

Congress of the United States

Washington, DC 20510

February 11, 2025

Acting Director Charles Ezell
Office of Personnel Management
950 Pennsylvania Avenue NW
Washington D.C. 20530

Dear Acting Director Ezell

The vast majority of Americans are expected to show up to work in person every day—whether they’re serving customers, teaching students, or caring for patients. Yet, during the Biden administration, only 6 percent of telework-eligible federal employees self-reported that they were going to the office full-time.¹ Even so, federal employee unions are still improperly putting their thumbs on the scale—on the taxpayer’s dime—to fight for even more telework privileges.² To make matters worse, President Biden allowed his agencies to finalize long-term collective bargaining agreements (CBAs) with lavish telework rights *after* President Trump’s transition team made it clear that one of his priorities would be to bring the federal workforce back to the office. The irony is glaring: while veterans, seniors, small business owners, and Americans in need of assistance were left on hold, federal bureaucrats were phoning it in.³

President Trump’s Executive Orders, *Return to In-Person Work* and *Limiting Lame-Duck Collective Bargaining Agreements that Improperly Attempt to Constrain the New President*, are good first steps to begin curbing this abuse, but more must be done. As you may know, some of these CBAs are not yet complete.⁴ We assume now that President Trump has taken office, all steps are being taken to ensure these telework privileges aren’t allowed to undermine his agenda, and we welcome those initial steps.⁵ Even so, we write to highlight some of the other challenges you are facing.

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 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>.

³ 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>.

⁴ “DOJ Attorney Challenges NTEU Union Bosses’ Attempt to Grab Control Over Justice Department Divisions Ahead of Admin Change,” National Right to Work Legal Defense Foundation, January 17, 2025; <https://www.nrtw.org/news/doj-nteu-flra-01172025/>.

⁵ “Limiting Lame-Duck Collective Bargaining Agreements That Improperly Attempt To Constrain The New President,” The White House, January 31, 2025; <https://www.whitehouse.gov/uncategorized/2025/01/limiting-lame-duck-collective-bargaining-agreements-that-improperly-attempt-to-constrain-the-new-president/?source=email>

The Biden administration's Office of Personnel Management (OPM) intentionally concealed the costs of taxpayer-funded union time (TFUT) from Congress and the American people.⁶ TFUT, as you know, is the amount that the American people pay to subsidize federal employee unions bargaining *against* the interests of the agencies and the American people. In fact, one of the first things former President Biden did upon taking office was repeal President Trump's executive order to rein in TFUT spending.⁷

The Biden administration allowed federal employee unions to run wild, sticking taxpayers with the tab. At the Department of Housing and Urban Development (HUD), whistleblowers have come forward with evidence of HUD improperly paying TFUT to a number of employees, and investigations have substantiated these allegations. Specifically, a whistleblower with first-hand knowledge alleged that a HUD union official was arrested for driving under the influence of alcohol during the work day and was able to successfully assert she was engaged in union activities pursuant to TFUT while in custody.⁸ Further, according to the whistleblower, this employee submitted no leave request, suggesting she may have been paid for "teleworking" on TFUT during her several day stay at a jail.⁹ Another HUD employee has been reportedly allowed to receive D.C. locality pay while permitted to "retire-in-place," and earn "100% taxpayer-funded union time" until he has "served" enough time to retire.¹⁰ Meanwhile, he has signed at least 12 publicly-accessible documents attesting to live in Port Saint Lucie, Florida.¹¹ He even represented himself in court on a personal injury claim in front of District Judge Aileen M. Cannon, of the Southern District of Florida,¹² and separately requested his 2022 trial in the U.S. Tax Court occur in Jacksonville, Florida.¹³ HUD's TFUT operation was on autopilot, as it was totally unaware of either of these cases.

But this is not just a HUD problem.

⁶ 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>.

⁷ "Executive Order 14003—Protecting the Federal Workforce," Administration of Joseph R. Biden, January 22, 2021; <https://www.govinfo.gov/content/pkg/DCPD-202100079/pdf/DCPD-202100079.pdf>

⁸ Letter to Acting HUD Secretary Todman from Senator Ernst, August 14, 2024; https://www.ernst.senate.gov/imo/media/doc/ernst_letter_to_acting_secretary_todman_re_telework_official_time.pdf.

⁹ "Oklahoma Bookings," Arrests.org, accessed July 31, 2024; <https://oklahoma.arrests.org/search.php?fname=tracy&lname=vargas&fpartial=True>.

¹⁰ Documents on file with sender.

¹¹ U.S. Department of Housing and Urban Development Inquiry 600877, Housing Discrimination Complaint, December 18, 2019, on file with sender; State of Florida Commission on Human Relations Case petition number 202022937 for relief from a discriminatory housing practice, June 19, 2020, on file with sender; Florida Department of State, Division of Corporations. "Detail by Entity Name: Golden West LLC." Accessed December 12, 2024; <https://shorturl.at/jBjYf>; HUD Inquiry 600877, Housing Discrimination Complaint, December 18, 2019, on file with sender; Florida Department of State, Division of Corporations. "Detail by Entity Name: Golden West LLC." Accessed December 12, 2024; <https://shorturl.at/Haf7x>.

¹² Carraway v. CFP Motors LLC et al, Docket Number 2:24-cv-14072, United States District Court for the Southern District of Florida, Filed on March 8, 2024; <https://advance.lexis.com/document/?pdmfid=1519217&crd=a410a9c6>.

¹³ Antonio Carraway & Whang Carraway v. Commissioner of Internal Revenue, Docket Number 673-22, United States Tax Court, Filed on January 21, 2022; <https://dawson.ustaxcourt.gov/case-detail/673-22>.

It has come to our attention that a local union boss used official resources to lobby Congress for higher salaries for his members.¹⁴ We respect federal law allows federal employees to directly petition Congress.¹⁵ At the same time, doing so while on taxpayers' time and using taxpayer-funded resources—in addition to asking for more money from taxpayers—is highly inappropriate and possibly illegal. But it isn't surprising the union boss in question felt emboldened in this way in light of the free rein federal employee unions had under the Biden administration.

Therefore, to help us conduct oversight of TFUT and consider options to bring some much-needed reform to this subsidy, please answer the following questions and provide us with the requested data as soon as possible.

- Will you resume publication of OPM's "Taxpayer-Funded Union Time Usage in the Federal Government" reports on an annual basis? When can we expect the Fiscal Year (FY) 2024 report to be published?
- Please provide us with the following data for each employee of the federal government eligible to claim TFUT, including OPM:
 - The total number of hours for which each employee received pay and, as a percent, the number of hours each claimed TFUT;
 - Their official duty station as listed on their SF-50;
 - Their job title, position description, and salary;
 - A detailed explanation of the purpose for which the agency made each authorization of TFUT; and,
 - Prior to President Trump's orders to return employees to work, whether they were eligible to telework or work remotely, and if so, how many days per pay period were they required to go to the office?
- How many hours did each agency permit labor organizations, or employees of the agency for whom TFUT was authorized, to use that agency property at no cost or at a discounted rate? How much was each agency reimbursed with respect to the use of agency property provided at no cost or at a discounted rate?
- How much did each agency permit and reimburse labor organizations or employees authorized for TFUT for expenses related to purchasing new office supplies, upgrading equipment, or covering construction and renovation costs for office space designated for collective bargaining unit use?
- As it relates to each agency's TFUT use, if there was an increase in the total cost, hours claimed, or eligible employees between FY23 and FY24, please provide a detailed explanation of the circumstances giving rise to any increase.
- Regarding OPM specifically, 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 unit represents, and the geographic locations of the employees each unit represents.

¹⁴ Document on file with sender.

¹⁵ 5 U.S.C. 7211

There is a reason that both the first president of the AFL-CIO¹⁶ and President Franklin D. Roosevelt¹⁷—hardly union busters—both believed that unions could not and should not represent federal workers. It is high time for us to heed their warnings. If you have any questions or concerns regarding this request, please reach out to us or our respective staffs at 202-224-3254 and 202-225-7742.

Sincerely,



Joni K. Ernst
United States Senator



Michael Cloud
Member of Congress

¹⁶ Daniel DiSalvo, “The Trouble with Public Sector Unions,” *National Affairs*, Fall 2010, <https://www.nationalaffairs.com/publications/detail/the-trouble-with-public-sector-unions>.

¹⁷ “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>.