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FEW Washington Update January 15-31, 2020

In Congress:

President Donald Trump's impeachment continues in the Senate. The lower chamber is set to consider four bills under suspension of the rules. This includes a bill out of the Science, Space, and Technology Committee that would direct the National Science Foundation to fund research grants across a range of disciplines with the goal of advancing suicide prevention, as well as legislation that seeks to promote veteran involvement in Science, Technology, Engineering, and Mathematics (STEM) education.

For the balance of the week, the House has queued up a package of credit-related legislation out of the Financial Services Committee. The measure includes a host of bills that cleared the Committee on a party-line basis last summer. Notable bills included in the package would amend the Fair Credit Reporting Act (FCRA) to: (1) ban the use of credit information for most employment decisions ([H.R. 3614](#)); (2) establish requirements relating to credit scores and educational credit scores ([H.R. 3618](#)); and (3) reform the consumer report dispute process and ban certain "misleading and unfair" consumer reporting practices ([H.R. 3642](#)).

The House lawmakers will wrap up their legislative work week with consideration of two Iran-related measures. The House is will pass a measure that would repeal the 2002 Authorization for Use of Military Force (AUMF) against Iraq, as well as legislation that seeks to limit the President 's ability to engage in military offensives against Iran absent Congressional approval. Both bills are considered dead-on-arrival in the Senate after the White House issued veto threats earlier this week.

FEW Washington Update – January 15-31, 2020 Tier I

Federal Paid Leave:

New regulations to implement the paid parental leave law for federal employees are in the works. Employees with questions about the new Federal Employee Paid Leave Act should direct them to their agencies' human resources offices. Those subject to the Family and Medical Leave Act will have access to 12 weeks of paid parental leave. The law applies to leave taken in connection with the birth or placement of a new child on or after October 1, 2020.

Read more here: ([Chief Human Capital Officers Council](#))

FEW Washington Update – January 15-31, 2020 Tier II

Federal Workforce:

Senators Look to Identify Tax Delinquent Feds

A pair of senators is looking for a list of all federal employees who are delinquent on their taxes and has introduced a bill calling on the Treasury Department to compile such a database.

The Federal Employees and Retirees with Delinquent Tax Debt Initiative Act ([S. 3184](#)) would not require individual employees to be named in the database; instead, it would list the number of workers behind on their obligations at each agency and the amount of money owed. The Internal Revenue Service created a similar report in 1993 but has published it infrequently. As of the last publication in 2015, about 4 percent of civilian feds maintained outstanding tax debts.

Sens. Mike Braun, R-Ind., and Joni Ernst, R-Iowa, are looking to codify the report and ensure it is made available to the public on an annual basis. The list would include both current and retired civilian and military employees.

In the latest report, about 112,000 current federal employees were behind on their tax bills with an average debt of about \$10,000. Federal employee advocates have repeatedly noted the delinquency rate in the civil service is far lower than national estimates of around 9 percent. The federal workforce list compiled by the IRS has not historically included employees participating in a payment plan.

Republican lawmakers have for years pushed to require agencies to fire their delinquent employees, but those efforts have been unsuccessful. Only the IRS itself is required to dismiss its own workers behind on their taxes. Other failed legislative efforts have focused on prohibiting agencies from hiring or paying bonuses to delinquent individuals.

In 2013, President Obama signed into law a reform that allows the IRS to tap into federal employees' Thrift Savings Plans to collect outstanding tax debts. The agency must go through a number of steps before dipping into a federal employee's retirement account. TSP's governing board then has the full account at its disposal to pay debts owed to the tax agency. The levy must be paid in a one-time sum and cannot come from an account that is not yet vested.

IRS uses its report on federal employee delinquencies to identify individuals to route to its Automated Collection System for top priority. If the system is able to connect with the employees, IRS staff will discuss the debt with them to set up a payment or payment plan. The agency can also issue levies on financial assets and liens on properties.

Federal Workforce Pay Increase:

In keeping with what's become an annual tradition, a bicameral pair of Democrats have introduced legislation to ensure employees receive a federal pay raise in 2021.

Rep. Gerry Connolly (D-Va.) and Sen. Brian Schatz (D-Hawaii) have reintroduced the Federal Adjustment of Income Rates (FAIR) Act again this year. This time, they're calling for a 3.5 percent federal pay raise in 2021.

The legislation specifies a 3.5 percent adjustment in basic pay for next year. The bill doesn't mention locality pay rates or adjustments.

This is the sixth year now that Connolly has introduced the FAIR Act in the House. Previous versions of this legislation called for 3.6 percent federal pay raise in 2020, a 3 percent boost in 2019, a 3.2 percent bump in 2018 and a 5.3 percent increase back in 2017.

"We fought hard for several consequential victories last year, but our work on behalf of our dedicated federal workforce is never finished," Connolly said Tuesday in a statement. "After years of pay freezes, furloughs and Trump shutdowns, federal employees understand better than most that we simply cannot let our guard down while this president is in the White House. The FAIR Act is much-needed, and well-deserved, recognition of our government's greatest asset — its public servants."

Federal employee unions were quick to praise the latest iteration of the FAIR Act. The American Federation of Government Employees also said it was appreciative of the legislation.

Congress has never passed any version of the FAIR Act, and actual federal pay raises have fallen short of the legislation's expectations most years.

Still, the FAIR Act may set the mark for future conversations about federal pay in 2021, as lawmakers have legislated recent raises through catch-all budget packages for the last two years.

Employees received an average 3.1 percent federal pay raise — a 2.6 percent across-the-board increase with an additional 0.5 percent locality adjustment — in 2020. Congress eventually included the 3.1 percent raise in one of two minibus spending packages members passed at the end of 2019.

Without congressional intervention, employees would have received a 2.6 percent federal pay raise in 2020. The president had originally planned to freeze federal pay this year but later reversed course.

Employees received a 1.9 percent retroactive federal raise in 2019, but only after enduring a 35-day government shutdown. Congress eventually agreed to break with the president's enacted pay freeze and included the federal pay raise in another catch-all omnibus spending package.

“Whether they manage fisheries for [the National Oceanic and Atmospheric Administration] or care for our veterans at VA hospitals, federal workers in every part of this country and around the world protect and serve the American people,” Schatz said Tuesday. “This legislation allows us to right the wrongs from furloughs, sequestration and pay freezes by giving these hardworking public servants the raise they deserve.”

Meanwhile, employees may soon gain a better sense of where the White House is headed with federal pay in 2021.

The president is expected to release his proposed budget request for fiscal 2021 on February 10. The president's budget request often indicates his thinking and rationale for federal pay for the following year, though Trump may again change his plans later in the year.

House Majority Leader Steny Hoyer (D-Md.), along with Reps. Don Beyer and Jennifer Wexton (D-Va.), Anthony Brown, Jamie Raskin and John Sarbanes (D-Md.) and District of Columbia Del. Eleanor Holmes Norton (D) are among those who have co-sponsored the latest version of the FAIR Act.

EEOC:

The chairs of two House committees demanded a number of documents from the Equal Employment Opportunity Commission (EEOC) related to a proposed rule that federal employee groups say will make it harder for workers to pursue discrimination complaints.

First reported by *Government Executive*, the EEOC last month [proposed regulations](#) that would end the decades-old guarantee that labor representatives at federal agencies will be granted official time to help their fellow employees prepare discrimination complaints. Instead, union officials' ability to be compensated while they work on EEO complaints will be subject to individual agencies' collective bargaining agreements.

Since its posting in the *Federal Register*, federal employee unions have decried the proposal, arguing that although the measure seems aimed at reducing unions' influence at agencies, it could hurt workers' chances before the commission and have a chilling effect on reporting discrimination. Although union officials would not be guaranteed official time to work on complaints, non-union officials would be given time.

In a letter to EEOC Chairwoman Janet Dhillon, House Oversight and Reform Committee Chairwoman Rep. Carolyn Maloney, D-N.Y., and House Education and Labor Committee Chairman Rep. Bobby Scott, D-Va., announced their own skepticism of the proposed rule.

"For 40 years, EEOC has required that federal agencies allow employees to use work hours to bring formal complaints of employment discrimination against their agencies," they wrote. "[We] are extremely concerned about the potential effects of this proposed rule on the enforcement of employment anti-discrimination laws and policies affecting federal employees and the fairness of the federal workforce."

Many agencies are in the midst of implementing a series of controversial executive orders that significantly reduce the amount of official time available to labor groups, as well as severely restrict what activities are eligible for official time.

In their letter, Maloney and Scott demanded a slew of documents from EEOC, including analyses of how the proposal would affect the number of complaints, whether fewer union-represented complainants might lead to longer and less efficient proceedings before the commission, and any cost benefit analyses related to the proposal.

They also demanded internal communications about the development of the proposal, as well as any correspondence with the Office of Personnel Management or other federal agencies regarding union representation in EEO cases.

Federal Retirement:

Free Webinar on Social Security

Navigating the maze of Social Security is especially complex for Feds. Whether you are working or retired, you don't want to go this alone! Let federal retirement and benefits expert Tammy Flanagan help you plan your best strategy to optimize your Social Security benefits.

To help you get started, FEW partnered with the National Active and Retired Federal Employees Associations (NARFE) Federal Benefits Experts – to give you FREE access to NARFE's recent webinar "Social Security: A Key Ingredient in Your Retirement."

In this 60-minute presentation, federal benefits and retirement expert Tammy Flanagan gives you the facts you need to make informed decisions about your Social Security benefits.

[Click here](#) to learn:

- How Social Security fits into your overall retirement plan
- For federal couples: How survivor annuities and SSA widow's benefits work
- When you should delay application for Social Security options
- How the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) provisions factor into your financial future Security
- And more!

NARFE webinars are typically only open to NARFE members. However, through your association with FEW, you may view "Social Security: A Key Ingredient in Your Retirement" at no cost.

As the only organization solely dedicated to the general welfare of all federal workers and retirees, NARFE delivers valuable guidance, timely resources and powerful advocacy. For nearly a century, NARFE has been a trusted source of knowledge for the federal community, Capitol Hill, the executive branch and the media. Learn more about NARFE [here](#).

FEW Washington Update – January 15-31, 2020 Tier III

Sexual Harassment & Discrimination:

Since the start of fiscal year 2020 (October 1, 2019-September 30, 2020), the EEOC has recovered more than \$25 million in monetary relief and secured substantial equitable remedies from employers accused of engaging in [unlawful race- and sex-based discrimination and harassment](#). In fiscal year 2018, the most recent period for which detailed enforcement data is available, the EEOC collected a total of \$134 million on behalf of workplace harassment victims alone.

While harassing conduct of a sexual nature is perhaps the most well-known form of workplace harassment, especially in light of the global #MeToo movement, it is far from the only kind that may expose an employer to significant risk of legal liability. According to the EEOC, more than 30 percent of the charges it receives each year include claims of unlawful harassment based on sex, race, disability, age, national origin, and religion (in that order).

Indeed, the EEOC's recent harassment enforcement actions have not been limited to those asserting "Me Too" - styled sexual harassment claims, but have involved allegations often of egregious harassment based on an employee's race, color, national origin, or some combination of those protected characteristics. It's an important distinction, especially for employers with anti-harassment programs that focus predominantly, if not exclusively, on preventing and correcting sexual harassment. While workplace sexual harassment continues to occur far too often, other forms of harassing conduct - based on, for instance, religion, disability, age, or Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) status - also are happening on the job, creating potentially significant legal risk for employers.

As the EEOC has emphasized in its four-year Strategic Enforcement Plan, which identifies systemic harassment as one of six national enforcement priorities, "Strong enforcement with appropriate monetary relief and effective injunctive relief to prevent future harassment of all protected groups is critical, but not sufficient." Employers seeking to significantly enhance their compliance, and thus "greatly deter future violations," should make "a concerted effort to promote holistic prevention programs, including training and outreach."

FEW Washington Update – January 15-31, 2020 General Interest

Federal employees interested in working for the military's newest, space-focused branch now have opportunities to do so, as the Air Force posted several civilian positions on the [federal hiring website](#) to draw talent specifically for the Space Force headquarters.

The positions all start at GS-12 and above, and are not open to the public, meaning that the Air Force plans to hire current and former feds, military veterans and family members of feds or military members serving overseas. Some of the positions are reserved for current federal employees working for the Air Force.

Feds with program analyst expertise that wish to work for the Space Force are especially in luck, as 13 of the open positions call for program analysts to help set operational priorities for the new force. Human resource specialists are the next most sought after position to plan for future hiring, training and workforce management.

The Air Force is also targeting a short turnaround for these positions, as many close less than two weeks after posting. Interested feds will have to submit materials by the end of the month for a majority of the positions listed.

Employees will also have to obtain and maintain secret or top secret clearance for most positions.

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