In Congress:

During the month of September, Congress hit the ground running – the first week of October was no exception. Nancy Pelosi, Speaker of the United States House of Representatives, officially initiated an impeachment inquiry on September 24, 2019. As a result, the committees of jurisdiction are consumed with oversight of the executive branch due to a whistleblower who raised concerns with the Inspector General over matters related to Ukraine. Below is pertinent information regarding The Whistleblower Protection Act.

**The Whistleblower Protection Act (WPA):**
The Whistleblower Protection Act (WPA) protects Federal employees and applicants for employment who lawfully disclose information they reasonably believe evidences:

- a violation of law, rule, or regulation;
- gross mismanagement;
- a gross waste of funds;
- an abuse of authority;
- or a substantial and specific danger to public health or safety.

Under the WPA, certain federal employees may not take or fail to take, or threaten to take or fail to take; any personnel action against an employee or applicant for employment because of the employee or applicant’s protected whistleblowing.

See 5 U.S.C. § 2302(b)(8).
**Whistleblower Protection Enhancement Act (WPEA):**
In 2012, Congress passed the WPEA into law to strengthen protections for Federal employees who report fraud, waste, and abuse. The WPEA clarifies the scope of protected disclosures and establishes that the whistleblower does not lose protection because:

- the disclosure was made to someone, including a supervisor, who participated in the wrongdoing disclosed;
- the wrongdoing being reported has previously been disclosed;
- of the employee’s motive for reporting the wrongdoing;
- the disclosure was made while the employee was off duty;
- the disclosure was made during the employee’s normal course of duty, if the employee can show that the personnel action was taken in reprisal for the disclosure; or
- the amount of time which has passed since the occurrence of the events described in the disclosure.

The WPEA protects disclosures that an employee reasonably believes are evidence of censorship related to research, analysis, or technical information that causes, or will cause, a gross government waste or gross mismanagement, an abuse of authority, a substantial and specific danger to public health or safety, or any violation of law. It expands the penalties imposed for violating whistleblower protections and establishes the position of Whistleblower Protection Ombudsman.

**Whistleblower Ombudsman:**

Pursuant to the Whistleblower Protection Enhancement Act of 2012, the Consumer Product Safety Commission (CPSC) established a Whistleblower Ombudsman to educate agency employees about prohibitions on retaliation for whistleblowing, as well as employees’ rights and remedies if subjected to retaliation for making a protected disclosure.

The Ombudsman is prohibited by law from acting as a Whistleblower's representative, agent, or advocate.

The CPSC Whistleblower Ombudsman can be contacted at DSimpson@cpsc.gov.

**Appropriations:**

The Senate Appropriations Committee recently passed a fiscal year 2020 (FY20) Interior & Environment Appropriations bill, which funds the U.S. Environmental Protection Agency (EPA) and key clean water programs. The full House previously passed its FY20 Interior & Environment Appropriations bill earlier this summer and now awaits passage of the Senate version before moving to conference the two versions of the bill.
Call to Action

FEW members were asked to reach out to their members of Congress on the (2) issues that the Legislative Team targeted as a priority, as the bills move through the legislative process - The Paycheck Fairness Act (Equal Pay) and the Federal Employee Paid Leave Act (FEPLA).

Please continue taking action on the items below through ENGAGE:

- FEW Supports the Federal Employee Paid Leave Act (FEPLA)
- Family Medical Leave
- Federally Employed Women Support for Equal Pay
- Support The Violence Against Women Act of 2019 H.R. 1585 (Passed the House of Representatives, April 4, 2019)
- Reauthorize the Department of Justice programs that combat violence against women
- Federally Employed Women Support Our Federal Workforce: Increase Pay to Attract Skilled Workers and Maintain Retirement Benefits
- Support Our Women Veterans

Feel free to contact the congressionalrelationsvp@few.org or tsaunders@washingtonpremieregroup.net if you have any questions.
Paid Leave and 2020:

Data for Progress released a report, "Paid Leave that Leaves No One Behind," which covers the need for paid leave, the benefits of paid leave, and the policy innovations in the states that should be lessons for a national plan, with a focus on 2020. The report concludes that the FAMILY Act is the only federal policy proposal that fully covers the needs of working people, and that other proposals would hurt families by harming their retirement security or exacerbating existing inequalities. Almost all of the 2020 presidential candidates support the FAMILY Act, and the report summarizes candidates' positions on paid leave in a handy chart.

Data for Progress and YouGov Blue also conducted polling on paid leave approaches, concluding that the FAMILY Act is the proposal that is most favorable among voters. The polling finds:

- Two-thirds of voters (66 percent) support a proposal like the FAMILY Act, even with tax increases, including a majority of Democrats and independents, and a near-majority (49 percent) of Republicans.
- Voters reject alternative proposals that would only cover new parents or harm future benefits for families and are particularly opposed to a plan to cut Social Security benefits to fund paid leave.
- Three in five voters report that they would face severe financial hardship if they had to take unpaid leave - and among those people, support for paid leave of any kind is higher than among voters generally.

See more [here](#).

FAMILY Act and the Healthy Families Act:

The FAMILY Act ([H.R. 1185](#)) and the Healthy Families Act ([H.R. 1784](#)) are both officially bipartisan with the addition of the newest cosponsor, Rep. Chris Smith (R-NJ-04). Congrats to our New Jersey advocates for your efforts. This is a very important victory, allowing us now an opportunity to lift up the FAMILY Act and the Healthy Families Act as bipartisan solutions in direct contrast to other harmful bipartisan approaches that don't meet the needs of working families.

Paid Leave (Senate):

The Senate has dealt a setback, although maybe not a fatal one, to prospects of federal employees gaining paid leave for parental and other family-related purposes. The Senate rejected on a 48-47 vote a “motion to instruct” its conferees on the DoD
authorization bill (HR-2500, S-1790) to accept language in the House’s measure to change from unpaid to paid the 12 weeks per 12 months leave entitlement under the Family and Medical Leave Act.

However, employee organizations are stressing that of the five senators who didn’t vote, four are Democrats who favor paid family leave. Had they voted, a majority of senators would have supported the motion. It is also significant that four Republicans supported it.

The Senate did approve an alternative sponsored by Senator Ernst on behalf of the Majority Leader, in support of “common sense solutions” to achieving paid family leave including use of compensatory time and tax incentives. It is unclear what impact that might have in the federal workplace.

See more here.

Equality Act:

Great strides have been made this decade for legal equality based on sexual orientation or gender identity, including permitting openly gay troops in the military and the Supreme Court legalizing same-sex marriage nationwide. However, both of those gains came at the federal level.

It is reported that 28 states still allow discrimination based on sexual orientation or gender identity on the state level, including in such sectors as employment and housing. The Equality Act would add sexual orientation and gender identity to the Civil Rights Act of 1964, enshrining such nondiscrimination protections under federal law.

The House version was introduced on March 13, as bill number H.R. 5, by Rep. David Cicilline (D-RI1). The Senate version was introduced the same day as bill number S. 788, by Sen. Jeff Merkley (D-OR). Odds of passage in the Senate are slim. The Senate version so-far has 46 cosponsors.
Federal Employees Health Benefits (FEHB) Program:

Participants in the Federal Employees Health Benefits (FEHB) Program looking for another year of record low premium increases will likely be disappointed in 2020.

Federal employees and retirees will pay, on average, 5.6 percent more toward their health premiums next year. The Office of Personnel Management on Wednesday announced premium rates for 2020 ahead of the upcoming open season, which will run from November 11 through December 9. Participants in the FEHB will have an opportunity to make changes to their health, dental and vision plans ahead of the upcoming benefit year, which begins January 1.

The 2020 rates may come as a stark contrast to the previous year, when overall premiums went up 1.3 percent in 2019. It was the smallest overall rate increase since 1996 and the lowest premium hike for participants since 1995. Rates were kept low, in part, because Congress waived the Affordable Care Act’s health insurance provider’s fee last year. But this year that fee wasn’t suspended.

“We estimate that the fee has led to an increase of approximately 2 percent of our premium overall, which is in line with industry-wide estimates of 2.2 percent,” Laurie Bodenheimer, acting director of OPM healthcare and insurance, told reporters Wednesday morning.

Congress has twice suspended this fee in 2017 and in 2019, which OPM said largely contributed to last year’s historically low premium rate increases. If Congress had chosen to waive the providers’ fee again for 2020, the agency estimates premium increases would have been lower. In addition, spending on specialty drugs and pharmaceuticals is on the rise, which is also contributing to higher healthcare insurance costs, OPM said.

See more here.

Federal Employees Health Benefits (FEHB) Program Plans:

Participants in the Federal Employees Health Benefits (FEHB) Program will have access to two new nationwide plans this upcoming season.

The Office of Personnel Management’s indemnity benefit contract has been an idle option under the FEHBP for nearly 30 years, but the Government Employees Health Association will offer two new plans under that contract in 2020. Indemnity plans, also
more commonly called “fee-for-service” plans, typically allow participants to visit almost any doctor or hospital they like, and the insurance company pays a specific portion of the charges. Participants in the FEHB will be able to review these new options this fall when open season begins November 11. It runs through December 9.

The new plans will offer more modern options, such as opportunities for participants to digitally interact with their doctors or providers, Taylor said. GEHA and other FEHB carriers are pivoting toward a focus on customer experience, especially as OPM urges them to prioritize clinical quality measures.

See more here.

FEW Washington Update – October 1-15, 2019
Tier III

Gender Parity – State of California:

A bill introduced by Assembly member Rob Bonta (D-Oakland) that would allow campaign funds to be used for child care by those who choose to run for elected office in California was signed into law Monday by Governor Gavin Newsom.

“AB 220 will help create greater gender parity among elected officials in California and more broadly help all parents with young children seek and serve in public office by allowing the use of campaign funds for child care expenses,” said Bonta. “I’m excited and extremely grateful to Governor Newsom for signing AB 220 into law.”

AB 220 amends the Political Reform Act of 1974 to expressly allow campaign funds to be used for child care by those who choose to run for elected offices in California.

Currently, there is no statute in California or official ruling by the California Fair Political Practices Commission (FPPC) allowing candidates to use campaign funds for child care purposes. That meant any person who attempted to use campaign funds for child care expenses had no statutory protection and would have been relying on a 20-year-old, non-binding advice letter by the FPPC which does not carry the weight of law. AB 220 provides certainty for parents of young children seeking office by placing this allowance in statute.

See more here.