

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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December 23, 2024

Mr. Martin O'Malley
Transmitted Electronically

Dear Mr. O'Malley,

The Committee on Oversight and Accountability (Committee) is planning to hold a hearing on federal agency telework next month, once the 119th Congress has convened. Among other issues concerning the absentee federal workforce, the hearing will address existing agreements between federal agencies and federal employee unions that purport to prevent incoming executive branch officials appointed by President Trump from telling their own employees – and those of the American people – to show up to work. To better understand the rationale underlying collective bargaining agreements (CBAs) such as the one you recently signed in your capacity as Commissioner of the Social Security Administration (SSA), we intend to issue you a formal invitation to testify at the hearing.

As then-Commissioner of SSA, you signed an agreement last month with the American Federation of Government Employees (AFGE) that purports to guarantee minimum telework levels for 42,000 SSA employees all the way through 2029.¹ You signed the SSA agreement with AFGE on November 27, 2024—after informing the press of your intent to run for chair of the Democratic National Committee (DNC)—and just days before stepping down from your role at SSA.²

Thus, you managed the SSA workforce for only a few days under a CBA that will tie the hands of your successor at SSA for the duration of the next Administration, and beyond. Your motive for signing such an agreement is unclear, nor is it clear why the public interest is served by having a departing official of a lame duck Administration determine the work arrangements to occur at an agency for years after he is gone. Democracy is best served when an incoming, duly elected President and his appointees are empowered to actually manage the workforce they are charged with overseeing. The SSA CBA seems intended to prevent just that. It was, however, extremely popular with the AFGE members—who you partied with in Florida shortly before

¹ See Josh Eidelson, *Thousands of Federal Employees Land Work-From-Home Deal Ahead of Trump*, Bloomberg News, (Dec. 3, 2024).

² See Luke Rosiak, *Social Security Head Drank With Union Members Before Giving Them Telework Through 2029*, The Daily Wire (Dec. 10, 2024); see also Lisa Kashinsky & Braktkton Booker, *DNC chair race kicks off, as Martin O'Malley announces bid*, Politico (Nov. 18, 2024).

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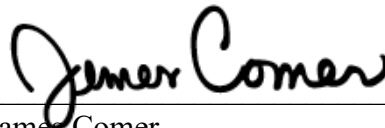
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signing it—and with other public employee unions that form a core constituency of the DNC that you are now running to chair.³

On your watch, SSA employees have been notably absent from the office. Nearly all of the 58,875 SSA employees are deemed telework eligible, and according to the Administration's own data, they have been spending less than half their time in the office.⁴ This failure to show up runs parallel to failures at SSA to accomplish its mission. SSA is charged with administering “the Social Security retirement, survivors, and disability insurance programs” and running “the Supplemental Security Income program, for people who are 65 or older, blind, or with a disability.”⁵ It disbursed \$1.6 trillion in budget resources in Fiscal Year 2024.⁶ Yet, SSA is failing to adequately serve the American people, as SSA disability determination processing times on average “have increased since fiscal year 2020.”⁷ They have yet to return to pre-pandemic levels.⁸ President Trump, in contrast, recognized that SSA employees' failure to show up was a problem when he ended telework for some SSA employees “to improve service delivery and to focus all of operations' resources on providing service to [SSA] customers” in October 2019.⁹

The Committee appreciates your making yourself available to testify next month. We believe your testimony will shed light on why so much of the federal workforce is currently at home, and federal agency offices are largely vacant. We also expect it will educate Members as to how federal collective bargaining law and practice has helped facilitate this situation.

Sincerely,



James Comer

Chairman

Committee on Oversight and Accountability

³ See Luke Rosiak, *Social Security Head Drank With Union Members Before Giving Them Telework Through 2029*, The Daily Wire (Dec. 10, 2024).

⁴ See Off. of Mgmt. and Budget, *OMB Report to Congress on Telework and Real Property Utilization* (Aug. 2024).

⁵ *A-Z index of U.S. government departments and agencies: Social Security Administration (SSA)*, USA.gov (last visited Dec. 10, 2024).

⁶ See *Social Security Administration (SSA)*, USASpending.gov (last visited Dec. 10, 2024).

⁷ *Disability determination processing time*, Soc. Sec. Admin. (last visited Dec. 10, 2024).

⁸ *Id.*

⁹ Nicole Ogrysko, *SSA ends telework program for operations employees, citing need to focus on customer service*, Federal News Network (Oct. 29, 2019).