

THOMAS R. CARPER, DELAWARE, CHAIRMAN

CARL LEVIN, MICHIGAN
MARK L. PRYOR, ARKANSAS
MARY L. LANDRIEU, LOUISIANA
CLAIRE McCASKILL, MISSOURI
JON TESTER, MONTANA
MARK BEGICH, ALASKA
TAMMY BALDWIN, WISCONSIN
HEIDI HEITKAMP, NORTH DAKOTA

TOM COBURN, OKLAHOMA
JOHN MCCAIN, ARIZONA
RON JOHNSON, WISCONSIN
ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
MICHAEL B. ENZI, WYOMING
KELLY AYOTTE, NEW HAMPSHIRE

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

March 27, 2013

The Honorable John Berry
Director
U.S. Office of Personnel Management
1900 E Street, N.W.
Washington, DC 20415-1000

Dear Director Berry:

While sequestration is requiring nearly every government agency to re-examine their missions and set priorities, like many Americans I am concerned about some of the decisions being made to reduce spending. For example, thousands of essential federal employees performing critical missions from food safety to national security are being threatened with furloughs, while others who are literally paid to do nothing or do not even show up for work are being retained.

It makes little sense to furlough air traffic controllers and border patrol agents while retaining employees who are AWOL, on standby, not performing official duties, or sitting idle awaiting security clearances.

After conducting a top to bottom review of my office, I eliminated seven full time positions over the past year. While this has required doing more with less, we have succeeded in maintaining the same quality of constituent services and level of representation with a leaner team. Managers of other agencies must make similar decisions.

With smart leadership and a thoughtful re-evaluation of missions and setting of priorities, the quality of services can be preserved while living within the spending limitations set by sequestration. As a starting point, agencies can avoid furloughing or laying off those performing the key functions of the agency by first eliminating to the greatest extent possible those who are not showing up for work, who are not performing official work, or are simply not working at all.

Federal employees who are AWOL, or "absent without leave," cost millions of lost man-hours, which can drag down an agency's productivity. An oversight report I released called *Missing in Action: AWOL in the Federal Government* found employees at 18 departments and

agencies were AWOL for at least 19.6 million hours between 2001 and 2007.¹ Over that seven year period, the government lost 9,410 *years* of work as a result of these AWOL employees.

Other employees show up for work but are being paid to perform duties *not* related to the mission of their agency or the government. These employees perform union-related activities, known as “official time, during their normal work hours. For some employees, union activities take up 100 percent of their time and, as a consequence, they do not perform any work for taxpayers providing for their salaries. In 2011, the government spent over \$155 million on 3.4 million hours of official time, according to the Office of Personnel Management.² This is equivalent to a full year’s worth of work for 1,632 employees.

Hundreds of other employees are paid to come to work and “stand by.” An employee receiving standby pay is regularly required “to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work.” At least 919 employees received standby pay in 2010 and 906 received it in 2011, according to a new report compiled by the Congressional Research Service (CRS) at my request.³ The total cost of paying for these employees not to work over this two year period was over \$13.1 million. The true amount of standby pay is likely to be even higher, according to CRS, since there were gaps in the available data. While it makes sense to have some on standby, such as employees at the Departments of Defense and Veterans Affairs, others are less obvious, such as the standby employees at the Agricultural Marketing Service.

Employees of government contractors are also being paid to do nothing. Delays in the security clearance process have kept between 10 and 20 percent of all intelligence contractors sitting idle while they await a clearance, according to a December 2011 study of the Intelligence and National Security Alliance.⁴ This process can take months even for already-cleared workers who are being re-cleared just for moving to a new agency. Under current arrangements, these employees are paid large salaries during the waiting periods, but are not given meaningful work. “The cost of wasted contractor man-hours to the government would be roughly between \$900 million and \$1.8 billion a month,” according to an estimate by *Federal Times*.⁵

Targeting these four areas where federal employees are being paid to do nothing could result in billions of dollars in annual savings, enough to maintain those employees performing the truly essential missions of the federal government.

¹ Report of the Office of Sen. Tom Coburn, *Missing in Action: AWOL in the Federal Government*, August 2008, http://www.coburn.senate.gov/public/index.cfm?a=Files.Serve&File_id=8d706bec-eae6-49ba-9b42-c258f655e21e.

² Website of the U.S. Office of Personnel Management, “Official Time Statistics for Fiscal Year 2011,” (accessed March 27, 2013), <http://www.opm.gov/policy-data-oversight/labor-management-relations/reports-on-official-time/#url=stats2011>.

³ Memorandum from the Congressional Research Service to Senator Tom Coburn, “Standby Pay for Federal Civilian Employees in FY2010 and FY2011,” March 11, 2013.

⁴ Intelligence and National Security Alliance, *Next Steps for Security Reform: Industry Proposals to Enhance Efficiency and Reduce Costs in National Security Contracts*, December 2011, http://www.insaonline.org/i/d/a/Resources/Next_Steps_for_Security.aspx.

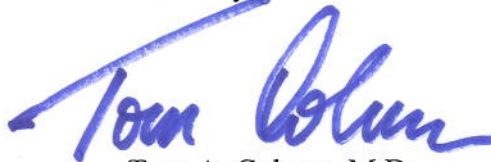
⁵ Chacko, Sarah, “Contractors waste billions awaiting clearances,” *Federal Times*, January 8, 2012, <http://www.federaltimes.com/article/20120108/ACQUISITION03/201080301/Contractors-waste-billions-awaiting-clearances>.

To better assist the committee in its oversight, please provide the following information no later than May 30:

1. The full number of hours spent on employees, broken out by department or agency, in standby status and the total cost of these payments for each of the past five years;
2. The fiscal year 2012 report of the Office of Personnel Management on official time;
3. The total number of hours that employees in each agency were placed into AWOL status for each year between 2008 and 2012; and
4. The total amount, including salary and other employment benefits such as health insurance, spent on each of the four categories (AWOL, standby, official time and security clearance) listed in this letter for which the federal government pays employees to do nothing in the most recent fiscal year for which data is available.

I appreciate your consideration of this request and look forward to your response.

Sincerely,

A handwritten signature in blue ink, reading "Tom Coburn". The signature is stylized with a large, sweeping "C" and a long horizontal stroke extending to the left.

Tom A. Coburn, M.D.
Ranking Member