

United States Senate

WASHINGTON, DC 20510

December 15, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Secretary Kennedy:

We write to express our concern regarding recent policy changes at the Department of Health and Human Services (HHS) affecting federal employees with disabilities. HHS is the leading federal agency tasked with preserving the health of Americans, including those with disabilities. One in four Americans live with a disability,¹ and they not only benefit from various federal programs and services but also meaningfully contribute to the functioning of the federal government.

Yet on August 13, 2025, the HHS Office of Human Resources (OHR) issued guidance that will inflict outsized harm on workers with disabilities, including people living with chronic disease or illness, people with compromised immune systems, and disabled veterans. The HHS guidance rescinds telework as a reasonable accommodation for qualified employees with disabilities, resulting in a pause on all new and renewing telework requests in at least one HHS operational division. This policy has already inflicted distress on employees whose approved telework accommodations or requests for telework accommodations were unexpectedly revoked. Further, recent reporting suggests HHS will require requests for telework, including accommodations for employees with disabilities, be approved by an official at the level of Assistant Secretary or above.² This would constitute an extraordinary hurdle for civil servants.

The federal government is a major employer of people with disabilities. It is bound by law not to discriminate against those workers and to take steps to increase employment of workers with disabilities. Section 501 of the *Rehabilitation Act of 1973* (Section 501) prohibits discrimination in federal employment against any qualified individual with a disability. It requires federal agencies to provide reasonable accommodations for qualified employees with disabilities. These are simple changes in the normal places and processes of work that allow employees with the requisite skills, knowledge, and aptitude to do the job. It ensures the full and equal participation of all Americans committed to public service, regardless of disability status.

Research has shown again³ and again⁴ that reasonable accommodations for qualified employees increase satisfaction, retention, and, importantly, productivity, while frequently posing no cost. A

¹ <https://www.cdc.gov/disability-and-health/articles-documents/disability-impacts-all-of-us-infographic.html>

² <https://www.govexec.com/workforce/2025/12/hhs-adds-new-conditions-telework-employees-disabilities/409899/>

³ <https://pubmed.ncbi.nlm.nih.gov/17148871/>

study funded by the Department of Labor⁵ found that almost two-thirds of reported accommodations cost nothing. Of those with a price, the median cost amounted to a one-time expense of \$300. Furthermore, 85 percent of employers reported increased employee retention, and half saw increased productivity, enhanced job attendance, and cost savings in training and onboarding.

Telework or hybrid work arrangements are low-cost accommodations. Millions of Americans became acquainted with telework when remote arrangements allowed many American businesses to maintain operations during the earliest phase of the COVID-19 pandemic. Managers and employees both overwhelmingly tout the advantages of flexible work arrangements: employees spend less time and money commuting, employers reduce costly overhead, and both benefit from a broader pool of talent and opportunities. We know telework increases productivity. One cross-sector analysis of American firms⁶ associates a one percent increase in productivity for every 10 percent increase in remote workers. Further, telework and similar reasonable accommodations increase overall participation in the labor force. The percentage of working-age individuals with disabilities who were employed increased from 4.3 million in 2020 to 6.3 million in 2024,⁷ in large part due to increasing opportunities for telework. That represents two million people entering the workforce because of this reasonable accommodation.

These benefits redound to the advantage of both the federal government and the private sector. The *Telework Enhancement Act of 2010*⁸ required federal agencies to establish policies permitting telework. In subsequent reports to Congress,⁹ 70 percent of agencies indicated that telework enhanced their resilience during emergency events, and 60 percent said remote flexibility was key to employee retention. While agencies have used various metrics to calculate savings, all agree: telework arrangements have saved the federal government hundreds of millions of dollars since 2010.¹⁰

Section 501 and the *Telework Enhancement Act* work in tandem with the *Veterans Preference Act of 1944*,¹¹ which prioritizes veterans in federal hiring, to ensure that people with disabilities have full and equal participation in the workforce. As of Fiscal Year (FY) 2023, veterans comprise 28 percent of all federal employees, and nearly 60 percent of veterans in civilian federal employment are disabled. Of all new federal hires in FY 2023, 21 percent were veterans.¹² While approximately five percent of the civilian population in the United States has a disability, the rate among veterans is 30 percent.¹³ Overall, in FY 2023, 21 percent of the federal

⁴ <https://newsroom.accenture.com/news/2023/companies-that-lead-in-disability-inclusion-outperform-peers-financially-reveals-new-research-from-accenture>

⁵ <https://www.dol.gov/newsroom/releases/odep/odep20230504>

⁶ <https://www.bls.gov/opub/btn/volume-13/remote-work-productivity.htm>

⁷ <https://data.bls.gov/dataViewer/view/timeseries/LNU02076950>

⁸ <https://www.opm.gov/telework/history-legislation-reports/>

⁹ <https://www.opm.gov/telework/history-legislation-reports/status-of-telework-in-the-federal-government-2024.pdf>

¹⁰ *Ibid.*

¹¹ <https://www.opm.gov/policy-data-oversight/veterans-services/vet-guide-for-hr-professionals/>

¹² <https://www.opm.gov/fedshirevets/hiring-officials/veteran-employment-data/>

¹³ <https://www.dol.gov/sites/dolgov/files/VETS/files/OP1-VCMOS-Disabled-Veteran-Factsheet.pdf>

workforce identified as having a disability. Accommodating qualified employees with disabilities is an operational and moral imperative of federal agencies, and any indiscretion in this duty has outsized consequences on employees with disabilities, including disabled veterans.

This is why we are particularly concerned about HHS' recent decision to prohibit telework as a reasonable accommodation for qualified employees with disabilities. On January 27, 2025, the Office of Personnel Management (OPM) issued guidance on the "Agency Return-to-Office Plan," which resulted in disorganized and disoriented¹⁴ efforts to bring federal employees back to offices that were often unprepared and over-occupied. On August 13, 2025, HHS OHR issued Instruction 990-3, HHS Telework,¹⁵ outlining the agency's new telework program. This document does not mention the word "disability." Ambiguities in this guidance have forced the Centers for Disease Control and Prevention (CDC) OHR to pause approvals for new and renewing reasonable accommodations for telework. Approving reasonable accommodations at the level of the Assistant Secretary will only exacerbate the adversity to which employees with disabilities will be subject: many will be intimidated from requesting accommodations, and those who do will wait in expanding backlogs.¹⁶

Already, federal employees have been harmed by these decisions. We have received reports of:

- An employee with a telework accommodation due to a high-risk pregnancy who, on the same day they were told to report to the office, was rushed to the emergency room by ambulance.
- A disabled veteran with post-traumatic stress disorder (PTSD) which was exacerbated by the August 8, 2025, attack on CDC headquarters, whose telework accommodation was fitfully denied, approved, and denied again, leaving them without direction or guidance.
- An employee who sought a telework accommodation for PTSD following the August 8, 2025, attack, who was threatened with demotion from their supervisory position if they pursued the request, despite previously performing the job duties successfully via telework accommodation.
- A veteran hired as a fully-remote employee, now directed to report to the office, who cannot even check the status of their telework accommodation because the personnel in OHR and the Office of Equal Employment Opportunity have been terminated following a reduction in force.

In light of these harmful policies, we request HHS immediately reverse this guidance which has affected employees with disabilities, including disabled veterans, and ask HHS to answer the following questions by January 16, 2026:

1. How many existing telework accommodations were canceled following the January 27, 2025, issuance of the Agency Return-to-Office Plan? Please provide a breakdown by agency.

¹⁴ <https://www.npr.org/2025/03/26/nx-s1-5338945/federal-workers-return-to-office-chaos>

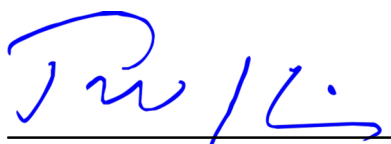
¹⁵ <https://www.hhs.gov/about/agencies/asa/ohr/hr-library/990-3/index.html>

¹⁶ <https://federalnewsnetwork.com/workforce/2025/12/hhs-faces-months-long-backlog-of-reasonable-accommodation-requests-from-employees/>

2. How many new and renewing applications for telework accommodation are currently pending review at HHS? Please provide a breakdown by agency.
3. How many veterans, and how many veterans with service-related disabilities, had telework accommodations in place on January 27, 2025? How many veterans, and how many veterans with service-related disabilities, have telework accommodations in place currently? Please provide a breakdown by agency.
4. How has Instruction 990-3, HHS Telework been tailored to prevent undue harm to qualified employees with disabilities in hiring and employment?
5. What recourse is available to HHS employees whose mental health, physical health, or workplace productivity are adversely affected by revocations, denials, or delays in processing reasonable accommodations for telework?
6. CDC OHR requested clarification on Instruction 990-3, HHS Telework. What clarification did or will HHS provide to CDC OHR?
7. Does HHS currently, or will HHS in the future, require all telework accommodations be approved by officials at the level of Assistant Secretary or higher? If so, what training, guidance, or additional resources will HHS provide to these officials to equip them to make determinations regarding reasonable accommodations for employees with disabilities?
8. Is it permissible at HHS to demote, discipline, or otherwise demoralize employees who request telework options as a reasonable accommodation?
9. How does HHS plan to recruit exceptional talent to preserve the health and wellbeing of Americans without offering reasonable accommodations such as telework to qualified employees with disabilities?

We appreciate your prompt cooperation in this matter.

Sincerely,



Tim Kaine
United States Senator



Raphael Warnock
United States Senator



Mark R. Warner
United States Senator



Chris Van Hollen
United States Senator



Angela D. Alsobrooks
United States Senator