

# United States Senate

March 13, 2024

The Honorable Phyllis K. Fong  
Inspector General  
United States Department of Agriculture  
Jamie L. Whitten Federal Building  
1400 Independence Avenue SW  
Washington, D.C. 20250-0002

Dear Inspector General Fong,

This letter is a follow-on to the one you received on August 28, 2023, regarding telework, physical space utilization, and locality pay policies at the U.S. Department of Agriculture (USDA).

We appreciate your staff's commitment to providing a substantive response by Spring 2024. However, the emergence of a whistleblower who claims to be a supervisor at the USDA headquarters in Washington, D.C., raised serious concerns regarding the extent of Secretary Tom Vilsack's awareness of the state of his workforce's in-person attendance and efficiency.

According to the whistleblower, whose letter is postmarked November 27, 2023, "[T]he vast majority of USDA employees are not working in person. On the occasions I have gone to USDA headquarters in Washington, D.C., it resembles a ghost town. Hallways are mostly empty, and offices are unoccupied."<sup>1</sup> The whistleblower continues, "[R]emote work and telework employees are often unreachable and do not respond to simple email questions for hours. This leads to inefficiency in completing tasks in a timely manner and to delays in clearing documents and reports due to the inability to reach colleagues."<sup>2</sup>

When faced with these allegations, Secretary Vilsack testified to the Senate Committee on Agriculture, Nutrition, and Forestry that D.C.-based managers and employees are required to physically be in the office "a majority of the week," and, when asked for clarification, shared he meant three-to-four days per week.

However, public reporting indicates telework-eligible managers and supervisors at the D.C. headquarters have been required to be in the office five days per two-week pay period since September 10, 2023.<sup>3</sup> Given the two-week pay period is ten days, you have likely discerned that five days every ten workdays is definitionally *not* a majority of the time.

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<sup>1</sup> Letter on file with senders.

<sup>2</sup> *Id.*

<sup>3</sup> Federal News Network Staff, *A Running List of Agencies' Return-to-Office Plans* (Mar. 13, 2024, 9:30 AM), <https://federalnewsnetwork.com/workforce/2023/12/heres-what-we-know-so-far-about-agencies-return-to-office-plans/>.

Secretary Vilsack's apparent misapprehension regarding the telework posture of his workforce underlines the importance of comprehensive reviews, audits, and evaluations of the USDA's telework, locality pay, and space utilization policies as requested in the August 28, 2023, letter. We also request your office not limit its review merely to the USDA's headquarters and its D.C.-based employees, but also to its footprint and workforce throughout the country.

Secretary Vilsack also took issue with the recent analysis by the Government Accountability Office (GAO) that found the USDA is utilizing just 11 percent of its available office space within its headquarters, saying the GAO calculation is "not even close to correct." Secretary Vilsack said these numbers do not reflect "what is happening in February 2024," even though GAO's estimates are based on average space utilization taken over a three-month period less than a year ago.

As members of the Senate Committee on Agriculture, Nutrition, and Forestry who represent states that support the nation's food supply, it is vitally important to farmers, ranchers, and agricultural producers across the country for USDA to be available and accountable. If USDA employees are unreachable and unresponsive to their own managers, we worry our constituents are receiving the same treatment, or worse.

Thank you for your time and attention to this request. We look forward to your response no later than March 27, 2024. Please feel free to contact our offices with any questions or concerns you may have.

Sincerely,



Joni K. Ernst  
United States Senator



John Boozman  
United States Senator