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Commissioner Saul,

As you know, we are waiting for a decision from the Federal Services Impasse Panel (FSIP or Panel) on telework. The Panel's decision could give the Deputy Commissioner full discretion on telework decisions. If so, it is important for SSA leadership to understand the importance of telework to NTEU employees. Eliminating or significantly reducing telework will negatively impact SSA's mission, as well as decimate the work-life balance and job satisfaction of NTEU bargaining unit employees.

NTEU Chapter 224 employees have used telework since at least August 1996. Since then, telework has been modified and expanded. In 2010, Congress passed the Telework Enhancement Act, which encouraged agencies to increase telework and report cost savings. Cost savings were realized in the form of leasing costs and utilities. In 2017, for example, SSA reported a savings of \$900,000 in rental and office space costs due to telework.¹

The work performed by NTEU attorneys and paralegal writers is completely portable. The work of NTEU HOCSRs and HOCSSS and other NTEU employees is also telework compatible. It should be noted that in October 2014, SSA mandated teleworkers connect to SSA systems through a virtual private network (VPN). Over the years, SSA has spent millions of dollars to upgrade the system to include a virtual hallway and softphones that allow teleworkers to have conversations with managers and ALJs over a secured phone line. SSA would waste the millions of dollars spent on these upgrades if telework was significantly reduced or eliminated.

¹ Status of Telework in the Federal Government Report to Congress Fiscal Year 2017, <https://www.telework.gov/reports-studies/reports-to-congress/2018-report-to-congress.pdf>.

A March 2019 OIG audit investigated the factors that lead to the SSA backlog that peaked in 2017.² OIG reported the backlog had decreased by 31% as of January 2019, and did not make any recommendations to change telework. During this time period, one third of NTEU attorneys teleworked four days a week and the remaining NTEU attorneys and paralegals teleworked three days a week. By May 2019, NTEU employees had performed so well on telework that they completely eliminated the backlog. In fact, SSA has had to adjust workloads due to the decreasing caseload. Let me reiterate that we completely abolished the backlog while most of our employees teleworked three to four days a week.

I recently reached out to OIG via email to ask about the March 2019 audit, as follows:

I recently read the Decision-writing Backlog in Office of Hearings Operations audit from March 2019, which showed no recommendations were made due to the drastic reduction in the backlog. While this audit did not mention telework, one could reasonably conclude that based on the drastic reduction, telework does not negatively impact customer service with regard to decision drafting. Is that a correct conclusion?³

To which OIG responded:

Based on data analysis and interviews with Hearing Office Directors, Group Supervisors, attorneys and senior attorneys in the Office of Hearings Operations, we found no indication that telework impacted customer service with regard to decision drafting.⁴

I also asked, “When we spoke last summer, we discussed that since the work of decision writers was portable, there is no reason to decrease telework for decision writers. Do you know of any audits that would change your thoughts on this? Would you say that this continues to be true?” OIG responded, “I am not aware of any audits that would indicate a reason to decrease telework for decision writers. Based on information gathered during our interviews at hearing offices, I agree that decision-writing work is portable.”⁵

We recently surveyed our bargaining unit about the impact of reducing or eliminating telework would have on their professional and personal lives. I will share the compelling results of this survey, and more, with you next week. Meanwhile, as the Agency prepares to address telework with the NTEU bargaining unit, I implore you to consider the basic facts that lead to only one conclusion: Telework has been an overwhelming and verified success in this Agency. Moreover, telework saves SSA thousands of dollars and increases employee productivity and morale. There is no *bona fide* operational need to eliminate or reduce telework.

² Decision-writing Backlog in the office of Hearing Operations, A-12-18-50579, March 2019, https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-12-18-50579_0.pdf.

³ Email RE: Information you requested from audit of NY and ATL OHO Regions, dated Monday, June 3, 2019 10:10 AM between Philip Hanvey, Acting Director SSA/OIG, Information Technology Audit Division.

⁴ Id.

⁵ Id.

I would like to meet in-person to discuss this critical topic with you. Please let me know your availability.

Respectfully,

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Cc: Jim Julian, Associate Commissioner DCHR/OLMER
Joe Lytle, Acting Associate Commissioner OEOHR
Eric Bruce, NTEU Field Attorney
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