



UNITED STATES DEPARTMENT OF COMMERCE
Assistant Secretary for Legislative
and Intergovernmental Affairs
Washington, D.C. 20230

September 15, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
United States House of Representatives
Washington, DC 20515

Dear Chairman Comer:

Thank you for your May 18, 2023 and August 4, 2023 letters to Secretary Raimondo regarding the telework and remote work policies and practices of the Department of Commerce (Department). I am pleased to respond on the Secretary's behalf.

The Department of Commerce employs approximately 49,700 employees across the United States and globally. About 22,000 of these employees are assigned to a primary office location in the Washington, D.C. metropolitan area, and approximately 3,100 are assigned to the Department's headquarters, the Herbert C. Hoover Building (HCHB). Over the past several years, the Department's employees have worked to improve the conditions for economic growth and opportunity for all communities, and advance the nation's economic and national security, including by:

- Announcing over \$46 billion in funding to expand access to reliable, affordable, high-speed Internet service;
- Implementing significant export controls in response to the Russian invasion of Ukraine;
- Implementing unprecedented export controls on China to counter its civil-military fusion strategy and abuse of human rights;
- Completing and transmitting the results of the 2020 Census to the President and Congress;
- Awarding \$562 million to coastal and Great Lakes grantees as part of the Bipartisan Infrastructure Law's Climate-Ready Coast Initiative;
- Releasing a Vision for Success Paper and announcing a Notice of Funding Opportunity in connection with the bipartisan CHIPS and Science Act, which will help revitalize the US semiconductor industry, and has already received over 500 statements of interest to date; and
- Establishing programs to invest over \$2 billion in American communities through innovative place-based economic development, including the Good Jobs Challenge, Build Back Better Regional Challenge, Tech Hubs, and ReCompete.

Telework has been a part of the Department's culture across multiple Administrations. In 2018, for example, during the Trump Administration, the Department adopted a telework policy that "encourage[d] supervisors to allow telework-ready employees to participate in regular/recurring telework *at least* two days per pay period." And in March 2020, in the midst of a global



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pandemic (COVID-19), the Department—like its peer government agencies, and businesses across the country—shifted its operations first to a mandatory telework posture and a few months later to a maximum telework posture. As then-Secretary Wilbur Ross explained to the Department’s staff, maximum telework was necessary to “protect the health and safety of our workforce.” The Department remained in a maximum telework posture through the remainder of 2020 and 2021.

In December 2021, the Department updated its Telework and Remote Work Plan, and in March 2022, Secretary Raimondo announced the Department’s return to office. The Department now operates in a hybrid posture that is designed to help us retain and motivate our employees by providing flexibility to a workforce changed by the pandemic, but which also embraces the many benefits of in-person engagement and teambuilding. Following the Secretary’s return to office announcement, HCHB saw the average daily occupancy increase from 24% in FY22 Q3 to 37% in FY23 Q3. So far in FY23 Q4, HCHB has maintained an average daily occupancy rate of 37%. Additionally, the preliminary findings from a recent Government Accountability Office (GAO) inquiry placed the Commerce Department in the top quartile of CFO Act agencies for utilizing headquarters buildings.¹

The Department’s Telework and Remote Work Plan and Return to Office guidance are publicly available.² Under the policy, there are two types of telework: routine telework and situational telework. Routine telework occurs as part of an ongoing, regular schedule. Situational telework occurs on a case-by-case basis. Department employees³ are generally eligible to engage in either routine or situational telework, depending on their circumstances and job duties, unless they are excluded for defined performance or conduct-related reasons.

Under Department policy, no employee may engage in routine or situational telework without having in place a signed telework agreement that has been approved by their supervisor. The policy provides that, before a telework agreement can be approved, an employee must engage in a discussion with their supervisor regarding their work plan and performance expectations, and complete telework and IT security training.⁴ The Department’s performance standards and expectations do not change based on the employee’s teleworking status.

The Department’s policy separately defines remote work. Under the policy, remote work is an employment arrangement under which an employee, after receiving approval from their bureau

¹ U.S. Gov’t Accountability Off., GAO-23-106200, Preliminary Results Show Federal Buildings Remain Underutilized Due to Longstanding Challenges and Increased Telework (2023), available at <https://www.gao.gov/products/gao-23-106200>.

² Office of Human Resources Management, *Telework*, U.S. Dep’t of Commerce (last visited Sept. 14, 2023), <https://www.commerce.gov/hr/employees/work-life-balance/telework-0>.

³ This does not include employees of the US Patent and Trademark Office (USPTO) and the NOAA Commissioned Officer Corps, which are covered under different policies.

⁴ Supervisors are expected to track which employees have telework agreements in place and their respective schedules. The Department does not currently track department-wide statistics on these supervisory matters.



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or operating unit, may perform the duties of their position at an alternative worksite without any requirement to report to the traditional worksite at least twice each biweekly pay period. Consistent with Office of Personnel Management guidance, the policy requires that the “alternative worksite location becomes [the remote working employee’s] official duty station for locality pay purposes, travel expenses, relocation expenses, etc., and must be documented on the employee’s SF-50, Notification of Personnel Action, even if the alternative worksite is within the locality pay area of the traditional worksite.” Remote work is “not an entitlement,” and will not be authorized if their performance does not comply with the terms of their remote work agreement.

Consistent with the Department’s expectation that remote and teleworking employees maintain a high level of performance, the Department and its Bureaus have likewise maintained a high level of performance while operating in maximum telework and hybrid postures. Indeed, in Fiscal Year 2022, the Department met or exceeded 87 percent of its key performance indicators (KPI), which measure the Department’s progress towards achieving the 5 goals and 23 objectives of its Strategic Plan. By comparison, in Fiscal Years 2018, 2019, 2020, and 2021, the Department met 83 percent, 88 percent, 82 percent, and 83 percent of its KPIs, respectively. The Department makes these, and many of its other performance measurements, publicly available.⁵

The Department’s telework posture has, and will continue to, impact its efforts to maximize the efficient use of its real property profile. In fact, over the past nine years, Commerce reduced its overall real property portfolio by over 5 percent. The reductions included more than 1 million square feet of office, warehouse, and laboratory space over the last several years, as well as property sales by NIST and NOAA that yielded over \$16 million to the federal government. Further reductions to the Department’s real property portfolio are planned for the coming years, including a 760,000 square foot GSA-leased campus reduction for the USPTO and a 300,000 square foot reduction of office space by the Census Bureau allowing GSA to collocate the Department of Labor Bureau of Labor Statistics in the Suitland Federal Center. The Department is committed to thoughtfully evaluating—and where possible, reducing—its real property profile, and will do so in light of the Department’s telework policy.

Additionally, the Department reviewed employees’ use of annual leave and sick leave for the years prior to the pandemic, during the pandemic, and since the pandemic. Unsurprisingly, the Department observed that the use of annual and sick leave decreased significantly during the height of the pandemic in 2020, with the number of hours of each used by employees dropping by approximately 20% from the levels used in 2018 and 2019. In 2021 and 2022, employees’ use of annual leave and sick leave increased, eventually rebounding to the levels observed prior to the pandemic in 2018 and 2019.

⁵ U.S. Dep’t of Commerce, *Commerce Performance Data* (last visited Sept. 14, 2023), <https://performance.commerce.gov/>.



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Thank you again for your inquiry and your interest in the Department's telework and remote work policies and practices. Should you have any questions, please contact me at (202) 482-3663 or SFeliz@doc.gov.

Sincerely,

A handwritten signature in black ink that reads "Susie Feliz". The signature is written in a cursive, flowing style.

Susie Feliz

Assistant Secretary for Legislative
and Intergovernmental Affairs