 2017, we reported on focus groups we held with teleworkers and supervisors at four selected case study agencies.¹⁵ At those focus groups, we heard examples of how supervisors or managers discouraged telework, such as by not allowing employees to call into staff meetings or limiting the number of telework days allowed.¹⁶

¹³5 U.S.C. § 6502(b)(1).

¹⁴5 U.S.C. § 6503(a)(3).

¹⁵[GAO-17-247](#).

¹⁶[GAO-17-247](#).

Focus group participants also reported that some managers may not have supported telework because they believed it contributed to poorer performance as compared to the performance of in-office employees. Addressing managerial resistance to telework could help increase agency telework participation rates and improve agencies' ability to meet telework participation goals. As part of our ongoing work on the use of telework during the COVID-19 pandemic, we plan to obtain federal managers' perspectives related to telework, including how, if at all, they have changed during the pandemic.

Training and Publicizing

Telework involves different ways of working, as well as supervising employees. A key practice we identified from telework-related literature is that both employees and supervisors should receive training to ensure a common understanding of the program. Telework training should include two key components: it should (1) address policy issues and include general information, such as policy updates and an orientation to telework; and (2) focus on telework program activities, including such topics as information technology applications, performance management, and time management.¹⁷ Further, telework-related literature suggests that it is important to inform the workforce about the telework program.

The act requires agencies to provide an interactive telework training program to employees eligible to telework and to managers of teleworkers.¹⁸ The act further requires that employees successfully complete the training before entering into a telework agreement.¹⁹ OPM guidance also recommends managers complete telework training prior to approving telework agreements. However, in 2017 we reported that although our case study agencies required managers and supervisors to complete telework training, one of the four agencies required the training before signing telework agreements.²⁰

As a result, managers who had not completed training before approving staff's telework agreements may have been approving or denying requests to telework before they fully understood agency telework policy. Without sufficient knowledge of agency telework policies, managers and

¹⁷GAO-03-679.

¹⁸5 U.S.C. § 6503(a)(1).

¹⁹5 U.S.C. § 6503(a)(2).

²⁰GAO-17-247.

	supervisors may not be executing their duties in a manner that helps their agencies achieve their telework program goals.
Technology	Our prior review of telework-related literature found that agencies should assess teleworker and organization technology needs; develop guidelines about whether the organization or employee will provide necessary technology, equipment, and supplies for telework; provide technical support for teleworkers; address access and security issues related to telework; and establish standards for equipment in the telework environment. Agencies must also have an appropriate information technology infrastructure in place that allows large numbers of employees to telework simultaneously. Therefore, agencies should assess the extent to which their telework infrastructure is adequate to support increased telework, especially during peak periods, including whether technical support was sufficient, and address any access and security issues they identify.
Program Evaluation	Telework-related literature we previously reviewed recommends that agencies develop program evaluation tools and use such tools from the very inception of the program to identify problems or issues with the program and to develop an action plan to guide any necessary changes for telework or for the organization. The literature also emphasized the need for tracking systems that can help to accurately ascertain the status of telework implementation in the agencies and, subsequently, the federal government. Such a tracking system should include a formal head count of regular and episodic teleworkers, as well as nonteleworkers. The act requires OPM to report annually on an assessment of the progress each agency has made in meeting agency participation rate goals, and other agency goals relating to telework, such as the impact of telework on energy use, performance, and productivity.²¹ To assist in meeting this requirement, OPM collects data on telework via an annual data call to all executive branch agencies. Assessments that include information on benefits, net cost savings, and costs can help decision makers determine the overall effects of their telework programs and the progress achieved. Providing information on

²¹ 5 U.S.C. § 6506(b)(2)(F).

the benefits and costs of telework programs will provide Congress information it needs to assess the value of telework.

However, in 2016, we reported that six selected agencies had little data to support the benefits or costs associated with their telework programs.²² All of the six selected agencies could provide some supporting documentation for some of the benefits and two could provide supporting documentation for some of the costs. We recommended that OPM include cost savings questions in future telework data calls, which the agency did beginning with its fiscal year 2016 telework data call to agencies.

According to OPM, since its 2017 telework data call, agencies have improved in their ability to track cost savings but not all agencies reported information on cost savings. OPM stated in its fiscal year 2018 Telework Report to Congress that cost savings are a key policy goal of federal telework programs, but as demonstrated by agency responses, agencies have challenges evaluating and improving the assessment of these cost savings. OPM concluded, in particular, that agencies may have difficulty isolating costs and benefits attributable specifically to telework.

In conclusion, these telework key practices, several of which are required by statute, provide a roadmap for federal agencies to successfully implement their telework programs. Agencies we reviewed previously faced challenges related to implementing telework programs that align with the key practices and the requirements of the act. These provide valuable learning opportunities for federal agencies as they look to expand and modify their telework programs.

Improving the mechanics of telework programs can yield benefits to agencies, including by enhancing their ability to maintain operations in emergencies, and provide valuable opportunities for work/life balance for employees. An ongoing commitment to regularly evaluate telework programs can better prepare agencies to use telework as a tool to continue to fulfill their individual missions.

Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions you may have at this time.

²²GAO-16-551.

**GAO Contact and
Staff
Acknowledgments**

If you or your staff have any questions about this testimony, please contact Michelle B. Rosenberg at (202) 512-6806 or RosenbergM@gao.gov.

Individuals making key contributions to this testimony include Clifton G. Douglas, Jr. (Assistant Director), Keith O'Brien (Analyst-in-Charge), Crystal Bernard, Ulyana Panchishin, Karin Fangman, Steven Putansu, and Robert Gebhart. Key contributors for the earlier work that supports this testimony are listed in each product.

Appendix I: Key Telework Practices for Implementation of Successful Federal Telework Programs

Categories	Key Practices
Program planning	• Designate a telework coordinator. • Establish a cross-functional project team, including, for example, information technology (IT), union representatives, and other stakeholders. • Establish measurable telework program goals. • Develop an implementation plan for the telework program. • Develop a business case for implementing a telework program. • Provide funding to meet the needs of the telework program. • Establish a pilot program.
Telework policy	• Establish an agencywide telework policy. • Establish eligibility criteria to ensure that teleworkers are approved on an equitable basis using criteria such as suitability of tasks and employee performance. • Establish policies or requirements to facilitate communication among teleworkers, managers, and coworkers. • Develop a telework agreement for use between teleworkers and their managers. • Develop guidelines on workplace health and safety issues to ensure that teleworkers have safe and adequate places to work off-site.
Performance management	• Ensure that the same performance standards, derived from a modern, effective, credible, and validated performance system, are used to evaluate both teleworkers and nonteleworkers. • Establish guidelines to minimize adverse impact on nonteleworkers before employees begin to work at alternate worksites.
Managerial support	• Obtain support from top management for a telework program. • Address managerial resistance to telework.
Training and publicizing	• Train all involved, including, at a minimum, managers and teleworkers. • Inform workforce about the telework program.
Technology	• Conduct assessment of teleworker and organization technology needs. • Develop guidelines about whether organization or employee will provide necessary technology, equipment, and supplies for telework. • Provide technical support for teleworkers. • Address access and security issues related to telework. • Establish standards for equipment in the telework environment.
Program evaluation	• Establish processes, procedures, and/or a tracking system to collect data to evaluate the telework program. • Identify problems and/or issues with the telework program and make appropriate adjustments.

Source: GAO | GAO-21-238T

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Strategic Planning and External Liaison

Stephen J. Sanford, Acting Managing Director, spel@gao.gov, (202) 512-4707 U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548



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**STATEMENT OF
KEITH WASHINGTON, DEPUTY ASSISTANT SECRETARY FOR
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

BEFORE THE UNITED STATES SENATE HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS SUBCOMMITTEE ON REGULATORY
AFFAIRS AND FEDERAL MANAGEMENT**

NOVEMBER 18, 2020

Introduction

Chairman Lankford, Ranking Member Sinema, and members of the Subcommittee, thank you for the opportunity to discuss Federal telework during the COVID-19 public health emergency on behalf of the Department of Transportation (DOT).

Telework at DOT

The Department's long-standing support for and encouragement of telework across our wide-spread operations proved its value and stability when we were able to switch over much of our headquarters and field operations seamlessly in mid-March to maximum telework to meet the COVID-19 public health emergency. Reliance on telework programs at DOT is consistent with and supports the Department's mission, enabling DOT employees to ensure America has the safest, most efficient and modern transportation system in the world, and enhancing the quality of life in both rural and urban communities. DOT employees' ability to telework allows the Department to achieve important performance goals and improve the Department's capability to support homeland and national security requirements, all while supporting employees' work/life balance outcomes.

In 2013, well before the onset of COVID-19, DOT implemented an agency-wide policy in accordance with the Telework Enhancement Act of 2010. The policy encourages the use of telework, and includes notifying 100 percent of employees of their individual telework eligibility status. That policy is still in effect today. The DOT telework policy outlines important criteria for determining whether positions and employees are suitable to participate in telework arrangements and requires telework training for both managers and employees prior to starting a telework schedule.

DOT leaders encourage the use of telework to the maximum extent possible while maintaining office coverage and consistent operations. Throughout DOT organizations, telework programs are discussed at the corporate and individual organizational levels. Historically, feedback and suggestions from employees and supervisors have been used to improve and expand the telework program as appropriate—for example, we adopted recommendations to allow employees to telework while also offering flexible alternative work schedules that help employees' work/life balance. Occasionally, over the years, the Department has conducted organizational telework exercises to give employees and managers opportunities to practice working remotely and to test the information technology capacity to support telework. These efforts resulted in additional investments in emerging technologies and innovation, including secure Virtual Private Networks (VPN) and Virtual Desktop Infrastructure (VDI).

Telework During COVID-19 Public Health Emergency

DOT's transition to maximum telework was virtually seamless following the onset of the COVID-19 public health emergency. This was largely due to the Department having previously institutionalized robust telework programs throughout the agency, as well as ensuring employees and managers had experience working and managing remotely. Thus, DOT had already laid the groundwork to enable virtual teams of employees to adapt quickly to the maximum telework environment and minimize the impact of COVID-19 to agency operations. Because of advanced preparations across DOT, monthly Federal employee teleworkers increased from 14,587 in February to 30,874 in March—without disruption to the agency's mission or network.

The Department leveraged its existing telework policy, work scheduling procedures, and human resources flexibilities and authorities to enable increased telework. Even given the operational variability of DOT workforce missions, geographic locations and the needs of individuals within the workforce itself, DOT has been able to maintain a consistent level of operations and productivity during the health emergency comparable to pre-health emergency levels of production. Anecdotally, some individual offices reported increased productivity.

In response to employees' changing work-life balance needs, the Department allowed for greater discretion and flexibility with employee work scheduling options. For example, under a 'Maxiflex' schedule, DOT employees have discretion to vary their work hours during a day or week, provided the employee still meets their biweekly work requirement by working or

accounting for time with leave. As such, employees may adjust their work schedules to meet their dependent care responsibilities while schools, daycare, and eldercare facilities may be closed. DOT facilitated increased telework use during the COVID-19 public health emergency through widespread implementation of information technology such as Virtual Private Network (VPN) and Virtual Desktop Infrastructure (VDI). Employees with government-issued laptops use VPN and others with computers at home are enabled to use VDI. The Department also used Skype for Business and Microsoft Teams for video and teleconferencing and chat features.

DOT advised its supervisors to re-evaluate telework eligibility and use discretion to allow employees who were not previously considered to have duties suitable for frequent telework (e.g., administrative and clerical employees, etc.) to telework while completing some work assignments outside their normal duties. Under normal circumstances, typically just under half of the total DOT workforce is eligible to participate in telework arrangements, and about a quarter of total employees telework monthly on average. Since the start of the COVID-19 public health emergency in FY 2020, under the Department's maximum telework strategy, more than 60 percent of the workforce was deemed eligible for telework. Since then, upwards of 60 percent of the total workforce teleworks monthly.

The remaining employees are in positions that require their physical presence to be able to perform their core responsibilities, including air traffic controllers at the Federal Aviation Administration (FAA) and operational employees at the Saint Lawrence Seaway Development Corporation. Each Operating Administration within the Department has taken a proactive approach to ensuring those in our workforce that can telework are able to do so to the greatest extent possible.

Lessons Learned

Perhaps one of the most valuable lessons learned during the experience of the COVID-19 public health emergency was to use a considerable degree of flexibility when leveraging the telework policy, work scheduling procedures, and human resources flexibilities and authorities. DOT's Operating Administrations go to great length to identify telework-eligible duties within positions that on their face would seem ineligible but would allow for telework.

Maximum telework presented opportunities for employees and managers to address their changing work requirements from home while still being able to effectively execute their job functions and reduce commute times—many

offices even reporting increased productivity. Thus, some offices are reviewing plans to reduce their office footprint by eliminating leased space and maximizing remote work and telework once the Department recovers from the COVID-19 public health emergency. The maximum telework environment also provided DOT with an opportunity to test and implement relatively new and varied methods of communicating with both small and large groups (e.g., enhanced communication via Microsoft Teams and Zoom videoconferencing).

Yet, maximum telework also presented some ongoing challenges, including: 1) adjusting to new team dynamics and synergy virtually; 2) limited access to office supplies and equipment; and 3) connectivity issues for some. Several months into this new reality, thousands of our employees are now teleworking full-time, and managers are experiencing how their organizations can function successfully under these conditions, providing vital information for future decisions about operations.

Maximum telework, and the move to a virtual environment, within the Department has opened opportunities to improve programs and processes. For example, DOT moved its primarily in-person onboarding program to a fully virtual format immediately after maximum telework was instituted, without missing a pay period. Employees are sworn in, issued equipment, and provided a comprehensive orientation all in a virtual setting. This has expanded to our Departmental program with most Operating Administrations participating in this virtual program without any restrictions due to geographic locations. In addition, the flexibility of a virtual onboarding has allowed for more senior leaders to participate in the program.

Even prior to the start of the COVID-19 public health emergency, DOT considered developing a Remote Work policy (full-time telework), governing telework arrangements for employees who perform the majority or all their work hours in a telework status. Considering the real-world public health emergency experience, the Department will seek to gather more 'lessons learned' to inform the future development of such policies and programs.

The Department has been successful at implementing maximum telework for upwards of sixty percent of our total workforce. Even given the operational variability of DOT workforce assignments, geographic locations and the needs of individuals within the workforce itself, DOT has been able to maintain a consistent level of operations and productivity during the public health emergency comparable to pre-health emergency levels of production.

Closing

Thank you again, for the opportunity to appear before you today to discuss Federal telework during the COVID-19 public health emergency on behalf of the Department of Transportation. I will be happy to answer your questions.

**STATEMENT OF
SYDNEY T. ROSE
CHIEF HUMAN CAPITAL OFFICER
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND
MANAGEMENT
UNITED STATES DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE**

NOVEMBER 18, 2020

Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, thank you for the invitation to testify today.

On March 11, 2020, the Novel Coronavirus Disease, COVID-19, was declared a pandemic by the World Health Organization. On March 13, 2020, the United States declared the COVID-19 outbreak a national emergency. By mid-March 2020, the U.S. Department of Labor (DOL or Department) entered a maximum telework posture due to the COVID-19 global pandemic health emergency.

As it became clear that COVID-19's impact would require significant modifications to Departmental operations, the Office of the Assistant Secretary for Administration and Management's (OASAM) Office of Human Resources had the tools available to support the Department in moving to a maximum telework posture, modifying internal guidance as necessary. DOL issued HR guidance, focused its resources, increased technical assistance to employees and managers, and responded to hundreds of inquiries from managers and employees on the full gamut of human resource (HR) matters including pay, leave, benefits, staffing, telework, work schedules, and other workplace flexibilities. Additionally, DOL rapidly developed guidance related to Emergency Paid Sick Leave offered under the Families First Coronavirus Response Act (FFCRA) to ensure that DOL federal employees who are unable to work/telework due to qualifying COVID-19 related reasons as outlined in the regulations are aware of their entitlements under the law.

In accordance with OPM pandemic guidance, DOL allowed telework eligible employees telework to the maximum extent possible to maintain operations as close to normal as possible and ensure employee safety. Prior to and during the pandemic, telework eligibility at the Department required that an employee's duties be suitable in whole or in part for performance at a telework site, and that individual employees meet additional criteria required by the Telework Enhancement Act, Departmental policy, and applicable collective bargaining agreements (for example, performance requirements). Further, individual employee participation in telework was subject to supervisory approval based on factors such as the business needs of the office, the costs of an arrangement (if applicable), and the availability of technology and equipment required to support the duties of the position.

In response to the declaration of the pandemic health emergency and to promote the safety of staff, however, supervisors were encouraged to re-designate staff who were not telework-eligible, due to the nature of their duties, by identifying temporary alternate assignments suitable for accomplishment at a telework site. Additionally, employees who had been deemed temporarily ineligible for telework based on performance deficiencies or misconduct that did not involve a gross lack of ability to trust the employee to telework, were temporarily deemed telework eligible. An internal policy limiting telework to one day per week for the Department's managers and supervisors was temporarily waived as well. The waiver or re-structuring of these limitations allows the Department to maximize the use of telework while ensuring employee safety and maintaining continuity of operations during the health emergency.

Telework participation requires completion of interactive telework training, available through the Department's internal learning development system. As the Department rapidly increased telework participation in response to the declaration of the pandemic health emergency, new participants were required to complete the training. Additionally, the Department has provided employees with supplemental telework resources available on the Department's intranet as part of a helpful repository of Coronavirus Guidance and Resources. These resources include: 1) a Telework Resources Guide, 2) a Telework Readiness Checklist, and 3) Tips for Safe and Healthy Teleworking.

The Department is presently continuing to use telework to ensure continuity of its essential functions and to perform the bulk of its day-to-day operations.

The Department currently tracks telework eligibility and use on a quarterly basis. Below are percentages for Fiscal Years (FY) 2019 and 2020.

FY 2019	Percentage of Telework Eligible Employees	Percentage of Eligible Employees Utilizing Telework
Q1	94%	68%
Q2	96%	74%
Q3	97%	68%
Q4	97%	68%

FY 2020	Percentage of Telework Eligible Employees	Percentage of Eligible Employees Utilizing Telework
Q1	97%	68%
Q2	97%	94%
Q3	98%	96%
Q4	99%	96%

The Department has engaged in significant and frequent consultation with its unions. Senior DOL leadership has briefed the leadership of its three unions—the American Federation of Government Employees National Council of Field Labor Locals (NCFL), the American Federation of Government Employees Local 12, and the National Union of Labor Investigators (NULI)—weekly since March 6, 2020. DOL leadership regularly shares pertinent

information with these unions regarding how COVID-19 has affected DOL employees and how DOL leadership is responding to keep employees safe and ensure DOL achieves its mission. DOL leadership set the tone at the beginning of the pandemic by agreeing that if the unions raised concerns, it would look into those concerns as timely as possible. This has resulted in an open line of communication with the unions to share information regarding COVID-19 challenges, which has positioned DOL leadership to respond quickly to concerns that have been raised. DOL leadership provided the Department's draft resumption plans to the unions for their feedback.

DOL's collective bargaining agreements (CBAs) cover safety and health matters, such as personal protective equipment, along with other issues. Two of its unions invoked bargaining under their CBAs over the impact and implementation of the DOL Resumption of On-Premises Work Plan. DOL engaged in negotiations with leadership from all three unions and completed a memorandum of understanding (MOU) in October 2020. This MOU addresses the impact and implementation of the Resumption of On-Premises Work, and positions all of DOL to operate from the same plan moving forward. Indeed, DOL has provided briefings and training to its managers in how the MOU should be implemented to ensure consistency.

The Department recently started to assess tangible cost savings related to telework. A working group made up of senior managers and subject matter experts from various DOL sub-agencies is currently exploring best practices and opportunities to leverage expanded workplace flexibilities such as telework and the use of technology to reduce space and manage remote workers. A component of any strategic plan will involve developing a methodology to evaluate progress through a future cost benefit analysis.

The Department's recent modernization of its information technology (IT) infrastructure has enabled it to effectively pivot to maximum remote work in response to the pandemic. For instance, DOL leveraged its network bandwidth expansion and infrastructure upgrades to facilitate a rapid transition to a maximum telework environment. DOL recently upgraded its entire laptop fleet to Windows10, and the newly implemented Unified Communications program allowed the Department to deploy network upgrades to 135 offices where more than 10,000 staff utilize DOL's 12 laptop distribution centers nationwide.

Recently acquired capabilities that facilitated the smooth transition to maximum telework include the deployment of Microsoft Teams and the Soft Phone Jabber client, which significantly enhanced virtual meetings inside the Department and with the public, as well as the use of RSA tokens as an alternative means to provide access for employees facing onboarding or Personal Identity Verification (PIV) card expirations, and staff unable to visit USAccess centers.

The Department also made acquisitions to accommodate the current maximum telework posture in direct response to the pandemic. Examples of these include:

- Purchasing local desktop printers to support at-home printing of mission-related work (e.g. Occupational Safety and Health Administration citations);
- Increasing audio conferencing availability, and modifying wireless voice plans;
- Purchasing approximately 4,500 headsets for phone communications;

- Procuring electronic fax capability for all of DOL via an Interagency Agreement with the General Services Administration; and
- Purchasing DOL's Unified Communications system, which enabled seamless redirection of business lines typically answered on desk phones to softphones utilizing voice over internet (VOIP) installed on DOL laptops and tablets at telework locations, and provided seamless audio and video conferencing at the worksite and for remote workers.

These technologies and acquisitions, along with system and process innovations, allowed DOL to virtually on-board more than 762 new staff since March 2020 and to virtually conduct bargaining with our unions.

DOL's recent implementation of Enterprise-wide Shared Services for Human Resources and Information Technology supported and enabled the Department's ability to quickly adapt a posture of more remote work in response to the pandemic. More centralized HR allowed DOL to decisively expand the use of telework during the declared pandemic and implement any necessary HR policy changes to support those shifts in work arrangements. Similarly, DOL's implementation of a more centralized IT service delivery model allowed the Department to make the necessary policy changes and resource investments to ensure DOL was able to adequately support the shift to more remote work.

In regard to challenges that our agency experienced with maximizing telework during the COVID-19 pandemic, the increased volume of telework activity demonstrated the urgency for the Department to improve our access to real-time telework data through an automated system. The Department is currently developing and testing a telework tracking application system to be launched as part of a broader internal web-based platform. The application system will document and track annual telework agreement recertification to ensure a regular review of telework eligibility and agreements, and it will track completion of manager, supervisor, and employee telework training through our existing internal learning development system before a supervisor can use the system to approve telework agreements.

Also, more research and implementation of leading edge remote connectivity methods needs to occur to reduce the impact of virtual private network, or VPN, interruptions. While these interruptions are infrequent, they have a broad impact when they occur.

Additionally, PIV card replacement used for authentication and digital signature still requires a physical visit to an issuing location. While temporary remote workarounds exist for authentication, we need to research and implement alternatives for providing digital signature capabilities when PIV cards are inoperable or unavailable.

Conclusion

DOL is proud of its work to implement a robust telework policy. We believe its efforts have helped the Federal workforce to achieve better productivity and to its serve the Department's mission. Thank you again for this opportunity to address the Subcommittee about the Department's work. I look forward to answering your questions.



**HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS COMMITTEE**

**SUBCOMMITTEE ON REGULATORY AFFAIRS
AND FEDERAL MANAGEMENT**

UNITED STATES SENATE

NOVEMBER 18, 2020

STATEMENT FOR THE RECORD

**JIM BORLAND
ASSISTANT DEPUTY COMMISSIONER FOR SYSTEMS
AND
THE DEPUTY CHIEF INFORMATION OFFICER FOR
IT OPERATIONS**

SOCIAL SECURITY ADMINISTRATION

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

Thank you for inviting me to discuss telework at the Social Security Administration. I am Jim Borland, Assistant Deputy Commissioner for Systems and the Deputy Chief Information Officer (CIO) for Information Technology (IT) Operations. Today, I will provide an overview of our telework program and how telework, supported by IT, is helping us maintain the continuity of our operations during the COVID-19 pandemic. I will discuss our successes, challenges, and lessons learned.

Our Agency

For over 85 years, the Social Security Administration (SSA) has provided Americans income protection after the onset of a disability, at retirement, or after the loss of a loved one. In Fiscal Year (FY) 2020, we paid over \$1.1 trillion in benefits to over 70 million Social Security beneficiaries and Supplemental Security Income recipients.

In FY 2020 we:

- Completed over 8 million claims for benefits;
- Served approximately 20 million visitors in field offices;
- Handled over 34 million calls on our 800 number;
- Posted 289 million earnings items to workers' records;
- Processed 13 million original and replacement Social Security card applications;
- Processed over 220 million online transactions;
- Completed over 463,000 full medical continuing disability reviews and over 2.15 million non-medical redeterminations of eligibility; and;
- Provided access to the Social Security Statement, mailing over 19 million paper Statements and allowing individuals to access their Statements online more than 64 million times.

Telework Before the Pandemic

At SSA, telework is not one size fits all. Some employees have worked remotely for many years while others just started working offsite during the pandemic. Generally, workloads and technology drive this difference, and we continue to evaluate how best to achieve our mission.

Remote work continues to evolve. For example, 20 years ago, some employees were covered by a flexiplace agreement that allowed them to work at an alternate duty station (ADS), but technology was much different then. Our work was still heavily paper-based, creating telework challenges like the loss of personally identifiable information (PII) when a worker lost material carrying it between work and home. After September 11, 2001 we took a key step forward—building a virtual private network (VPN) into our infrastructure for Continuity of Operations Planning (COOP) purposes. With time, we addressed some of the telework concerns. For example, we stopped allowing the transport of PII to the ADS. Instead, employees downloaded their work to telework and then uploaded it again when they returned to the office; however, this solution was inefficient.

Beginning in 2015, the agency began replacing desktop computers with laptops, a significant step in streamlining telework and COOP preparation. It also helped us in our offices. Instead of needing to place desktop computers at employees' desks and in locations where they would interview the public or hold a hearing, employees were issued a single device—one laptop they could use wherever they could access our systems, either onsite or through VPN. In 2019, to improve mobility and public service, we began the conversion to softphones, which allows employees to answer their office phone using their laptop. These changes facilitated remote work, but even now, we cannot do all of our work offsite.

Last year, in the face of a customer service crisis, our executive team reevaluated our telework posture across the agency. We noted, in part, that the agency had not consistently collected metrics that would enable us to evaluate the impact of telework on public service or sufficiently addressed non-portable workloads. Thus, we ended a telework pilot in the part of our agency that oversees most of the frontline employees who directly serve your constituents. We also took steps to reduce telework across the agency to emphasize accountability and customer service.

Telework During the Pandemic

The COVID-19 pandemic tested our preparations. On March 17, 2020, we made the unprecedented decision to close our offices to the public, except for limited in-office appointments for critical services. We have remained open for business through our online and telephone services. The three key IT steps described above—VPN, laptops, and softphones—gave us the foundation to continue service remotely. We were able to procure and deploy equipment, expand bandwidth, purchase software licenses and provide training and IT support to quickly transition over 90 percent of our employees to telework. We were also able to help the Disability Determination Services that make medical determinations for our disability programs transition to telework. This maximal telework posture not only protects our employees but also the public we serve, who—by definition of the work we do—meet the CDC's high risk categories, and would generally need to be in close contact with employees in our offices, which also increases risk. Telework has been critical to allowing us to continue to serve the public safely during this time.

Challenges

Our biggest challenge remains that not all of our work is portable. For example, certain sensitive workloads require face-to-face interviews and requirements to obtain original evidence, which we need to process some applications for benefits and Social Security Number cards. We need to be in our offices to open mail and scan mailed documents into our systems so teleworking technicians can process them. Some notices are still manually printed and mailed from our offices. We are doing our best to balance these onsite workload demands with our ongoing obligation and commitment to keeping everyone safe. As time passes, these workloads could create a backlog unless we bring enough staff into the offices to keep up.

Although some of our work still requires a face-to-face interview, we have been able to find workarounds for some challenges. For example, in lieu of in-person service, we posted phone

numbers for our local offices online so that the public could call the same employees who would have provided in office service. Our hearing offices quickly began offering voluntary telephone hearings, and we are now rolling out online video hearings using software that allows our administrative law judges, claimants and their representatives to participate in a hearing from any private location using a smartphone, tablet, or computer. We have also been flexible with policy, like allowing telephone attestation as an alternative way to sign documents.

Some challenges are beyond our control. For example, we had to adapt to the pandemic's impact on the medical community. Our disability work requires medical examinations, medical evidence, and medical experts. Initially, medical services were focused on emergency issues to help prevent the spread of COVID-19 and to allow medical personnel to handle the pandemic. Thus, we initially paused in-person consultative examinations (CE). We have now temporarily expanded the use of non-public facing video telehealth technology for psychiatric CEs and psychological CEs that do not require testing. However, providers are still not fully available.

Lessons Learned

- Successful COOP requires a robust telework program.
- Public service and workload requirements should drive telework.
- Telework programs should be objectively evaluated; for example, performance, productivity, security and safety, employee recruitment and retention.
- Telework programs should provide management with oversight training, tools, and performance metrics, automated when possible, so that they can efficiently ensure we are serving the public timely and accurately.
- Telework programs require effective communication supported by technology.
- Telework programs require coordination of systems and personnel.
- Telework programs during non-emergency times need to serve the public at least as well as onsite work.
- Some work does not inherently lend itself to telework; therefore, different jobs may warrant different amounts of telework or even no telework at all. While during non-emergency times we can do non-portable work onsite, we need better capability to handle it when we cannot access our offices.
- Some employees prefer to work onsite while for others telework is a powerful recruitment and retention tool.
- Telework is a key driver for space acquisition.

Overall, the business processes and IT infrastructure we had in place before the pandemic enabled us to quickly transition to remote work for most services. However, with respect to technology, we learned:

- We need to create flexibility for remote work at our Teleservice Centers to ensure continuous communication and service to the public;
- We should plan for expanded video capabilities because we experienced an increased internal demand for video capabilities and for secure external service;

- It is important to quickly scale up helpdesk staffing because remote workers contact the IT services help desk more frequently and for longer durations than when they are in the office; and;
- We need to carefully assess risk when we are considering technology solutions.

Conclusion

The Telework Act of 2010 envisioned that remote work would allow us to continue to serve the public during an emergency. Overall, that has been the case for SSA. However, while we have made tremendous strides over the last few years, we still have more work to do. We have some workloads that are not portable and we are working on solutions, including getting input from our unions, employees, and managers. We also need to set up clearer, objective evaluation processes, including the impact on public service, our employees, and budget, to inform our decisions about future telework. We need to ensure we have accountability in place and that we have trained our managers on how to communicate effectively with our employees remotely. Technology remains the key to telework, whether that is offering robust online and telephone services, dependable hardware and software, supporting internal and external communication, or providing workload oversight.

We are pleased and, in truth, relieved that our technology has allowed us to continue to use remote work to serve the public during the pandemic. We are learning from this experience and making improvements, some of which will improve service long-term. We would like to thank the public, our employees, and you for being patient and supportive of us during this national emergency.

I look forward to answering any questions you may have.



**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 employees.”⁷ 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 preform 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.

Post-Hearing Questions for the Record for Mr. Keith Washington
“Modernizing Federal Telework: Moving Forward Using the Lessons Learned During the
COVID-19 Pandemic”
From Senator Thomas R. Carper

Agency Coordination with the Cybersecurity and Infrastructure Security Agency (CISA)

1. Mr. Washington, as I mentioned during the hearing, a number of my colleagues and I have worked to give the Department of Homeland Security (DHS) the resources necessary to carry out its cyber mission. One agency that I am most proud of with their mission, capabilities, and leadership is the Cybersecurity and Infrastructure Security Agency (CISA) at DHS.

As I went through your testimony, I did not see much at all on interagency coordination with CISA, which I presume, would be incredibly valuable as they provide cybersecurity tools, incident response services, and assessment capabilities to safeguard the ‘.gov’ networks.

During our hearing, you had the opportunity to briefly discuss the Department of Transportation’s cybersecurity measures. You mentioned annual security awareness training and weekly reminders on how to operate with concern for cybersecurity precautions during telework. I appreciated hearing from you regarding these matters, and wanted to give you the opportunity to discuss them in more detail and with special regard for CISA.

With this in mind, I would like to ask you the following questions:

- a. Please describe, in as much detail as possible, your relationship with CISA.
 - i. Do you partner with CISA on any cybersecurity initiatives employed by the Department of Transportation?

Yes, the DOT Office of the Chief Information Officer (OCIO) partners with CISA on a number of initiatives including the Continuous Diagnostics and Mitigation (CDM) program, the EINSTEIN program, the High Value Asset (HVA) program, the Trusted Internet Connection initiative, and the Automated Information Sharing program. The OCIO also collaborates with CISA on interagency initiatives including the .gov Cybersecurity Architecture Review (.govCAR) program, and the joint cybersecurity performance metrics working group that develops and maintains the annual Federal Information Security Management Act (FISMA) performance metrics.

- ii. Do you discuss cybersecurity concerns with CISA? If so, how has CISA been helpful? If not, why not?

Yes, DOT discusses cybersecurity concerns with CISA.

CISA has discussed and provided options to DOT regarding implementation of CDM program capabilities, has provided clarification on CISA directives and performance

metrics, has been receptive to DOT input on potential cybersecurity shared services, and has assisted the DOT with cybersecurity incident response efforts when required.

- b. Do you have suggestions for how Congress can foster more collaboration and partnership between CISA and other government agencies?

No, DOT does not have any recommendations at this time.

- i. Do you believe that more needs to be done to improve interagency partnership in the cybersecurity space? If so, do you have any recommendations?

Yes, more could be done to improve interagency partnership in cybersecurity.

One opportunity would be to leverage the Cybersecurity Quality Service Management Organization (QSMO) initiative. With the marketplace lens, the current catalog of CISA solutions can be reviewed and potentially enhanced to ensure that the new QSMO portfolio of capabilities would deliver validated, secure cybersecurity solutions and services to agencies that would be more cost effective, and reduce administrative burdens of acquisition and planning. Where it made sense in the marketplace, the QSMO could centralize the delivery of certain services as well as management of associated security requirements and risks, giving agencies the ability to inherit security controls.

Broadband and Internet Access

- 1. Mr. Washington, in your testimony you noted that because of advanced preparations across the Department of Transportation before the onset of the pandemic, there was no disruption to the agency's mission or network as the amount of employees teleworking more than doubled.

Early last year, I visited Delmar Public Library, a newly built library in a rural part of Sussex County. During my visit, the librarian shared how the library serves as a space for families to access the internet.

In the rural parts of Delaware, people drive to spaces like libraries, fire stations, and shopping centers for internet access, and in some cases, so students can complete their homework with a reliable network connection.

- a. Have Department of Transportation employees faced any connectivity challenges while teleworking? If so, how has the Department resolved these connectivity issues?

No, to the best of our knowledge Department of Transportation employees have not faced connectivity challenges while teleworking.

- i. If not, how has the Department been successful in making sure there have not been any connectivity issues for employees working remotely from various locations?

The Department has been successful because telework has long been a priority for the agency to support safety inspectors and other mission personnel in the field, and to reduce commuting-related burdens on the transportation infrastructure. DOT has been making investments in technology and capabilities over the last 5-10 years to enable telework for as much of the DOT employee population as practicable, increasing the use of laptops, deploying dedicated and phone-based mobile hotspots, expanding the capacity and use of virtual private network (VPN) services, establishing virtual desktop infrastructure (VDI) services for personnel without DOT laptops, migrating to cloud-based e-mail and collaboration services, rearchitecting the DOT enterprise network for performance, reliability and scalability, and modernizing DOT mission systems to reduce or eliminate the dependency upon paper-based forms and processes.

- ii. What do you think state and local governments can do to get access in these hard-to-reach rural areas?

DOT does not have any recommendations at this time.

Enclosure 1 – Page 1 – The Honorable Thomas R. Carper

**Post-Hearing Questions for the Record
Submitted to Jim Borland
Assistant Deputy Commissioner for Systems and the Deputy Chief Information Officer
for Information Technology Operations
U.S. Social Security Administration**

**“Modernizing Federal Telework: Moving Forward Using the Lessons Learned During the
COVID-19 Pandemic”
November 18, 2020**

**Senate Homeland Security & Government Affairs Committee
Subcommittee on Regulatory Affairs and Federal Management**

QUESTIONS FROM SENATOR CARPER

Agency Coordination with the Cybersecurity and Infrastructure Security Agency (CISA)

1. **Mr. Borland, thank you for your recent testimony before the Senate Homeland Security and Governmental Affairs Committee. I appreciated hearing from you, and it was unfortunate that we ran out of time before you had the opportunity to answer questions regarding your relationship with the Cybersecurity and Infrastructure Security Agency (CISA).**

I want to provide you with the opportunity to address your work with CISA and elaborate on the issue of cybersecurity efforts within the Social Security Administration.

As you may recall, during the hearing, I mentioned how over the years a number of my colleagues and I worked to give the Department of Homeland Security (DHS) the resources necessary to carry out its cyber mission. One agency that I am most proud of with their mission, capabilities, and leadership is CISA at DHS.

With this in mind, I would like to ask you the following questions:

- a. **Please describe, in as much detail as possible, your relationship with CISA.**
 - i. **Do you partner with CISA on any programs pertaining to cybersecurity? If so, please describe the programs.**
 - ii. **Do you collaborate with CISA regarding cybersecurity initiatives at the Social Security Administration?**

We have a collaborative working relationship with CISA over the last several years. Our collaboration on these programs is described in detail below.

High Value Asset (HVA) Program

In 2015, the Office of Management and Budget (OMB) and the Department of

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Homeland Security (DHS) launched the HVA Program. Through Binding Operational Directive (BOD) [16-01](#), *Securing High Value Assets*¹, DHS issued operational guidance to protect the Federal Government's most critical and high impact information and information systems. The goal of the program is the identification, categorization, and prioritization of HVAs across the Federal Government in accordance with OMB guidance². We regularly coordinate with CISA on our implementation of HVA protections and participate in tailored assessments, which include Risk and Vulnerability Assessments (RVA) and Security Architecture Reviews (SAR). DHS performs RVAs to identify major and critical weaknesses of HVAs, and requires agencies to develop remediation plans for the findings and provide monthly updates.

We have actively participated in the HVA program since its inception. We were one of the first agencies to participate in an RVA in 2015, before DHS officially released the BOD. SSA representatives attend the HVA Sub-Committee meetings hosted by DHS on a regular basis. Since the program began, we have participated in four RVAs and three SARs.

Continuous Diagnostics & Mitigation (CDM) Program

In 2012, CISA established the CDM Program to provide cybersecurity tools, integration services, and dashboards to participating Federal agencies to support them in improving their respective security postures. We are an active participant in the Program, collaborating with CISA to implement cybersecurity solutions such as Archer, Elastic, ForeScout, CyberArk and SailPoint to meet CDM requirements.

We have a designated CDM team at SSA that participates in a CDM Customer Advisory Forum and CDM Customer Technical Advisory Committee. The Customer Advisory Forum allows DHS and Federal agencies to collaborate and receive updates on the program. The Customer Technical Advisory Committee is reserved for more technical discussions between agency representatives to discuss respective implementations, issues, and lessons learned.

Enterprise Vulnerability Management

CISA releases BODs and Emergency Directives on an as-needed basis to ensure agencies are responding to current critical cybersecurity issues. SSA's Vulnerability Management (VM) team responds to these directives, and uses CISA's National Cyber Awareness System products in daily operations, including:

- Weekly Bulletins—Provide information for awareness and educational efforts.

¹ BOD 16-01 was superseded by [BOD 18-02](#) in 2018.

² See [M-19-03](#), Strengthening the Cybersecurity of Federal Agencies by enhancing the High Value Asset Program

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- **Current Activity Feed**—Consolidates security update notifications from multiple vendors, and includes specific vulnerability-based information that the VM team uses for awareness and prioritization. The VM team investigates and addresses these vulnerabilities as appropriate.
- **CISA Alerts**—Describe current exploits targeted by malicious actors. The VM team investigates any and all Common Vulnerabilities and Exposures included in the alerts.

Federal Cybersecurity Advisory Council

CISA hosts a quarterly Federal Cybersecurity Advisory Council that serves as a forum to gather Federal agency insights and requirements to help shape CISA programs, services, and operational priorities. SSA leadership regularly participates in the Advisory Council, and provides perspectives and feedback on ongoing CISA efforts and new initiatives. We also often meet with CISA leadership outside of scheduled Advisory Council meetings to discuss SSA's specific cybersecurity initiatives and challenges.

Security Operations Center (SOC)

Our SOC collaborates with CISA daily on SSA-specific cybersecurity initiatives and security incidents, including events discovered through DHS's Einstein Program. We also attend a weekly CISA call to discuss evolving security trends and threats. Through this continued collaboration, we are able to strengthen our security infrastructure and plan.

b. Do you have suggestions for how Congress can foster more collaboration and partnership between CISA and other government agencies?

No.

i. Do you believe that more needs to be done to improve interagency partnership in the cybersecurity space? If so, do you have any recommendations?

No. We value our relationship with CISA and continue to engage with them to ensure we are meeting both agencies' needs.

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- 2. As you know, the Social Security Administration (SSA) requires physical inspection of original personal identification documents, such as birth certificates, in order to process certain requests. Due to the pandemic, SSA is currently asking people to send these original documents by mail so they can undergo physical inspection. I have heard from a number of my constituents that are concerned about mailing their original documents, specifically about the security of those documents and the timeliness for which when they are returned. Please describe any specific actions that SSA is taking to address these concerns.**

We understand this concern and have been working hard to address these challenges, particularly to assist individuals who need a Social Security number (SSN) card while our offices remain closed to walk-in traffic. We currently offer a variety of automated and online SSN services that allow us to obtain evidence directly from the issuing agency, such as Enumeration at Birth for newborns, Enumeration at Entry and Enumeration Beyond Entry for certain noncitizens, and our online SSN replacement card application available to certain individuals with a *my* Social Security account.

For individuals who cannot use these services, we have prioritized our in-office appointments to further assist individuals requiring a new SSN card to correct or update their records. Our Coronavirus (COVID-19) [webpage](#) provides information about how to contact us to schedule an appointment.

To further reduce the need for individuals to visit our office and provide evidence, we are also testing several new SSN-related initiatives that leverage existing video conferencing technologies and data exchanges. In February 2021, we plan to offer a new video-based service for U.S. citizens who need a no-change replacement SSN card. For individuals who may still need to provide original evidence, we are currently testing securely placed door slots or drop-boxes at our offices as an alternative to mailing-in original evidence.

- 3. While SSA field offices have shifted to a maximum telework posture in response to the pandemic, a significant amount of non-portable work remains -- such as opening mail, sending mail, and printing and scanning documents -- that requires some individuals to be physically present in SSA offices. I'm told that one way that some of this in-person, non-portable work can be reduced is through centralized printing, rather than managing printing at a local level in individual field offices. As I understand, the SSA has formed a working group to look into the implementation of centralized printing. Please provide an update on the status of this working group and any strategies they are exploring to improve the printing process during this pandemic and in the future.**

This workgroup is gathering data to make recommendations. The workgroup's overall goals are:

- Collect information on local print notice volumes to analyze which items should be prioritized first;

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- Assess the necessity of all locally printed notices to ensure they are still critical to our business processes; and
 - Determine how best to transition this work to either a centralized print location, to vendors for print/mail services, or to other (non-physical) means of communication.
4. **My constituent casework team have raised an ongoing concern regarding telephone services at the SSA. Many constituents have attempted to work with the SSA via telephone in order to rectify certain issues. However, many have found that when speaking with more than one representative, they have received different answers to the same question. This has often made it difficult to resolve these time-sensitive issues, and can delay their benefits. As I understand, part of the problem stems from silo-ed call logs between field offices and teleservice centers. Has SSA taken any steps to improve information coordination or sharing between both field offices and teleservice centers?**

Yes. We are building a customer relationship management system that will allow technicians to know about previous contacts regardless of where they originated. We are also in the process of transitioning from three separate phone systems into one cohesive platform for the entire agency. The Next Generation Telephony Project (NGTP) will replace our National 800 Number phone system (Citizen Access Routing Enterprise 2020), the field office phone system (Telephone Systems Replacement Project), and Headquarters Telephone systems. NGTP will provide the ability to route calls and call data to any designated agent in the agency. It will also catalogue all phone interactions an individual has with us, and allow technicians to easily retrieve this information, regardless of location, which will help facilitate coordination across field offices and teleservice centers.