



August 27, 2024

Ms. Tonya Mead

via email: [tonya@ishareknowledge.com](mailto:tonya@ishareknowledge.com)

RE: USPS OIG FOIA No. 2024-IGFP-00751

Dear Ms. Mead:

This responds to your August 8 Freedom of Information Act (FOIA) request to the U.S. Postal Service Office of Inspector General (OIG) for records and statistics related to agency employee telework. Specifically, you requested:

1. the total number of employees employed by the agency, full time and part time
2. the number of employees eligible to participate in telework (5 U.S.C. 6502(a)(1)(B))
3. the number of employees who are participating in telework (5 U.S.C. 6502(a)(1)(B))
4. the number of employees who list their primary residence as their alternate worksite and report to the agency worksite on a regular and recurring basis
5. the number of employees who are participating in a flexible work arrangement where their alternate worksite may be within or outside the local commuting area and they are not required to report to the agency worksite on a regular and recurring basis
6. the number of eligible employees authorized to telework who have entered into a written telework agreement with their supervisor as a pre-condition to participation (5 U.S.C. 6502(b)(2))
7. the number of eligible employee authorized to telework who have not entered into a written telework agreement with their supervisor as a pre-condition to participation (5 U.S.C. 6502(b)(2)) but are still allowed to telework the number of eligible employee authorized to telework who have maintained their acceptable levels of employee performance or agency operations, in accordance with OPM performance management guidelines (5 U.S.C. 6502(b)(1))
8. the number of eligible employee authorized to telework who have not maintained their acceptable levels of employee performance or agency operation to list the appropriate steps management has taken if it has had to deny or revoke telework for employees who have been disciplined for specified misconduct (5 U.S.C. 6502(a)(2)) (5 U.S.C. 6502(b)(1), 6503(a)(4))
9. the number of eligible employee authorized to telework who have been denied or revoked telework agreements when these employees have been disciplined for specified misconduct (5 U.S.C. 6502(a)(2)) the number of employees who have been denied telework agreements because their jobs require the handling of secure materials inappropriate for telework or whose work requires on-site activity (except in an emergency as determined by the head of the agency) (5 U.S.C. 6502(b)(4))
10. the number of newly staffed employees hired to manage teleworkers to maintain compliance with their telework agreements, as required by 5 U.S.C. 6502(b)(3)
11. the number of re-assigned employees required to manage teleworkers to maintain compliance with their telework agreements, as required by 5 U.S.C. 6502(b)(3)

12. the number of employees assigned new duties required to manage teleworkers to maintain compliance with their telework agreements, as required by 5 U.S.C. 6502(b)(3)
13. the number of (a) employees and number of (b) incidents per employee where appropriate steps to terminate the arrangement if non-compliance is not promptly corrected.

The FOIA is about records we have in our possession. The FOIA provides only for disclosing federal agency records and does not require government agencies to answer questions, conduct unreasonably burdensome research, or create records<sup>1</sup>.

The FOIA sheds light on an agency's performance of its statutory duties. The FOIA provides that any person has a right, enforceable in court, to obtain access to federal agency records, unless such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.

The U.S. Postal Service comprises the Postal Service, the U.S. Postal Inspection Service (USPIS); the Postal Rate Commission (PRC); and the OIG; each with its own area of responsibility and individual FOIA office. This response is on behalf of the OIG only.

The Postal Service Records Office establishes procedures to ensure Postal Service records management practices comply with both the FOIA and Privacy Act. The Records Office is the designated custodian for non-law enforcement Postal Service records; including but not limited to contracting and employment/personnel records. Additional information regarding the Postal Service FOIA program can be found at <https://about.usps.com/who-we-are/foia/welcome.htm>.

The USPIS is the law enforcement, crime prevention, and security arm of USPS, and is the designated custodian for postal records relating to Postal Service law enforcement issues. The USPIS is a federal law enforcement entity charged with enforcing the Federal statutes involving mail fraud, illegal drugs, external mail theft, and other postal crimes, including revenue deficiencies, and are responsible for safety and security of all postal employees and facilities. Additional information regarding the USPIS FOIA program can be found at [Terms of Service and Legal | USPIS](#).

The OIG is an independent agency, created in 1997, with oversight authority over audits and investigations of Postal and Inspection Service fraud, abuse, and misconduct. The OIG's mission is to prevent, detect, and report fraud, theft, and misconduct, and promote efficiency in the operation of the Postal Service.

While the OIG has "oversight authority" for activities of the above referenced entities, the OIG is a separate agency and does not have management authority over the daily operations of either the Postal Service or USPIS. In addition, the OIG FOIA office does not have access to records maintained by the Postal Service or UPSIS and cannot direct either FOIA office to release records under their control. Likewise, the OIG Deputy General Counsel has no authority to review FOIA determinations issued by the Postal Service or USPIS.

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<sup>1</sup> The Supreme Court has ruled that "the FOIA imposes no duty on the agency to create records." Forsham v. Harris, 445 U.S. 169, 186 (1980) (citing NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 161-62 (1975)).

Using the information provided we conducted searches with staff in the OIG Human Resources and Office of the Chief Information Officer. Our searches returned the following:

Regarding items #1 and #2, the OIG Human Resources team ran a report using the OIG eHRS database which was implemented in April 2020. Therefore, we are only able to provide data from this date forward to December 31, 2023. This report includes employees who joined and/or separated from the OIG between these dates.

We reviewed this report in accordance with the FOIA and considered the foreseeable harm standard in applying any applicable FOIA exemptions. We determined this report is appropriate for release with redactions made under FOIA Exemptions 5 U.S.C. § 552 (b)(3)<sup>2</sup>, (b)(6)<sup>3</sup> and (b)(7)(c)<sup>4</sup>; a copy is attached.

Regarding items #3, #4, and #5, the Office of Chief Information Officer informed us while this information is captured in the OIG Consolidated Calendar, it is not retrievable in a reportable format. Therefore, we cannot assist you.

Regarding items #6 through #13, records related to these portions of your request are not maintained in any centrally searchable database. Each supervisor would need to conduct a manual search of their profile for any records responsive to these items. Because the FOIA does not require us to conduct unreasonably burdensome research, we cannot assist you.

Even if we could locate records responsive to these portions of your request, under postal regulations found at 39 C.F.R. § 265.3(e), "*Third-party requests*. Where a FOIA request seeks disclosure of records that pertain to a third party, a requester may receive greater access by submitting a written authorization signed by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (e.g., a copy of a death certificate or an obituary)."

This regulation requires requesters to provide written authorization from the subject of a record when requesting records about someone other than themselves. This ensures records about that person are not accidentally released to the wrong person.

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<sup>2</sup> Exemption (b)(3) provides agencies may withhold records exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." Title 39 C.F.R. § 265.14(b)(3), and in 39 U.S.C 410(c)(2) provides for the withholding of "Trade secrets, or privileged or confidential commercial or financial information, obtained from any person."

<sup>3</sup> Exemption (b)(6) pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. The withheld material includes names, titles, and identifying information of private citizens. This information is not appropriate for discretionary disclosure.

<sup>4</sup> Exemption (7)(c) permits the withholding of records or information compiled for law enforcement purposes, the release of which could constitute an unwarranted invasion of the personal privacy of third parties. Lacking an individual's consent or an overriding public interest, third party investigatory records and/or allegations of misconduct must be withheld under Exemption (7)(c). The names of, and other identifying information about, law enforcement personnel are among the items redacted based on 5 U.S.C. § 552(b)(6) and (b)(7)(c).

Because you have not provided any such authorization from any former or current OIG employee, under FOIA Exemptions 5 U.S.C. § 552 (b)(6) and (b)(7)(c), we must refuse to confirm or deny the existence of records responsive to items #6 through #13 of your request.

If you have questions regarding the processing of this request, please submit them in writing to [foia@uspsoig.gov](mailto:foia@uspsoig.gov). We will provide you an answer within two working days. You may also 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: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with our action on your FOIA request, you may file an administrative appeal. To do so, write to the attention of, Appeals Officer, 1735 N. Lynn Street, Arlington, VA 22209-2020, within 90 days of the date of this letter. We accept written appeals via U.S. Mail; e-mail to [FOIA@uspsoig.gov](mailto:FOIA@uspsoig.gov); or fax to 703-248-4626. Include the initial request number (e.g., 20XX-IGXX-00XXX) and the date of this letter. Explain what specific action the FOIA Office took that you are appealing. Mark all correspondence "Freedom of Information Act Appeal."

Sincerely,



Tanya Hefley  
USPS OIG FOIA Officer

Source: Tonya Hefley