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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR
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www.help.senate.gov

July 12, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

Secretary Becerra:

When the COVID-19 pandemic swept across the globe in March 2020, many American workers began working from their homes for the first time ever.¹ The *Pew Research Center* estimates that 55 percent of Americans who held jobs that could be done remotely were working from their homes exclusively in October 2020, compared to just seven percent who did so before the pandemic.² The desire to temporarily avoid indoor public spaces was understandable at that time, considering high infection rates and the lack of available vaccines or treatments.³

Since then, safe and effective vaccines and treatments have become widely available, infection rates have fallen to their lowest levels since the onset of the pandemic, and the official COVID-19 public health emergency declaration has expired.⁴ The public health conditions that led to widespread, full-time remote work therefore are no longer present. Furthermore, the number of Americans who work exclusively or mostly from home has fallen sharply in recent months as private-sector employers increasingly have required their employees to return to the office for in-person work.⁵

¹ Kim Parker, *About a Third of U.S. Workers Who Can Work from Home Now Do So All the Time*, PEW RES. CTR. (Mar. 30, 2023), <https://www.pewresearch.org/short-reads/2023/03/30/about-a-third-of-us-workers-who-can-work-from-home-do-so-all-the-time/>.

² *Id.*

³ See *COVIDView Summary Ending October 31, 2020*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/past-reports/11062020.html> (updated Nov. 6, 2020).

⁴ Sheryl Gay Stolberg & Noah Weiland, *As Covid Emergency Ends, U.S. Response Shifts to Peacetime Mode*, N.Y. TIMES (May 10, 2023), <https://www.nytimes.com/2023/05/10/us/politics/covid-public-health-emergency.html>.

⁵ See Emily Canal et al., *Here's a List of Major Companies Requiring Employees to Return to the Office*, BUS. INSIDER (May 29, 2023, 5:40 PM), <https://www.businessinsider.com/companies-making-workers-employees-return-to-office-rto-wfh-hybrid-2023-1>.

Rather than join the rest of the workforce in returning to the office for in-person work, federal employees appear to be operating as though pandemic-era telework practices will continue indefinitely. Federal office buildings continue to sit empty week after week as an untold number of federal employees fail to show up in person to serve the American people.⁶ Although the Office of Management and Budget (OMB) and Office of Personnel Management (OPM) have both announced plans to return to pre-COVID-19 operations, it is unclear what steps federal agencies have taken to implement these plans.⁷ Americans seeking government services have encountered years of delays, roadblocks, and interruptions as a result.⁸

This problem appears to be pervasive across the approximately 90,000 employees who work for the Department of Health and Human Services (HHS). During a March 22, 2023 hearing on federal workplace transparency before the U.S. Senate Finance Committee, you were unable to provide an accounting of the percentage of HHS employees who report for in-person work during any given workday.⁹ You were also unable to point to any measure of accountability or productivity showing that HHS employees are actually working when they work remotely.¹⁰ As just one example of the scope of the problem, as many as 78 percent of employees who work for the Centers for Disease Control and Prevention (CDC)—an operating division of HHS—continued to work remotely most of the time as of last summer.¹¹

As Ranking Member of the U.S. Senate Committee on Health, Education, Labor, and Pensions (HELP), I am committed to ensuring that HHS lives up to its mission “to enhance the health and well-being of all Americans.”¹² HHS employees cannot accomplish that mission from their living rooms, particularly if they work for organizations within HHS that are undergoing reorganizations and culture changes. Accordingly, I request that you answer the following questions, on a question-by-question basis, by **close of business on July 26, 2023**. All documents must be unredacted, produced in electronic form, and Bates stamped.

1. Please provide a copy of all current policies, procedures, or other guidance (whether formal or informal) governing remote work for all full-time HHS employees. Please describe any

⁶ See Mike Dorning, *Washington Suffers as Federal Employees Work from Home*, BLOOMBERG (Mar. 9, 2023), <https://www.bloomberg.com/news/features/2023-03-09/wfh-federal-employees-have-republicans-some-dems-demanding-return-to-office>.

⁷ Memorandum from Shalanda D. Young, Dir., Off. of Mgmt. & Budget, to the Heads of Exec. Dep’ts & Agencies (Apr. 13, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/04/M-23-15.pdf>; Memorandum from Kiran A. Ahuja, Dir., Off. of Pers. Mgmt., to Chief Hum. Cap. Officers (Apr. 18, 2023), <https://www.chcoc.gov/content/removal-covid-19-governmentwide-operating-status-announcement>.

⁸ See Press Release, Sen. Bill Cassidy, M.D., Cassidy Demands Federal Bureaucrats to Return to Work, Highlights Louisiana Veteran’s Year-Long Struggle to Receive Medical Attention (May 26, 2021), <https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-demands-federal-bureaucrats-to-return-to-work-highlights-louisiana-veterans-year-long-struggle-to-receive-medical-attention>.

⁹ Press Release, Sen. Bill Cassidy, M.D., HHS Secretary Has No Idea if Federal Workers Show up to Work (Mar. 22, 2023), <https://www.cassidy.senate.gov/newsroom/press-releases/hhs-secretary-has-no-idea-if-federal-workers-show-up-to-work>.

¹⁰ *Id.*

¹¹ Press Release, Sen. Bill Cassidy, M.D., Cassidy to CDC Head: Why Should the American People Trust the CDC? (Sept. 14, 2022), <https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-to-cdc-head-why-should-the-american-people-trust-the-cdc>.

¹² *About HHS*, U.S. DEP’T OF HEALTH & HUMAN SERVS., <https://www.hhs.gov/about/index.html> (last accessed July 12, 2023).

such policies, procedures, or other guidance, if any, that are not in writing. Please also explain in detail the specific steps HHS has taken to implement the return-to-work guidance from OMB and OPM.

2. Please provide a copy of all collective bargaining agreements in effect as of the date of this letter that contain provisions related to telework for covered HHS employees.
3. Please provide a complete accounting of the telework practices of all full-time HHS employees as of the date of this letter. This should include the specific number of employees who report for in-person work five days per week, four days per week, three days per week, two days per week, one day per week, or not at all. Please also provide a complete accounting of the number of full-time HHS employees, if any, whose geographic area for purposes of locality pay differs from their assigned duty station.
4. Does HHS currently monitor the productivity of its employees who work remotely? If not, why not? If so, please explain in detail what tools and mechanisms HHS uses to track employees' productivity and how supervisors are trained to manage situations of underperformance.
5. Please provide any data or other measure of accountability with respect to remote work (and any summaries thereof) that HHS has collected or produced since March 2020. This should include, but is not limited to, virtual private network (VPN) data.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill Cassidy, M.D." The signature is written in a cursive, slightly slanted style.

Bill Cassidy, M.D.
Ranking Member