



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

October 2, 2023

The Honorable Joni Ernst
United States Senate
208 Russell Senate Office Building
Washington, DC 20510

Dear Senator Ernst:

Thank you for your recent letter requesting that the U.S. Department of Education (Department) Office of Inspector General (OIG) conduct an agency-wide review of the Department's hybrid and remote work policies and processes, and its utilization of office space. We have reviewed your request and wanted to share with you information specific to several of your bullet points, as well as work that my office could potentially do in this area.

First, and as background, my office conducted similar work in this area during the pandemic. In December 2020, we issued a report on the Department's reconstitution plans following COVID-19. In that report, we assessed the Department's plans and procedures for returning employees to Federal offices, including what existing guidance the Department considered when developing its plans and procedures. We found that the Department generally incorporated available guidance in its reconstitution plan that was based on White House guidelines and Office of Management and Budget (OMB) and Office of Personnel Management (OPM) guidance. A copy of the report is [available here](#) on our website.

In July 2023, and again in September 2023, the Department announced to all staff that it would be implementing a new telework policy, effective November 6, 2023, for executives, managers, and supervisors; and on January 8, 2024, for non-supervisory, non-bargaining unit staff. The new policy requires staff to be in the office a minimum of 2 days per work week, 4 days per pay period. In addition, the Department announced that it had completed its review of all positions to ensure that a remote position categorization is appropriate in the post-pandemic work environment and that the categorization is consistent across the workforce. We are currently awaiting the official release of the Department's new telework policy and the results of its work position designation review.

Second, as you know, the location of an employee's official worksite (duty station) is determined by OPM regulations at 5 C.F.R. section 531.605, and locality pay is determined by the employee's official duty station. For employees under a telework agreement, the regulations provide that the employee's official duty station is their regular worksite (office location) if they are scheduled to work there at least 2 days per pay period on a regular and recurring basis. Employees who do not meet this 2-day per pay period minimum requirement are subject to locality pay specific to the area where they regularly perform their work. The Department's

current telework, and remote work policies are consistent with this requirement, which also requires that a written agreement be completed and signed by the participating employee and appropriate authorizing official(s) that outlines the terms and conditions of the telework or remote arrangement.

Third, specific to your requests related to office space utilization, the Department has policies related to space management that includes space planning, design and construction, utilization rates, disposal, and accountability of space, in conformance with OMB's policy for Federal agency real estate holdings. Per its [FY 2022 Sustainability Plan](#), all property the Department occupies is leased by the General Services Administration (GSA) and it works with GSA in all matters related to office moves and consolidations. To comply with Federal requirements and initiatives, per its Real Property Efficiency Plan, and as reported in the Government Accountability Office's September 2022 report titled "[GSA Could Further Support Agencies' Post-Pandemic Planning for Office Space Use](#)," the Department shared that it had significantly reduced plans for several future leases (Cleveland, New York, Philadelphia, and Washington, D.C.) because of the pandemic. The Department planned to reduce square footage by 50 percent for future leases and return the entire leased space at Potomac Center Plaza in Washington, DC. It also noted that it had adopted a future office floor plan for its entire lease portfolio that is based on a shared space model. Per its Real Property Efficiency Plan for FY 2021–2024, the Department noted that it was assessing its space to utilize its existing footprint more effectively. Further, in its September announcement, the Department stated that it is presently assessing the workforce impact of its onsite, telework, and remote work policies and position designation review, which may impact the Department's office space, information technology, and other logistics.

Because the Department is in the midst of implementing significant changes to its telework and remote work policies and to its office space plans, an assessment of these changes would be more feasible and useful once the changes are in place. At that time, my office could consider conducting work in this area. That work could potentially include recommendations for improved oversight of telework and remote work and improved space utilization as it relates to telework and remote work. This work could also include actions to reduce underutilized space, which could also include onsite attendance and comparable capacity.

In addition, our work could touch on any impact telework is having on the delivery of services and response times by the Department. That impact, however, is likely minimal, as the Department does not deliver its primary services—such as grant funding to States, State educational agencies, local education agencies, delivery of Federal student aid, and handling of civil rights or other complaints—via a storefront or an in-person location. Rather, it has long delivered these services electronically. In addition, backlogs and handling of complaints and other matters, such as those involving civil rights, student loan forgiveness, and Family Educational Rights and Privacy Act (FERPA), are also unlikely to have been impacted by telework or remote work but are likely the result of what they have been for years, such as new laws, regulations, policy holds or changes, or lawsuits. My office has reported on these issues for decades, including recent work involving the Department's handling and processing of civil rights-related complaints and dismissals. You can find this July 2023 report on the Office of Civil Rights' processing of web accessibility complaints, as well as other work involving

backlogs of student loan-related claims, such as those associated with borrower defense and other student loan forgiveness programs, and FERPA complaints, [here on our website](#). We have additional work planned involving processing times and backlogs for FY 2024 that will be highlighted in our Annual Work Plan. I can be sure to send you a copy of our plan once issued.

I hope this information is helpful. We will keep an eye on this matter and will be back in touch with you should we begin any audit-related work in this area and would be sure to let you know of any resulting findings and recommendations. In the meantime, should you have any questions or need any additional information regarding the information provided herein, please do not hesitate to contact me directly at (202) 245-6900, or have a member of your staff contact our Congressional Liaison Catherine Grant at (202) 245-7023.

Thank you again for your letter and support for the Inspectors General.

Sincerely,

A handwritten signature in black ink that reads "Sandra D. Bruce". The signature is written in a cursive style with a large, stylized initial "S".

Sandra D. Bruce
Inspector General

cc: The Honorable Miguel Cardona, Secretary, U.S. Department of Education