



Flexibility Works: Consistent Access to Telework Supports the Effective Administration of Justice

OVERVIEW

In March 2022, the National Association of Assistant U.S. Attorneys (NAAUSA) surveyed approximately 600 Assistant U.S. Attorneys (AUSAs) concerning their access to telework. With responses from 92 of the 94 U.S. Attorney Offices (USAOs), 52% have adopted a plan allowing at least two days a week (four days per pay period) for telework. Outliers of this flexibility threaten the effective administration of justice. The patchwork approach to telework arbitrarily denies AUSAs access to a work-life balance, undermines

recruitment and retention initiatives, and hinders diversity, equity, and inclusion strategies. AUSAs will always appear in-person when necessary; however, every AUSA should have the option to telework if it does not conflict with their job duties. NAAUSA urges the Department of Justice to adopt a uniform, baseline approach to telework that permits AUSAs to telework at least two days a week (four days per pay period).

PROGRESS

Despite the evolving nature of the COVID-19 pandemic, AUSAs have demonstrated telework's effectiveness over the last two years. AUSAs, and all Department attorneys, should have access to workplace flexibilities that enhance their productivity and encourage them to remain and thrive in their roles.

NAAUSA appreciates the U.S. Attorneys that have allowed at least two days of telework despite the lack of a Department-wide mandate. However, the outliers demonstrate that the Department's absence of a uniform, baseline policy undermines the just, efficient, and equitable administration of justice. We urge the Department to mandate that U.S. Attorneys allow at least two days of telework a week (four days a pay period).

*The mandated schedule telework isn't conducive to attorneys who have an ever-changing schedule. Having flexibility, even two days per week, would be helpful. **But this is a department wide issue not limited to just our office.***
AUSA, Southern District of Illinois

*We have little to no flexibility. As well as a formal dress code, even when we're not in court or in formal meetings. **It feels like we're moving backwards in time.***
AUSA, Western District of Oklahoma

*Telework continues to work well and it's a flexibility AUSAs have earned. **With soaring gas prices and small raises, this goes a long way for AUSAs that have an arduous commute.***
AUSA, Southern District of Georgia

Supervisors can arbitrarily deny telework completely.
AUSA, Middle District of Florida

*Justice should maximize telework to retain mid and senior level AUSAs. **Failure to support telework suggests to AUSAs that management does not trust them.***
AUSA, Middle District of Florida

Our USA understands the need for flexibility and appears to be taking telework seriously.
AUSA, Eastern District of Virginia

*Flexibility is key—especially as new variants rise and fall. We all have varying health concerns, many of which, we don't need to be sharing with the office. **We're professionals and should be treated as such.***
AUSA, District of Utah

ANALYSIS

Currently, 52% of U.S. Attorneys offer a flexible telework policy. The remaining 48% of U.S. Attorneys are inflexible, leaving frustrated AUSAs considering other work options. We urge the Department of Justice to mandate U.S. Attorneys align with private sector best practices and offer a minimum of two days a week of telework (four days per pay period).

1

CONSIDER JOB DUTIES

In offices with strict anti-telework policies, the policy does not align with the job duties of many AUSAs. Flexibility should align with work requirements.

2

LOCATION

AUSAs report little to no exceptions for those who live beyond the average commute time of 45 minutes. Others note the impact of gas and parking prices.

3

PRE-PANDEMIC NORMAL

There is no doubt that COVID-19 changed the work environment. Yet some AUSAs feel their office is trying to reinvent the past.

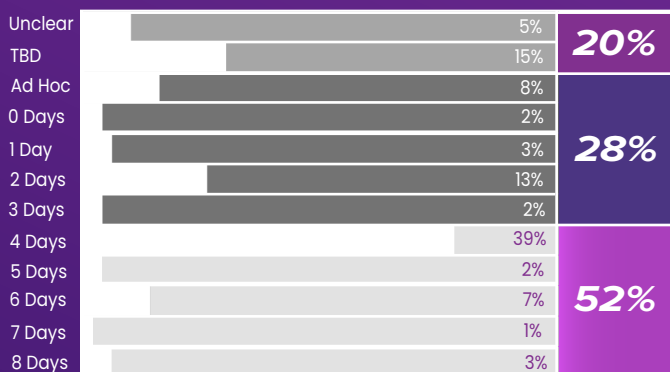
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GUIDANCE

AUSAs have reported their offices ignore some administration guidance regarding dependent care and "maxi-flex" options.

TELEWORK DAYS PER PAY PERIOD

AUSAs from 92 of the 94 USAOs shared their U.S. Attorney's policy. Within an agency subcomponent, the variety of telework policies is staggering.



RECENT ACTION

The overwhelming majority of AUSAs favor at least two days of teleworking per week (four days a pay period) to improve workplace productivity, create a positive work-life balance, and increase job satisfaction. This desire persists despite technical difficulties and privacy concerns. The future of work and the effective administration of justice involves telework and aligns with private sector best practices.

Prior to the distribution of agency reentry plans, NAAUSA prepared a data sheet highlighting cause for the Department to establish a baseline telework policy. You can view it [here](#).

We've been at max telework since March 2020. We got our work done (and there's data to support that) and we're happier and more productive teleworking. We need leaders who understand the benefits of telework and appreciate their employees. Instead, our boss wants us in the office to "see us" as he prefers to be in the office—that is not what DOJ asked of him.

AUSA, Southern District of Mississippi

We should have flexibility in both directions and telework when appropriate for our personal and professional schedules.

AUSA, District of Massachusetts

Our district is effectively returning to pre-pandemic work policies. There is no consideration that a lot has changed in two years yet there is and no accommodation to allow for consistent telework.

AUSA, Southern District of New York

We have been told for years to do more with less; we keep doing it even as resources are stripped from us. At least teleworking gave us back some work-life balance to offset the unreasonable expectations the job requires.

AUSA, Eastern District of Washington

The Civil Rights Division is permitted to telework 8 days per pay period. This is yet another example of DOJ attorneys being treated better than AUSAs. DOJ trial attorneys are paid more than AUSAs and can telework twice as much AUSAs.

AUSA, District of Massachusetts

Our branch supervisors set a very accommodating schedule; however, our main office decided to impose a random week day as an interim plan. It's clearly intended to discourage telework.

AUSA, Northern District of Ohio

They are continuously decreasing telework hours even though hearings are mainly remote.

AUSA, Northern District of Ohio

After demonstrating our diligence and success over two years of teleworking, under the immense stress of a global pandemic with an unknown expiration, it would be nice if the Department treated AUSAs with more respect and trust.

AUSA, Eastern District of Washington

My district is talking as if everything is just supposed to go back to normal after the pandemic, but we've proven we're capable of remote work. I can't just flip a switch and declare the pandemic over.

AUSA, District of Utah

We're regularly assaulted when entering our office. In fact, I was assaulted just two weeks ago. Telework avoids that.

AUSA, Central District of California