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Description of document: Office of Special Counsel (OSC) Office Space Requirements Review (FY 2021 Field Office Lease Cancellation)

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U.S. OFFICE OF SPECIAL COUNSEL
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May 12, 2021

Re: Freedom of Information Act Request (#FOIA-2021-054)

Please be advised that this is a final response to your request dated February 13, 2021, in which you asked the U.S. Office of Special Counsel (OSC) to provide you with “a copy of the internal efficiency (office space requirements) review report/memo during FY2020 the result of which OSC downsized the Oakland office and transformed Detroit and Dallas to full-time virtual field offices.” Your request has been processed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a.

OSC identified five (5) responsive pages. We are releasing 5 pages to you in full.

If you have any questions or you require dispute resolution services, please feel free to contact Mahala Dar, OSC’s Chief FOIA Officer and acting FOIA Public Liaison, at mdar@osc.gov or (202) 804-7000. Please reference the above tracking number when you call or write. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.¹

Thank you,

/s/

Mahala Dar, Esq.
Clerk

¹ Office of Governmental Information Services (OGIS), National Archives and Records Administration 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; ogis@nara.gov (Email) 202-741-5770 (Office) 1-877-684-6448 (Toll Free) 202-741-5769 (Fax)

Getback for the Congress: FY 2021 Field Office Lease Cancellation

- The Office of Special Counsel's decision to cancel the leases associated with its Field Offices for FY 2021 occurred following an internal review of agency operations. OSC will retain and manage its existing employees in the Field on a telework/virtual office basis. OSC determined it has the capabilities, tools, and methods to properly manage these employees, and continue to achieve high levels of productivity from them.
- OSC will maintain a small office footprint in Oakland for FY 2021, and will acquire commercial conference room space on an as-needed basis for Field Office staff to conduct ad hoc meetings, projects, and/or trainings.
- Savings accrued by closing the Field Offices could be employed towards case processing, or continued IT operational enhancements, both of which will increase OSC's efficiency.
- Due to the continued COVID-19 crisis, OSC staff have been working remotely for much of the year, while operating efficiently, and achieving significant outcomes for the agency:
 - o For instance, OSC is on pace for an agency record of Favorable Actions in Prohibited Personnel Practice (PPP) cases in FY 2020.
 - o OSC has also been able to resolve key cases, including one case involving the Department of the Treasury, which will see the Treasury begin to collect on \$91.5 million in debts owed to OSHA.
- OSC has quickly optimized its operations around its remote infrastructure tools, including electronic case filing, our new electronic case management system, and Microsoft Teams, which facilitates group meetings, participation in training, and personal interactions either between employees, or employees and managers.
- This has demonstrated to OSC that its employees can work remotely, without dedicated office space. Thus, paying a significant portion of our budget towards rent may be wasteful, as there is no significant benefit accrued from having these leases. Rent costs have historically been our second largest cost category, behind Salaries and Benefits, and OSC Field Office staff have the
- OSC is also facing an uncertain budget for FY 2021. While the House's FY 2021 Appropriations Mark provides the funding level OSC needs (\$30.5 million), the Senate has not indicated its intent with the FY 2021 Appropriations.
- Additionally, OSC expects that we will likely begin FY 2021 under a Continuing Resolution, which will constrain the agency's resources. The resources saved by closing the Field Offices can be best directed to maintaining personnel to resolve cases.
- Based on current estimates, OSC believes it will save approximately \$360,000 in rent costs alone in FY 2021 by cancelling the Field Office leases. The approximate savings per Field Office are provided below:
 - o Dallas: \$75,000
 - o Detroit: \$98,000
 - o Oakland: \$187,000
- These savings can also be viewed through the lens of furlough days avoided, or in OSC staff retained. For example, the savings will allow OSC to avoid approximately six (6) furlough days (estimated at \$60k/furlough day), or simply to retain an additional 2.1 FTEs.

- As OSC works to close the Field Offices by the start of FY 2021, there is the also the potential for additional administrative and IT-related savings. These will be more accurately assessed as the start of FY 2021 approaches.

Discussion

- All OSC Office locations are leased from GSA. The Oakland and Dallas offices are in Federal Buildings, while Detroit is in a commercial facility. The Oakland Field Office has the highest lease cost, followed by Detroit, with Dallas having the lowest lease cost.
- All leases can be terminated by providing GSA 120 days’ notice. OSC already provided GSA with the required notice, and is currently working with GSA to close our Field Offices by the end of the current fiscal year.

Location	Dallas	Detroit	Oakland
Cost (FY 21)	\$75,000	\$98,000	\$187,000
Square Feet	3,464	3,260	4,934

Discussion of Possible Options/Factors

Field Office Productivity and Outcomes

Productivity of Field Office staff, versus Headquarters staff has been gauged over time. There will be typical variances based upon quality of employees, managers involved, and the methods the employees use to resolve cases. However, in the aggregate, it has been found that OSC Field Office staff have equivalent productivity to Headquarters staff, in terms of cases resolved and outcomes achieved. This points towards retaining these trained staff to continue receiving the benefit of their productivity.

Travel

Travel for agency investigations is generally assigned by geographic proximity to lower costs. However, the workload of a Field Office is also considered when making case assignments. OSC’s investigation-related travel costs have generally averaged about \$75,000 per year.

Approximately 75 percent of OSC’s DC Headquarters’ cases can be investigated locally. However, the other three Field Offices are located near only a combined 4 percent of the federal workforce, and thus may require more than just local travel for their investigations.

In terms of actual travel costs incurred, the three Field Offices typically spend between \$2,000 to \$15,000 annually on investigations, as only a small percentage of their cases can be investigated locally. This does not include travel for outreach, training, and other purposes. OSC historically has had tight travel budgets, particularly during Continuing Resolutions, and has often used methods other than air travel to investigate cases.

However, during the COVID-19 crisis, and in other years encompassing tight budgets, methods such as video conferencing are increasingly used to conduct investigations, and this trend has only increased in the past couple of years. With access to improved methods to conduct investigations remotely, travel is not a significant consideration in the overall decision to close or maintain field offices.

Relocation

OSC considered the relocation of employees to Washington DC, or to another Field Office. However, we ultimately declined this option, as it is too costly. Depending upon the relocation expenses authorized, relocations could cost from \$25,000 to more than \$100,000 per person. Thus, the closure of all Field Offices and relocation of all Field Office employees could range from \$150,000 to \$1,000,000, depending upon the expenses authorized and the Office selected. Relocation would be disruptive to operations in the short-to-medium-term, as well as cost prohibitive from a budget standpoint.

Office Closure

The closure of a given Field Office and a Reduction in Force of that location's employees was another option. However, OSC ultimately declined this option as well. OSC's workforce would likely consider this a severe move, and OSC determined that this option would result in negative employee morale and likely impact productivity. There is also a short-term cost of severing employees associated with this option, which is based upon the employee's number of years of service that would range from \$150,000 to \$250,000 per Field Office. Office closure would be disruptive to operations in the short-to-medium-term.

Teleworking/Virtual Office

The closure of the physical office spaces, and management of employees via telework, was the option OSC ultimately decided upon. In this scenario, employees are retained, along with their resultant productivity. A Field Office Chief continues to retain operational control of the teleworking employees. There will be minimal costs incurred for further refining the telework architecture, purchasing of equipment, and office setup for the employees out of their homes. A move to virtual offices may offer an opportunity to reduce the agency's level of administrative support. Of these options, this would be the least disruptive. However, this would require some planning and ongoing discussion on how to best manage the staff, workload, and operations remotely. It should be noted, though, that the total rent costs for the three remote Field Offices is \$360,000 in FY 2021, and this would be a significant savings to the agency.

Bullets on Field Office Closure

Field Office Closure Plan

- The Office of Special Counsel (OSC) plans to reduce its Field Office footprint in fiscal year (FY) 2021 by closing the physical office space occupied in Detroit, Michigan; Dallas, Texas; and, Oakland, California.
- OSC Headquarters is working with its Field Office staff, and the General Services Administration (GSA), to close out the Field Office space by September 30, 2020.
- OSC is not reducing or eliminating any Field Office staff. Rather, the Field Office staff will conduct their important work remotely, while still achieving outsized results for the American taxpayer.
- Additionally, OSC is negotiating with its sister agency, the Merit Systems Protection Board (MSPB), to utilize space in their Oakland Field Office in FY 2021 for OSC Field Office Leadership.

Rationale for Field Office Closure

- Per OMB Memorandum 17-22, OSC assessed where it could achieve greater efficiencies, including through the closure of physical office space for the Field Offices, while maintaining or improving the quality of its work, and the value to the taxpayer.
- First, due to the continued COVID-19 crisis, OSC assessed that it was unlikely that the Field Office staff would be returning to a physical office space in the near-term, or possibly in FY 2021 at all.
- Further, prior to the pandemic, OSC Field Office staff would regularly telework a few times per week, in accordance with OSC's Telework Policy. This means that large portions of the physical office space were left unused or underutilized at various points each week.
- Additionally, with deployment of our new electronic case management system (eCMS) in August 2019, and continued IT improvements since then, OSC staff have successfully operated in a full-time telework environment during the COVID-19 crisis, including conducting case interviews and sharing case data electronically.
- Lastly, with increasing costs for employee salaries and benefits, and an uncertain budgetary future in FY 2021, the savings from this decision will allow OSC to retain approximately two additional full-time staff in FY 2021.
- This decision helps OSC be better stewards of taxpayer funds, while still providing tremendous value to the taxpayer through successful case results.

Continued Results for the Taxpayer

- Despite the transition to a full-time telework environment in the Field Offices, OSC has continued to produce tremendous results by saving the taxpayer money, and ensuring the efficiency and accountability of the government.

- For instance, in FY 2020, OSC is on pace to eclipse its previous record-high for favorable actions stemming from whistleblower reprisal and other prohibited personnel practice complaints.
- Additionally, in FY 2020, OSC has achieved notable case results, including the following:
 - OSC referred allegations for investigation to the Departments of Treasury and Labor, which both agencies later substantiated, that the Treasury failed to collect on \$91.5 million in debts owed to OSHA, due to an uncorrected software error.
 - OSC referred to the Secretary of Veterans Affairs allegations, which the VA substantiated, that that employees at the Greater Los Angeles (LA) Healthcare System placed patients at risk by failing to investigate and remediate serious patient care concerns at a number of approved Community Residential Care Facilities (CRCs). In response, the VA implemented several policy changes to strengthen facility oversight, and mitigate future issues from occurring.
- These examples are a small snapshot of the substantial results that OSC achieved in FY 2020, and will continue to achieve going forward into FY 2021.