

United States Senate

December 19, 2024

The Honorable Rob Shriver
Acting Director
U.S. Office of Personnel Management
1900 E Street N.W.
Washington, DC 20415

Dear Acting Director Shriver,

I recently released my findings from nearly two years of federal telework oversight work.¹ I found 90 percent of telework-eligible employees are working from home, just 6 percent of workers say they are reporting in-person on a full-time basis, and union bosses are dictating personnel policy for the federal government, even when they contradict the directives issued by the Office of Management and Budget (OMB).²

It's all happening on the taxpayers' dime and at the expense of veterans, seniors, small business owners, and Americans seeking assistance and services from government agencies.

The union bosses are rushing to lock in last minute, lavish long-term deals with the lame duck Biden administration—extending beyond President Trump's next term in office—guaranteeing that bureaucrats can stay at home for another four years... or longer!³ Apparently, protecting telework perks for public employees is a higher priority than showing up to serve American taxpayers.

The Biden administration's submission to the demands of public sector unions is shocking and unacceptable.

The first president of the AFL-CIO, now the largest federation of unions in the United States, believed it was "impossible to bargain collectively with the government."⁴

In rejecting an invitation to the Convention of the National Federation of Federal Employees, President Franklin D. Roosevelt denounced the concept of public sector employee unions. He wrote, "All Government employees should realize that the process of collective bargaining, as usually understood,

¹ U.S. Senator Joni Ernst, "Ernst Unveils Plan to Slash Federal Bureaucracy and End Telework Abuse," December 5, 2024; <https://www.ernst.senate.gov/news/press-releases/ernst-unveils-plan-to-slash-federal-bureaucracy-and-end-telework-abuse>.

² *Id.*

³ Kevin Bogardus, Robin Bravender, and Scott Streater, "Feds race to ink union deals that last beyond Trump," *E&E News*, December 12, 2024; <https://www.eenews.net/articles/feds-race-to-ink-union-deals-that-last-beyond-trump/>.

⁴ Daniel DiSalvo, "The Trouble with Public Sector Unions," *National Affairs*, Fall 2010, <https://www.nationalaffairs.com/publications/detail/the-trouble-with-public-sector-unions>.

cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. ... Upon employees in the Federal service rests the obligation to serve the whole people, whose interests and welfare require orderliness and continuity in the conduct of Government activities.”⁵

Sadly, employee union bosses have forgotten that federal workers’ obligation is to serve the American people, not themselves. In its final hours, the outgoing administration is working overtime to ratify collective bargaining agreements (CBAs) and master labor agreements (MLA)—sweeping telework privileges that will make the bureaucracy unaccountable to the American taxpayers and the incoming president for the length of his entire term in the White House.

The union bosses are using the ratified contracts to further insulate the bureaucracy from any accountability.

When the White House called on agencies “to substantially increase meaningful in-person work at Federal offices” in April 2023, union bosses quickly dismissed the directive. The president of the National Treasury Employees Union (NTEU) responded by dismissing the order, stating “the administration’s new guidance on agency work environments does not override [CBAs] ... this means that for the vast majority of our members, their access to telework ... will remain unchanged.”⁶

It's no wonder they feel this way since union bosses have management across the government wrapped around their fingers.



Photo Credit: Luke Rosiak, The Daily Wire. Accessed December 19, 2024, <https://shorturl.at/iJeNe>.

⁵ “Letter on the Resolution of the Federation of Federal Employees Against Strikes in Federal Service,” *The American Presidency Project*, November 7, 1937, <https://www.presidency.ucsb.edu/documents/letter-the-resolution-federation-federal-employees-against-strikes-federal-service>.

⁶ Drew Friedman, “After OMB’s updated telework guidance, federal unions emphasize role of collective bargaining,” *Federal News Network*, May 9, 2023, <https://federalnewsnetwork.com/unions/2023/05/after-ombs-updated-telework-guidance-federal-unions-emphasize-role-of-collective-bargaining/>.

According to reports (as well as photographic and video evidence), then-Commissioner of the Social Security Administration (SSA) Martin O'Malley "partied with union members in Florida days before signing a contract preventing managers from reducing telework compared to the COVID era" just two days before resigning to run for the chair of the Democratic National Committee.⁷ Revelry included O'Malley "regaling attendees with an Irish ballad on his guitar, crooning about 'drink[ing] ourselves stupid.'"⁸

This buddy-buddy relationship between the Social Security Commissioner and the union bosses representing his workforce during what is supposed to be a negotiation resulted in a contract unbelievably slanted towards the union and against the interests of taxpayers and the mission of the agency.⁹

Elsewhere agency officials have been less overt, but the trend is too broad to be coincidental: the Biden administration is working with union bosses to undermine the incoming president's agenda to get Washington back to work.

At the U.S. Department of Justice (DOJ), the National Treasury Employees Union (NTEU) is working day and night to unionize litigators at DOJ's Civil Rights Division and at the Environment and Natural Resources Division.¹⁰ NTEU bosses are working to unionize both Divisions explicitly to fight back against "mandates [issued] last year ... to cut back on remote work flexibility."¹¹

Meanwhile, a whistleblower with direct knowledge told me Department of Housing and Urban Development (HUD) officials are wrapping up negotiations on a contract slated to run until 2029, the top four priorities of which are, in order: solidifying telework and remote work privileges, limiting accountability through hamstringing employee performance review processes, maximizing use of taxpayer-funded union time, and lastly, permitting the use of agency facilities for union offices.¹²

On December 3, 2024, the National Park Service (NPS) inked a new five-year CBA with two local unions.¹³ Both of these unions represent D.C.-based workers.¹⁴ One of the unions touted included making "virtually all NPS positions... eligible for telework," and "no blanket requirement for

⁷ Luke Rosiak, "Social Security head drank with union members before giving them telework through 2029," *The Daily Wire*, December 10, 2024, <https://www.dailywire.com/news/social-security-head-drank-with-union-members-before-giving-them-telework-through-2029>.

⁸ Luke Rosiak, "Social Security head drank with union members before giving them telework through 2029," *The Daily Wire*, December 10, 2024, <https://www.dailywire.com/news/social-security-head-drank-with-union-members-before-giving-them-telework-through-2029>.

⁹ "In the matter of grievances between American Federation of Government Employees and Social Security Administration," Settlement Agreement, November 27, 2024; <https://dw-wp-production.imgix.net/2024/12/SSA-AFGE-Agreement.pdf>.

¹⁰ Ben Penn, "Justice Department Attorneys to Vote on Union Days Before Trump," *Bloomberg Law*, November 13, 2024; <https://news.bloomberglaw.com/us-law-week/justice-department-attorneys-to-vote-on-union-days-before-trump>.

¹¹ *Id.*

¹² Correspondence from U.S. Senator Joni Ernst to Acting Deputy HUD Secretary Elizabeth de León Bhargava and HUD Chief Human Capital Officer Lori Michalski dated December 10, 2024; on file with sender.

¹³ "Chapter Members Ratify the new CBA!," National Treasury Employees Union Chapter 296, December 3, 2024; https://www.nteuchapter296.org/index.cfm?zone=/unionactive/view_article.cfm&HomeID=931408&page=News.

¹⁴ *Id.*; "Chapter 336 Works with Rep. Norton to Protect NPS Employees and the Public," National Treasury Employees Union, April 9, 2020; <https://www.nteu.org/blog/2020/04/09/chapter-336-works-with-rep-norton-to-pro>

teleworkers to report to the office more than twice per pay period.”¹⁵ One can only guess how empty the NPS headquarters has been for the last four years.

In another instance, about 200 headquarters office employees at the Bureau of Land Management (BLM) are “scrambling” to finalize their deal with the Biden administration.¹⁶ In fact, the head of the NTEU sent a letter to Interior Secretary Deb Haaland in November demanding a meeting to discuss ways to speed up negotiations with BLM.¹⁷ “Officials with the NTEU chapter representing BLM employees have said they want to wrap up negotiations before the end of Biden’s term.”¹⁸

The list of unions rushing to get while the getting is good continues. AFGE Local 421, representing over 1,000 Federal Energy Regulatory Commission (FERC) employees, wrapped up a six-year CBA earlier this year, stretching into 2030.¹⁹ The union chose to highlight a provision ensuring FERC employees only need to show up to the office *one day a week*,²⁰ until 2030. A union-conducted survey from 2022 found half of FERC employees threatened to quit if they had to go back to the office because “they felt healthier as they were able to sleep more and exercise more. They got more time for their family and leisure activities.”²¹

As generous as these deals are, union bosses are demanding more.

The American Federation of Government Employees’ (AFGE) union bosses were even unsatisfied with the long leash Department of Labor Acting Secretary Julie Su, herself a strong proponent of forcing workers to unionize against their wishes,²² provided on telework privileges. Acting Secretary Su announced a change in policy, requiring employees to be on-site just half the time. In a public announcement, AFGE stated union members “did not take this change lightly. They immediately filed a demand to bargain and began speaking out against DOL’s changes.”²³ They also showed up, in person, to protest the call to come back into the office.²⁴

That’s right, they could show up for themselves, but not taxpayers. DOL continues to bargain with AFGE, and even engaged in “a fruitless 11-hour mediation session” over the summer.²⁵ In October, with

¹⁵ “2025 NTEU-NPS National Collective Bargaining Agreement,”

<https://www.nteuchapter296.org/docs/NPS%2D2025Contract%2DHighlights%20%28002%29.pdf>.

¹⁶ Kevin Bogardus, Robin Bravender, and Scott Streater, “Feds race to ink union deals that last beyond Trump,” *E&E News*, December 12, 2024; <https://www.eenews.net/articles/feds-race-to-ink-union-deals-that-last-beyond-trump/>.

¹⁷ Scott Streater, “Union head wants Haaland meeting to resolve ‘stalled’ BLM talks,” November 5, 2024; <https://www.eenews.net/articles/union-head-wants-haaland-meeting-to-resolve-stalled-blm-talks/>.

¹⁸ *Id.*

¹⁹ Kevin Bogardus, Robin Bravender, and Scott Streater, “Feds race to ink union deals that last beyond Trump,” *E&E News*, December 12, 2024; <https://www.eenews.net/articles/feds-race-to-ink-union-deals-that-last-beyond-trump/>.

²⁰ *Id.*

²¹ “Half of Federal Energy Regulatory Commission Employees Are Ready to Quit for Jobs with More Telework Opportunities,” American Federation of Government Employees, December 5, 2024; <https://www.afge.org/article/half-of-federal-energy-regulatory-commission-employees-are-ready-to-quit-for-jobs-with-more-telework-opportunities/>.

²² Michael Watson, “Meet Julie Su, the would-be secretary of forced social justice unionism,” *Washington Examiner*, April 20, 2023; <https://www.washingtonexaminer.com/opinion/beltway-confidential/2740885/meet-julie-su-the-would-be-secretary-of-forced-social-justice-unionism/>.

²³ “AFGE Pushes Back on Agency Efforts to Restrict Telework,” American Federation of Government Employees, March 1, 2024; <https://www.afge.org/media-center/publications/the-government-standard/government-standardmarapr-2024-afge-members-rising-up-in-2024-to-win-on-key-worker-priorities/afge-pushes-back-on-agencyefforts-to-restrict-telework/>.

²⁴ *Id.*

²⁵ Erich Wagner, “Labor Dept. to require workers to spend half of work time in-person, angering union,”

the dispute remaining unresolved, local union president Daryl Laurie wrote to members noting that he “reached out to our attorney ... to discuss legal options for action that can be taken against the Department,” assuring members “[w]e are in the early stages in addressing the action taken by Acting Secretary Su on Friday October 11, 2024. ... Rest assured, this is a top priority.”²⁶

These sweetheart deals need to stop immediately.

I am calling on you to stop all collective bargaining or any other contractual arrangements related to telework for federal employees extending beyond the few weeks remaining in the Biden administration.

Giving bureaucrats another four-year vacation from the office is unacceptable. Bureaucrats have had enough gap years—it’s time to get them back to work.

Americans are tired of being put on hold by bureaucrats who are phoning it in.

What’s most outrageous, the union bosses’ efforts to keep federal employees away from the office and serving taxpayers in person are being subsidized with hundreds of millions of taxpayer dollars.

How much? We don’t even know.

While the Office of Personnel Management (OPM) previously published annual reports detailing the cost of each agency’s use of taxpayer-funded union time (TFUT) authority, the Biden-Harris administration ended the practice. The most recent information was published in October of 2020.²⁷

The Biden-Harris administration’s effort to cover up the cost of taxpayer-funded union time doesn’t end there. In addition to ending the posting of public reports, OPM had, for a time, “taken down a page on its website that served as a repository of information about ‘official time’ use in federal government for over 10 years” entirely.²⁸

Agencies paid out nearly \$135 million in TFUT directly, plus another nearly \$25 million in free or discounted use of government property and expenses related to TFUT activities during Fiscal Year (FY) 2019. This was the last accounting and even that amount is incomplete, because one agency, the Corporation for National and Community Service, didn’t even bother responding to OPM’s request for data!²⁹

As a result of my persistence, HUD recently provided *some* data on its TFUT expenditures in FY2021, 2022, and 2023. HUD estimates spending up to \$6.1 million on TFUT from FY21-23.³⁰ Between 77 and 93 employees were eligible to claim TFUT in a given year, and that those employees spent between 27,456 and 41,409 hours on TFUT, depending on the year, according to the information provided.³¹

Government Executive, October 16, 2024; <https://www.govexec.com/workforce/2024/10/labor-dept-requireworkers-spend-half-work-time-person-angering-union/400326/>.

²⁶ “Message from NCFLL President Laurie, NCFLL Response to Acting Secretary Su’s In-Person Telework Requirements Email,” October 15, 2024; <https://www.ncfll.org/docs/NCFLLteleworkResponse%2010-15-24.pdf>.

²⁷ U.S. Office of Personnel Management, Taxpayer-Funded Union Time Usage in the Federal Government: Fiscal Year 2019 (2020); <http://www.opm.gov/labor-management-relations/taxpayer-funded-union-time-fy-2019.pdf>.

²⁸ Maxford Nelsen, “Biden administration covering up taxpayer-funded union activities in the federal workforce,” November 27, 2023; <https://www.freedomfoundation.com/labor/biden-administration-covering-up-taxpayer-funded-union-activities-in-the-federal-workforce/>

²⁹ U.S. Office of Personnel Management, Taxpayer-Funded Union Time Usage in the Federal Government: Fiscal Year 2019 (2020); <http://www.opm.gov/labor-management-relations/taxpayer-funded-union-time-fy-2019.pdf>

³⁰ HUD response to Ernst dated December 4, 2024, on file with sender.

³¹ *Id.*

While HUD says zero of its employees worked 100% on official time, that is only because “required annual and programmatic training hours are not recorded as official time.”³²

Among the HUD employees who *did* claim TFUT, one was paid for sitting in a jail cell,³³ another is running a real estate business in Florida,³⁴ and a third is supposed to be in Colorado but allegedly routinely goes on paid vacations, including spending a week on the beach in Puerto Rico.³⁵

The existence of this data—sparse as it is—at HUD suggests similar data should exist at your agency. Therefore, to assist me in my oversight efforts, please provide the following information and answer the following questions as soon as possible but no later than January 2, 2025.

- As it relates to FY23 and FY24:
 - How much money did OPM spend on TFUT?
 - How many OPM employees are eligible to claim TFUT?
 - As it relates to each employee eligible to claim TFUT:
 - Provide the total number of hours for which each OPM employee received pay and, as a percent, the number of hours each claimed TFUT;
 - Provide their official duty station as listed on their SF-50;
 - Provide their job title, position description, and salary;
 - Disclose whether they are telework- or remote work-eligible;
 - The number of days per pay period they are required to go to the office pursuant to the telework agreement;
 - A detailed explanation of the purpose for which the agency made each authorization of TFUT;
 - How many square feet of real estate does OPM own or lease that has been designated for use by each collective bargaining unit representing OPM employees? Please provide a breakdown of the space allocated to each bargaining unit, how many employees each represents, and the geographic locations of the employees each represent.
 - How many hours did OPM permit labor organizations, or employees of the agency for whom TFUT was authorized, to use agency property at no cost or at a discounted rate?
 - How much was OPM reimbursed with respect to the use of agency property provided at no cost or at a discounted rate?
 - As it relates to TFUT use, if there was an increase in the total cost, hours claimed, or eligible employees, please provide a detailed explanation of the circumstances giving rise to any increase.
- Please provide copies of all collective bargaining agreements, master labor agreements, and draft agreements of the same between OPM and any collective bargaining unit representing OPM employees agreed to on or after August 1, 2024.

³² *Id.*

³³ Correspondence from U.S. Senator Joni Ernst to Acting HUD Secretary Adrienne Todman, August 14, 2024; https://www.ernst.senate.gov/imo/media/doc/ernst_letter_to_acting_secretary_todman_re_telework_official_time.pdf.

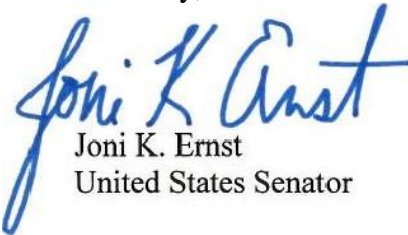
³⁴ Correspondence from U.S. Senator Joni Ernst to Acting HUD Secretary Adrienne Todman, December 24, 2024; https://www.ernst.senate.gov/imo/media/doc/ernst_letter_to_acting_secretary_todman_re_telework_official_time.pdf.

³⁵ *Id.*

- Please provide copies of all collective bargaining agreements, master labor agreements, or draft agreements of the same which have been drafted but not agreed to as of the date of this letter.
- Please provide all records³⁶ of any correspondence between or from any OPM employee related to any negotiation regarding any collective bargaining agreement, master labor agreement, or draft agreement described in the previous two bullets.

Thank you for your time and attention to this request. If you have any questions or concerns, please reach out to me or my staff, at (202) 224-3254.

Sincerely,



Joni K. Ernst
United States Senator

³⁶ The term “records” includes any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, e-mail attachments, or any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, recordings or memorialization of phone calls, voicemails, or recordings/records of verbal communications, or any drafts of official documents (regardless of whether they resulted in final documents).