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Description of document: Department of Justice (DOJ) National Security Division (NSD) Return to Work Implementation Plan 2025

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U.S. Department of Justice
National Security Division

Washington, D.C. 20530

March 4, 2026

Re: NSD FOIA/PA #25-665
JMD FOIA #136728

This is a final response to a portion of your Freedom of Information Act (FOIA) request dated March 7, 2025, to the Justice Management Division (“JMD”) seeking “[a] copy of the Department of Justice Return to Work Implementation Plan, dated February 2025.” JMD referred one record to the National Security Division (“NSD”) for direct response to you.

From our review, we have determined to release the enclosed record in part pursuant to the following FOIA exemptions set forth in 5 U.S.C. 552(b):

(6) which protects information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy”;

(7)(C) which provides protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy”; and

(7)(E) which concerns records or information compiled for law enforcement purposes the release of which would disclose techniques and procedures for law enforcement investigations or prosecutions.

Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. § 552(c) (2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the National Security Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

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. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or by facsimile at 202-741-5769.

Sincerely,

DAVID O'DOWD Digitally signed by DAVID O'DOWD
Date: 2026.03.04 09:31:45 -05'00'

Enclosure

February 4, 2025

National Security Division Implementation Plan for Full Compliance with the Presidential Memorandum on Returning to In-Person Work

I. Introduction

- The National Security Division has 382 of 434 employees onboard, with all but seven employees based in the Washington, DC duty station. Employees work in two primary Washington, DC facilities: the RFK Main Justice Building and 3 Constitution (3CON). NSD also operates a small number of off-site locations in federal facilities that are available to NSD staff to work in secure facilities (e.g., our COOP facility (b) (7)(E)).
- Due to their need to access and discuss classified national security information and use classified information and secure telecommunications systems, the majority of NSD employees work in Sensitive Compartmented Information Facilities (SCIFs) in these locations.
- A substantial number of NSD employees are not telework eligible due to their need to work with classified national security information and access classified systems to perform their job duties. These employees have reported, and will continue to report, to NSD offices five days per week.
- Telework-eligible NSD employees will return full-time to the office effective February 24, 2025. We anticipate that most of these employees will execute new telework agreements to select the option of situational telework in appropriate circumstances, consistent with the Department's guidance.
- We are working with 12 employees on existing remote-work agreements who live in the Washington, DC locality to address certain challenges as they transition to return full-time to NSD offices in Washington, DC (e.g., NSD needs to identify and secure available office space at 3CON to accommodate these employees as their prior offices, when they worked at 3CON, are no longer available and NSD does not have space to accommodate them at RFK). We anticipate that these issues will be resolved by mid-March.
- NSD has seven employees who have duty stations outside of the Washington, DC area. Six of these employees have full-time access to office space in other DOJ facilities in those duty stations, and we anticipate they will continue to use those offices consistent with the return-to-work policy. We are working to identify an available and appropriate DOJ facility to provide space to the one remaining NSD employee in a duty station outside of Washington, DC. We are working with JMD to identify appropriate space for this one employee and anticipate resolving this item by mid-March.

II. Plan Overview

- NSD is highly compliant with the Department's in-person work policy and intends to comply with the Presidential Memorandum on Returning to In-Person Work. In addition to almost all NSD employees reporting full-time to work in our Washington, DC office locations, employees will execute new telework agreements to permit situational telework in appropriate circumstances.

- NSD employees outside the Washington, DC will continue to report full-time to DOJ facilities in their respective duty stations, consistent with the return-to-work policy.
- (b) (6), (b) (7)(C) Additional NSD employees may apply for disability and qualifying medical condition accommodation. (b) (6), (b) (7)(C)

III. Telework Agreement Revisions

- The National Security Division will comply with the required changes to telework agreements for all eligible employees following the release of new DOJ/JMD guidance (pending release on March 5).
- All NSD employees will return to the office full-time absent a disability, qualified medical condition, or approved alternative based on compelling need. (b) (6), (b) (7)(C)
- The timeline for implementation includes the approval of updated telework agreements by February 21, 2025, and the return to office for all employees by February 24, 2025, with potential limited extensions for certain employees to return full-time by mid-March as we resolve barriers to compliance (e.g., office space limitations).

IV. Return to In-Person Work

- NSD intends to fully comply with the return to in-person work policy by February 24, 2025, with the limited possible extensions noted above to mid-March 2025 to overcome space and other challenges with respect to the small number of existing remote-work agreements.
- We anticipate full compliance with the Presidential Memorandum on or about March 15, 2025.

V. Collective Bargaining Agreements (CBAs)

- Not applicable to the National Security Division

VI. Determining New Duty Stations

- As explained above, all NSD employees who work outside the Washington, DC duty station are assigned officially to other duty stations. Currently, we have not identified any necessary costs or resources for relocation of those employees.
- As noted above, we requested JMD assistance with identifying an appropriate DOJ facility in or around (b) (6), (b) (7)(C) to accommodate one NSD employee.

VII. Identifying Risks and Barriers

- A return to full-time in-office work may place additional budgetary burdens on NSD, which already faces a challenging budget environment. NSD has limited unclassified office space at this time and will work to address this barrier to accommodate all employees in our 3CON location.

- Risks to the Division include the loss of critical employees due to the return full-time to the office mandate given the loss of flexibility for those employees (given the flexibility of routine telework or remote work arrangements), loss of productivity from increased commuting times for many employees (as traffic is expected to increase across the Washington, DC area as more federal employees return to the office), and, with the potential loss of critical employees, the recruitment and retention costs and efforts that will be required to fill those vacant positions (as employees look at opportunities in the private sector or with federal agencies as well as state and local agencies that do not require full-time work in the office).

VIII. Exceptions Process

- The National Security Division will comply with OPM and DOJ guidance for determining exceptions based on disability, qualifying medical condition, and or other compelling reason.
- Compelling reasons unique to the National Security Division that support limited exceptions for certain employees to the full-time RTO policy may include but are not limited to:
 - Difficult to fill positions that do not require the employee to maintain a security clearance and work inside of a SCIF lend themselves to a more flexible working environment, for positions such as procurement and contract specialists, human resources and budget and finance specialists, and certain information technology specialists and managers.
 - Other positions that have proven difficult to fill without offering flexibilities given the intense competition with other federal government agencies and the private sector, such as cybersecurity specialists, network engineers, and enterprise software specialists.
 - To accommodate the assignment of a spouse in the military or other government agency to a location outside of Washington, DC, such that the loss of the employee absent telework will negatively affect the Division.

IX. Conclusion

The National Security Division will comply with the full-time RTO mandate in accordance with OPM and DOJ guidance.