

**STATEMENT OF
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MANAGEMENT
UNITED STATES DEPARTMENT OF LABOR
BEFORE THE
SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE**

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Chairman Lankford, Ranking Member Sinema, and Members of the Subcommittee, thank you for the invitation to testify today.

On March 11, 2020, the Novel Coronavirus Disease, COVID-19, was declared a pandemic by the World Health Organization. On March 13, 2020, the United States declared the COVID-19 outbreak a national emergency. By mid-March 2020, the U.S. Department of Labor (DOL or Department) entered a maximum telework posture due to the COVID-19 global pandemic health emergency.

As it became clear that COVID-19's impact would require significant modifications to Departmental operations, the Office of the Assistant Secretary for Administration and Management's (OASAM) Office of Human Resources had the tools available to support the Department in moving to a maximum telework posture, modifying internal guidance as necessary. DOL issued HR guidance, focused its resources, increased technical assistance to employees and managers, and responded to hundreds of inquiries from managers and employees on the full gamut of human resource (HR) matters including pay, leave, benefits, staffing, telework, work schedules, and other workplace flexibilities. Additionally, DOL rapidly developed guidance related to Emergency Paid Sick Leave offered under the Families First Coronavirus Response Act (FFCRA) to ensure that DOL federal employees who are unable to work/telework due to qualifying COVID-19 related reasons as outlined in the regulations are aware of their entitlements under the law.

In accordance with OPM pandemic guidance, DOL allowed telework eligible employees telework to the maximum extent possible to maintain operations as close to normal as possible and ensure employee safety. Prior to and during the pandemic, telework eligibility at the Department required that an employee's duties be suitable in whole or in part for performance at a telework site, and that individual employees meet additional criteria required by the Telework Enhancement Act, Departmental policy, and applicable collective bargaining agreements (for example, performance requirements). Further, individual employee participation in telework was subject to supervisory approval based on factors such as the business needs of the office, the costs of an arrangement (if applicable), and the availability of technology and equipment required to support the duties of the position.

In response to the declaration of the pandemic health emergency and to promote the safety of staff, however, supervisors were encouraged to re-designate staff who were not telework-eligible, due to the nature of their duties, by identifying temporary alternate assignments suitable for accomplishment at a telework site. Additionally, employees who had been deemed temporarily ineligible for telework based on performance deficiencies or misconduct that did not involve a gross lack of ability to trust the employee to telework, were temporarily deemed telework eligible. An internal policy limiting telework to one day per week for the Department’s managers and supervisors was temporarily waived as well. The waiver or re-structuring of these limitations allows the Department to maximize the use of telework while ensuring employee safety and maintaining continuity of operations during the health emergency.

Telework participation requires completion of interactive telework training, available through the Department’s internal learning development system. As the Department rapidly increased telework participation in response to the declaration of the pandemic health emergency, new participants were required to complete the training. Additionally, the Department has provided employees with supplemental telework resources available on the Department’s intranet as part of a helpful repository of Coronavirus Guidance and Resources. These resources include: 1) a Telework Resources Guide, 2) a Telework Readiness Checklist, and 3) Tips for Safe and Healthy Teleworking.

The Department is presently continuing to use telework to ensure continuity of its essential functions and to perform the bulk of its day-to-day operations.

The Department currently tracks telework eligibility and use on a quarterly basis. Below are percentages for Fiscal Years (FY) 2019 and 2020.

FY 2019	Percentage of Telework Eligible Employees	Percentage of Eligible Employees Utilizing Telework
Q1	94%	68%
Q2	96%	74%
Q3	97%	68%
Q4	97%	68%

FY 2020	Percentage of Telework Eligible Employees	Percentage of Eligible Employees Utilizing Telework
Q1	97%	68%
Q2	97%	94%
Q3	98%	96%
Q4	99%	96%

The Department has engaged in significant and frequent consultation with its unions. Senior DOL leadership has briefed the leadership of its three unions—the American Federation of Government Employees National Council of Field Labor Locals (NCFLL), the American Federation of Government Employees Local 12, and the National Union of Labor Investigators(NULI)— weekly since March 6, 2020. DOL leadership regularly shares pertinent

information with these unions regarding how COVID-19 has affected DOL employees and how DOL leadership is responding to keep employees safe and ensure DOL achieves its mission. DOL leadership set the tone at the beginning of the pandemic by agreeing that if the unions raised concerns, it would look into those concerns as timely as possible. This has resulted in an open line of communication with the unions to share information regarding COVID-19 challenges, which has positioned DOL leadership to respond quickly to concerns that have been raised. DOL leadership provided the Department's draft resumption plans to the unions for their feedback.

DOL's collective bargaining agreements (CBAs) cover safety and health matters, such as personal protective equipment, along with other issues. Two of its unions invoked bargaining under their CBAs over the impact and implementation of the DOL Resumption of On-Premises Work Plan. DOL engaged in negotiations with leadership from all three unions and completed a memorandum of understanding (MOU) in October 2020. This MOU addresses the impact and implementation of the Resumption of On-Premises Work, and positions all of DOL to operate from the same plan moving forward. Indeed, DOL has provided briefings and training to its managers in how the MOU should be implemented to ensure consistency.

The Department recently started to assess tangible cost savings related to telework. A working group made up of senior managers and subject matter experts from various DOL sub-agencies is currently exploring best practices and opportunities to leverage expanded workplace flexibilities such as telework and the use of technology to reduce space and manage remote workers. A component of any strategic plan will involve developing a methodology to evaluate progress through a future cost benefit analysis.

The Department's recent modernization of its information technology (IT) infrastructure has enabled it to effectively pivot to maximum remote work in response to the pandemic. For instance, DOL leveraged its network bandwidth expansion and infrastructure upgrades to facilitate a rapid transition to a maximum telework environment. DOL recently upgraded its entire laptop fleet to Windows10, and the newly implemented Unified Communications program allowed the Department to deploy network upgrades to 135 offices where more than 10,000 staff utilize DOL's 12 laptop distribution centers nationwide.

Recently acquired capabilities that facilitated the smooth transition to maximum telework include the deployment of Microsoft Teams and the Soft Phone Jabber client, which significantly enhanced virtual meetings inside the Department and with the public, as well as the use of RSA tokens as an alternative means to provide access for employees facing onboarding or Personal Identity Verification (PIV) card expirations, and staff unable to visit USAccess centers.

The Department also made acquisitions to accommodate the current maximum telework posture in direct response to the pandemic. Examples of these include:

- Purchasing local desktop printers to support at-home printing of mission-related work (e.g. Occupational Safety and Health Administration citations);
- Increasing audio conferencing availability, and modifying wireless voice plans;
- Purchasing approximately 4,500 headsets for phone communications;

- Procuring electronic fax capability for all of DOL via an Interagency Agreement with the General Services Administration; and
- Purchasing DOL's Unified Communications system, which enabled seamless redirection of business lines typically answered on desk phones to softphones utilizing voice over internet (VOIP) installed on DOL laptops and tablets at telework locations, and provided seamless audio and video conferencing at the worksite and for remote workers.

These technologies and acquisitions, along with system and process innovations, allowed DOL to virtually on-board more than 762 new staff since March 2020 and to virtually conduct bargaining with our unions.

DOL's recent implementation of Enterprise-wide Shared Services for Human Resources and Information Technology supported and enabled the Department's ability to quickly adapt a posture of more remote work in response to the pandemic. More centralized HR allowed DOL to decisively expand the use of telework during the declared pandemic and implement any necessary HR policy changes to support those shifts in work arrangements. Similarly, DOL's implementation of a more centralized IT service delivery model allowed the Department to make the necessary policy changes and resource investments to ensure DOL was able to adequately support the shift to more remote work.

In regard to challenges that our agency experienced with maximizing telework during the COVID-19 pandemic, the increased volume of telework activity demonstrated the urgency for the Department to improve our access to real-time telework data through an automated system. The Department is currently developing and testing a telework tracking application system to be launched as part of a broader internal web-based platform. The application system will document and track annual telework agreement recertification to ensure a regular review of telework eligibility and agreements, and it will track completion of manager, supervisor, and employee telework training through our existing internal learning development system before a supervisor can use the system to approve telework agreements.

Also, more research and implementation of leading edge remote connectivity methods needs to occur to reduce the impact of virtual private network, or VPN, interruptions. While these interruptions are infrequent, they have a broad impact when they occur.

Additionally, PIV card replacement used for authentication and digital signature still requires a physical visit to an issuing location. While temporary remote workarounds exist for authentication, we need to research and implement alternatives for providing digital signature capabilities when PIV cards are inoperable or unavailable.

Conclusion

DOL is proud of its work to implement a robust telework policy. We believe its efforts have helped the Federal workforce to achieve better productivity and to its serve the Department's mission. Thank you again for this opportunity to address the Subcommittee about the Department's work. I look forward to answering your questions.