

NAAUSA Telework Survey Results

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Last month, NAAUSA conducted our third telework survey to ascertain how return to office plans are impacting AUSAs. We are proud to announce that the survey concluded that the overwhelming number of U.S. Attorney Offices are following best practices proposed by NAAUSA to provide at least two days of telework per week or four days per pay period. Still, several offices across the country have taken an extremely restrictive approach to telework flexibility, resulting in diminished morale and employee well-being in those offices. As a result, NAAUSA has continued our advocacy efforts to ensure all AUSAs have access to critical work life benefits.

NAAUSA holds the position that a balanced and flexible telework policy maximizes employee productivity, enables the recruitment and retention of qualified personnel, and provides an opportunity for collaboration. This position was developed through extensive research on the benefits of teleworking in the private sector and repeated surveys of member views.

In 2021, NAAUSA surveyed AUSAs on their views on telework and found overwhelming support for retaining telework eligibility post-pandemic. AUSAs reported being more productive, less distracted, and experiencing a better work-life balance.

Again in 2022, NAAUSA surveyed AUSAs and found that many USAOs were offering a flexible telework policy; however, some did not. As a result, some AUSAs were arbitrarily denied telework and internal competition grew among USAOs.

In an April 2023 memo to agencies, the Office of Management and Budget (OMB) provided new guidance on return-to-office and telework policies for federal employees. The 19-page memo calls on agencies to increase in-person work “that is purposeful, well-planned, and optimized for in-person collaboration – while still using flexible operational policies as an important tool in talent recruitment and retention.”

NAAUSA responded to the OMB memo in a statement emphasizing that AUSAs know there are many obligations that require in person attendance; however, as the private sector embraces workplace flexibilities, U.S. Attorney Offices must recognize the recruitment and retention benefits of balanced remote work.

The 2024 survey served to update NAAUSA’s existing research and better understand how USAOs have approached telework availability in light of OMB’s guidance. Overall, NAAUSA received responses from 86 of the 94 USAOs.

Here are some of our key findings:

- Currently, 70% of USAOs are offering telework at least two days a week. Meanwhile, 14% of USAOs offer telework only one day a week and 7% offer no telework at all. We did not receive responses from 8% of USAOs.
- Roughly 60% of respondents are at least somewhat satisfied with their office’s telework policy.
- 74.2% of respondents said telework improved their work-life balance, 61.5% of respondents said it increased their productivity, and 46.6% of respondents said they are more likely to remain at their USAO if it maintains a robust telework policy.

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- 50.4% of respondents said they would consider leaving their position if their USAO adopted a more restrictive telework policy, while 6.3% of respondents are already looking for another job due to their USAO's telework policy.
- Many respondents felt telework abuse by some should not undermine telework access for everyone. Supervisors should be better trained and equipped to address bad actors, rather than adopting policies that unfairly penalize and sow distrust against responsible attorneys.
- Many respondents reported that the key problems with telework are generally collateral issues that can and should be addressed without eliminating telework, such as technology challenges, supervisor training, and establishing opportunities for increased remote collaboration.
- Many respondents in urban areas have concerns about parking cost, employee safety, and competition with private sector law firms. Regardless of location, AUSAs expressed concern about morale, retention, and trust among the workforce.

While we recognize the impossibility of advocating for a telework policy with which everyone agrees, we remain committed to promoting a universal baseline policy that grants both USAOs and AUSAs the flexibility to tailor the policy to their unique needs.

As the survey responses overwhelmingly indicate, telework improves the administration of justice by ensuring the right people are being recruited and retained at USAOs and are able to work productively in an environment that balances their mission with their wellbeing. We look forward to continuing our advocacy in this area and reporting on relevant developments.