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## **FEW Washington Update March 15 - 31, 2020**

**FEW Recognizes March 31, 2020  
Equal Pay Day!**

*The Senate is in recess until April 20  
The House is in recess until further notice*

### **In Congress**

On Capitol Hill, the House Majority is beginning to collect proposals for a fourth phase of legislative responses to the coronavirus and its aftermath, including the often-mentioned and never enacted idea of federal infrastructure spending, a notion kicked around in Congress for at least three years.

The President on Tuesday called for \$2 trillion in new public works programs an economic lifeline, backing an idea promoted by Speaker Nancy Pelosi (D-Calif.). Rank-and-file lawmakers on both sides of the aisle have quickly joined the chorus, framing infrastructure as a commonsense strategy for creating jobs amid mass layoffs.

Speaker Pelosi and Majority Whip Clyburn joined Chairman Peter DeFazio of the Transportation and Infrastructure Committee and Chairman Frank Pallone on the Energy and Commerce Committee on a recent press conference call to discuss infrastructure priorities in their respective committees for the Phase 4 Coronavirus Legislative Response Package.

### **The Package Could Potentially Include:**

- Infrastructure
- Assistance for state and local governments
- Hospitals
- Expanding FMLA
- Stronger OSHA protections

Bigger direct payments to people  
Increased SNAP  
Free coronavirus treatment  
Fixing the DC issue on *reduced* funding in last stimulus bill

## **Coronavirus and Federal Workers**

### **Rotational Program Related to Coronavirus Being Launched**

OPM is launching an interagency rotational program for details of up to one year for Coronavirus-related response efforts and is encouraging agencies to allow their employees interested in such assignments to take them.

Under the program, agency chief human capital officers and the offices with the opportunities are to identify "meaningful" assignments related to Coronavirus and supervisors and post them on a newly designated section of USAJobs.gov. Current employees with applicable skills can apply for them "and need not be in a like or related position to qualify," OPM said, although written approval from a supervisor will be needed.

The hiring agency will make selections with no approval from OPM needed for movement between competitive service positions; approval will be required for movement between the competitive service and excepted service.

The new program follows OPM's recent guidance to agencies allowing them to change employees' job duties under certain circumstances for Coronavirus response purposes. Further information is on [opm.gov](https://www.opm.gov).

OPM has told federal agencies to continue processing changes to insurance coverage by federal employees despite any disruptions in agency operations due to the Coronavirus, including new enrollments, changes to enrollments due to life events, certification of coverage under the Federal Employees Group Life Insurance (FEGLI) program, and accepting documents such as designations of beneficiary forms under FEGLI.

"Agencies should inform employees of how and where to submit benefits forms during a disruption of normal agency operations," OPM said, noting that the forms are at [www.opm.gov/forms](https://www.opm.gov/forms). "If an employing agency requires email submission of forms, please inform employees about available methods to protect personally identifiable information in any required forms and supporting documentation during submission."

"If it is not practicable for agency personnel to review and verify documentation of family member eligibility or a qualifying life event, agencies should proceed with the transaction, but must track these transactions and perform the review and verification as soon as it is practicable to do so. If at that time adequate documentation is not provided, agencies must void the transaction," OPM said.

Agencies also may accept late elections if they determine that an employee was unable to submit an election on time due to circumstances beyond the employee's control, it said.

## **FEW Washington Update – March 15 - 31, 2020 Tier I**

### **Paid Leave**

The **Families First Coronavirus Response Act (FFCRA or Act)** requires the Federal government to provide all of its employees with paid sick leave and, for employees who are covered under Title I of the Family and Medical Leave Act (FMLA), with expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020, through December 31, 2020.

Read more [here](#)

### **Equal Pay**

March 31 is Equal Pay Day, which symbolizes how far into the year the average woman has to work in order to earn as much as a man earned in the previous year. Equal Pay Day provides us with an opportunity to reflect on the progress that has been made and on the continued challenges surrounding the persistent gender wage gap. This year, as we face an unparalleled public health crisis, structural gender and racial inequality is coming into even sharper relief.

The COVID-19 public health crisis underscores the need to ensure that women—who are the sole or co-breadwinner in most American households—are not facing additional hurdles to economic security. The wage gap contributes to higher rates of poverty for women and families, especially women of color and their families. If the wage gap were eliminated, the average woman could afford an additional 13 months of childcare, 10 months of rent, and over a year's worth of food. At a time when many parents—especially single mothers—face precarious employment and the need to care for children and loved ones, it is crucial that we ensure women and families have access to needed resources and support.

The statistics bear mentioning yet again. The average woman in this country earns just 82 cents for every dollar a man makes, and the wage gap is even worse for women of color. For every dollar paid to a white man, African American women earn just 62 cents, Native American women earn just 57 cents, and Latina women earn just 54 cents. It is clear unequal pay is not just an issue of gender discrimination but race discrimination as well.

Geography also plays a role in the gender wage gap. Southern states are home to some of the worst pay discrepancies for women. Louisiana has the largest wage gap of

any state in the country, with women earning just 69 percent of what men earn, on average. West Virginia (71 percent), Alabama (73 percent), and Mississippi (75 percent) are also among the states with the largest gaps in earnings.

## **FEW Washington Update – March 15 - 31, 2020**

### **Tier II**

#### **Federal Government Workforce and Coronavirus**

A group of Senators, noting that the federal government is the largest employer in the nation, called on the Office of Personnel Management (OPM) to take steps to ensure federal employees and contractors will not be penalized for taking health precautions during the COVID-19 outbreak.

Democratic Senators [wrote](#) to OPM Director Dale Cabaniss with concerns that the personnel agency's [guidance](#) does not prioritize the health and safety of the approximately 2 million civil servants and [4.1 federal contractors](#). While acknowledging that the trajectory of the novel coronavirus continues to evolve, the lawmakers said OPM should do more to support federal workers, many of whom face exposure to the virus that causes COVID-19 in the course of their jobs.

“We worry that OPM’s guidance to date does not demonstrate to our nation’s hardworking public servants that the federal government is prioritizing their health, well-being, and economic security,” they wrote. “We urge you to swiftly develop and circulate guidance that does more to reassure them that they will not be penalized for heeding public health guidance, they will continue to receive pay while doing so, and they will not be expected to work while sick.”

The letter was signed by Sens. Mark Warner, D-Va., Benjamin Cardin, D-Md., Tim Kaine, D-Va., Chris Van Hollen, D-Md., Mazie Hirono, D-Hawaii, Brian Schatz, D-Hawaii, Sherrod Brown, D-Ohio, and Gary Peters, D-Mich. They all represent large numbers of federal employees and contractors in their states. They asked Cabaniss to:

- Clarify that employees and contractors who follow Center for Disease Control and Prevention guidance will not be at risk of losing income or disciplinary actions.
- Issue guidance telling employees and contractors they will not have to choose between financial obligations and following health protection guidance.
- Direct agencies to expand telework policies.
- Tell employees and contractors they aren’t expected to work if they’re caring for a loved one (even if they have exhausted paid leave benefits).

- Educate agencies and their human resources departments on the types of paid leave workers can use.
- Work with health insurance companies to make sure employees can afford preventative care and treatment in the event they contract the virus.

On [Thursday](#), March ??, ?????, three House Democrats reintroduced a bill to protect telework at agencies and expand access due to the coronavirus. While OPM and the Center for Disease Control (CDC) have advocated for telework, [some agencies have recently scaled back telework options for employees](#).

As the virus continues to spread globally, many federal employees and contractors have a particular risk of exposure because of the nature of their work. This includes Internal Revenue Service employees handling envelopes and documents from taxpayers nationwide, Customs and Border Protection officers screening people at ports of entry and military personnel and Defense contractors working at installations in high-risk countries.

The senators said that, as was demonstrated during the last government shutdown, many federal employees and contractors live paycheck to paycheck. They asked OPM to be generous and make sure employees can protect themselves without fear of losing pay.

## **FEW Washington Update – March 15 - 31, 2020 Tier III**

### **Violence Against Women**

U.S. Senator Sherrod Brown (D-OH), along with 23 other senators, penned a letter to express concern for families at an increased risk of domestic violence during the outbreak of COVID-19 and the resulting quarantine many are experiencing.

The letter urged the administration to prioritize the safety and wellbeing of at-risk individuals. It asks the Administration for Children and Families (ACF) and the Office on Violence Against Women (OVW) to ensure that those organizations that provide services to victims and survivors are equipped to continue providing assistance.

“In recent weeks, states and cities across the country have taken a variety of steps to mitigate the spread of the virus, including closing schools, limiting access to public spaces and restaurants, and instructing people to shelter in place. Many people are now working from home, while others have been required to take unpaid leave or have lost their jobs. An unintended but foreseeable consequence of these drastic measures will be increased stress at home, which in turn creates a greater risk for domestic violence,” the letter states.

In writing the letter, Senator Brown was joined by Senators Amy Klobuchar (D-MN), Lisa Murkowski (R-AK), Bob Casey (D-PA), Chris Coons (D-DE), Bernie Sanders (I-VT),

Richard Blumenthal (D-CT), Kirsten Gillibrand (D-NY), Ed Markey (D-MA), Mazie Hirono (D-HI), Jack Reed (D-RI), Jacky Rosen (D-NV), Tina Smith (D-MN), Kamala Harris (D-CA), Dick Durbin (D-IL), Maggie Hassan (D-NH), Bob Menendez (D-NJ), Elizabeth Warren (D-MA), Catherine Cortez Masto (D-NV), Mark Warner (D-VA), Jon Tester (D-MT), Cory Booker (D-NJ), Ron Wyden (D-OR), and Sheldon Whitehouse (D-RI).

**Read the full text of the letter below:**

Dear Assistant Secretary Johnson and Acting-Director Rogers:

We write to express our concern for the wellbeing of families who face an increased risk of domestic violence during the outbreak of the novel coronavirus (COVID-19). We also ask that the Administration for Children and Families (ACF) and the Office on Violence Against Women (OVW) ensure that the organizations that help victims and survivors of domestic violence have the flexibility, resources, and information needed to continue to provide these critical services during the pandemic.

In recent weeks, states and cities across the country have taken a variety of steps to mitigate the spread of the virus, including closing schools, limiting access to public spaces and restaurants, and instructing people to shelter in place. Many people are now working from home, while others have been required to take unpaid leave or have lost their jobs.

An unintended but foreseeable consequence of these drastic measures will be increased stress at home, which in turn creates a greater risk for domestic violence. According to one recent article, emergency situations have “historically led to increased reports of domestic abuse” to the National Domestic Violence Hotline. In addition, domestic violence service providers expect an increase in the need for emergency childcare and domestic violence shelters, as well as for supplies to keep centers and program sites safe and secure.

Many of these programs are administered by your offices and funded through grants authorized by the Family Violence Prevention and Services Act and the Violence Against Women Act. It is critical that your agencies ensure that victims and survivors of domestic violence continue to have access to these vital services. Accordingly, we request answers to the following questions, as well as a telephonic briefing with members of our staff, regarding actions ACF and OVW are taking no later than March 31, 2020:

1. Have the domestic violence programs that ACF and OVW administer seen an increase in need over the past 60 days, as a result of the COVID-19 mitigation efforts in place at the local, state, and federal level? If so, please provide detail, to the extent possible, broken down by state or territory.
2. How have the domestic violence programs administered by your offices been strained as a result of the ongoing COVID-19 pandemic?
3. What steps have ACF and OVW taken to prepare for a potential rise in the need for domestic violence programs or services?
4. What will ACF and OVW do to provide organizations an opportunity to request additional financial support to respond to an increased demand for services?

5. What steps has ACF and OVW taken to ensure that survivors continue to have to access to judicial proceedings, including the opportunity to seek a protective order?
6. What steps will ACF and OVW take to provide greater flexibility for service providers who may be required to alter their programs without risking their eligibility for funding?
7. If programs have to close or suspend services due to COVID-19, will ACF and OVW offer grantees flexibility to continue to support the programs' employees?
8. What information or resources have you made available to domestic violence organizations, particularly with regard to ensuring the safety of front-line employees?
9. Have ACF and OVW provided guidance about how organizations should alter their operations in order to maintain services while providing for the safety of staff, including remote or mobile operations?
10. What additional guidance or resources are ACF and OVW providing domestic violence organizations that serve American Indians / Alaska Natives, rural, and underserved communities?

Thank you for your attention to this important matter. We urge you to take immediate action to prepare for a potential increase in incidents of domestic violence and look forward to your prompt response.

## FEW Washington Update – March 15 - 31, 2020

### General Interest

On Friday, March ??, ????, the OPM launched a program for federal employees who want to assist with the response to the novel coronavirus.

The new surge program for temporary assignments is in response to President Trump's [declaration of a national emergency](#) on March 13. It is hosted on [Open Opportunities](#), a federal hiring platform through USA Jobs.

“The COVID-19 surge response program will allow agencies to quickly realign their workforce so they can better accomplish their mission for the American people,” said acting OPM Director Michael Rigas, in a [press release](#). “Dedicated civil servants will be able to go to one place and apply for a mission-critical position to support the public during this national emergency.”

The assignments are “non-reimbursable details, and as such federal employees will receive the salary and benefits of their positions of record at their home agencies.” The opportunities are for current federal employees only.

Employees who wish to participate must complete a [memorandum of understanding](#) with their home agency and the one they will work in temporarily. The document outlines the nature and scope of the temporary assignment, work situation in both agencies and security clearance process (if needed).

Over the past few weeks, the administration has encouraged federal employees and contractors to shift their operations, if possible, and offered hiring flexibilities to aid the pandemic response. This included: [allowing temporary fulfillment of](#) positions for up to a year, calling on agencies to use the [“breadth of available technology capabilities”](#) to support essential services and empowering contractors to [utilize procurement powers](#) authorized under the national emergency declaration.

Some agencies also have been undertaking their own initiatives to bring on additional employees. The U.S. Army is reaching out to retired officials, noncommissioned officers and soldiers who might want to assist with the coronavirus response, according to an email from the Army. Also, [the Veterans Affairs Department](#) is looking to bring back retired clinicians and federal health care providers.

OPM’s program was launched a day after the United States became the country with the most confirmed coronavirus cases in the world. Hospitals are struggling to meet the demand for services.

*FEW receives information from the following sources and contacts: Roll Call, Time Magazine, GovExec, FedScoop, Bloomberg, The Hill, National Law Review, and Army Times.*