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FEW Washington Update
May 1-15, 2020

Congress - Additional Funding for Hiring Federal Employees

On Wednesday, May 6, the House Labor, Health and Human Services Appropriations Subcommittee held a hearing with Dr. Frieden, former director of Center for Disease Control (CDC), and Dr. Rivers, Senior Scholar at the Johns Hopkins Center for Health Security, to discuss COVID-19. During the hearing, Dr. Frieden and Dr. Rivers both discussed the importance of contact tracing, diagnostic testing for everybody with COVID-19 symptoms, isolating those who are sick, and quarantining those who have come in contact with a COVID-19 case. Dr. Rivers stated that she felt that there is not currently enough public health capacity to conduct contact tracing on all new cases.

On Tuesday, May 5, Senators Gillibrand and Bennett introduced the Health Force and Resilience Force Bill in the Senate, and on May 8 Representatives Underwood, Grow, and Panetta introduced the House version of the same bill. The bill would authorize $55 billion for fiscal years ’20 and ’21 to the CDC to establish a health force by recruiting, hiring, training, and supervising staff to respond to this outbreak and future public health needs. Funding from CDC will go out as grants to state and local health organizations and service providers. The bill also authorizes $6.5 billion at FEMA to deploy and train on-call response/recovery employees.

In this bill, disease intervention specialists (DIS) are specifically mentioned as being a potential avenue for supervision of new health force members.

FEW Washington Update – May 1-15, 2020
Tier I

Federal Employee Paid Leave Act:

House members are calling on congressional leaders to expand the new paid parental leave law to cover federal employees who had or are expecting a new child this year before the upcoming implementation date.

New paid parental leave benefits under the Federal Employee Paid Leave Act (FEPLA) are supposed to be available starting October 1.

But House members say that start date “leaves out tens of thousands of federal workers” who are expecting a new child now or have recently welcomed a new child earlier this year.

“We respectfully ask that you work with us to extend paid parental leave coverage to all covered and eligible federal workers in connection with a birth, adoption or foster care placement of a child that occurs between December 20, 2019, and October 1, 2020,” the members wrote in a May 8 letter to House Speaker Nancy Pelosi (D-Calif.) and Minority Speaker Kevin McCarthy (R-Calif.). “This would guarantee that all federal workers covered by the Family and Medical Leave Act would be able to properly care for their newborn or newly adopted children.”

The president signed FEPLA into law with much fanfare at the end of 2019. The law, which was a “historic” achievement, and provides up to 12 weeks of paid parental leave to federal employees.

“It may seem like a small thing as we enact trillion-dollar relief packages, but in this public health crisis, all affected federal workers should be able to take advantage of our new paid parental leave policy,” the members wrote.

Raskin and his colleagues said they have heard from their constituents in this situation. Federal News Network has also received dozens of emails and questions earlier this year from federal employees who have described similar scenarios.

“We have heard recently from numerous pregnant federal workers who face an array of complex challenges, like not being able to count on family and friends for child care assistance because of social distancing, not being able to find safe and appropriate paid child care in the crisis, and navigating difficult or cancelled doctor visits,” the members wrote. “Let us give these people the same support we are offering their colleagues.”

It’s unclear how federal employees who had a new child earlier this year might retroactively receive paid parental leave benefits.

The Office of Personnel Management is expected to publish draft regulations on the implementation of the paid parental leave law in late spring, the agency has said. Only then will the public have an opportunity to read and comment on the benefits and their implementation.

The new benefits will be ready at the congressional deadline; OPM assured at least one employee union back in early March.

Meantime, other problems with the current paid parental leave law haven't been resolved. The law inadvertently left out some factions of the federal workforce, including much of the Federal Aviation Administration, non-screener personnel at the Transportation Security Administration and medical professionals at the Veterans Health Administration, among others.

Several members of Congress, meanwhile, have introduced a wide of variety of bills intended to cover employees originally left off the paid parental leave law.

House Veterans Affairs Committee Ranking Member Phil Roe (R-Tenn.), for example, introduced legislation that would ensure all VHA employees are covered under the new paid parental leave law.

House Oversight and Reform Committee Chairwoman Carolyn Maloney (D-N.Y.) also has a bill that would make many of the technical corrections needed to cover much of the federal workforce under the paid parental leave law. Rep. Carol Miller (R-W.V.) is a co-sponsor.

Senate Minority Leader Chuck Schumer (D-N.Y.) introduced a similar version of the bill in late 2019.

See source here.

Federal Retirement:

Tensions appear to be rising over the relatively unassuming Federal Retirement Thrift Investment Board (FRTIB), which is pressing on this year with its plans to expand the international fund benchmark to emerging markets, including China.

The President on Monday [May 4] announced his plans to replace at least three of the current TSP board members — months after lawmakers spent much of 2019 calling for the FRTIB to reverse course with the international fund.

Members of Congress have said moving the I fund to a new benchmark will expose the retirement assets of federal employees and military members to severe and undisclosed risks with Chinese companies.

The President hadn't appointed any members to the FRTIB until Monday [May 4], when he sent three nominations to the Senate.

Five presidentially-appointed members, together with an executive director, all administer the TSP on behalf of the plan's 5.9 million participants. These members can serve past their nominated terms, and unlike other agencies, there's no provision in the board's governing statute that sets one-year holdover terms for the appointees.

Following the advice of an independent consulting firm, the board chose to move the I fund to the Morgan Stanley Capital International All Country World Ex-U.S. Investable Market Index (MSCI ACWI Ex-US IMI). This index covers 22 developed and 26 emerging markets and consists of large, mid and small-cap stocks from more than 6,000 companies, including Chinese securities.

It wasn't until 2019 when members of Congress expressed bipartisan concern with the move.

Their opposition, which Rubio (R-Fla.) and Sen. Jeanne Shaheen (D-N.H.) spearheaded, led the board to reconsider its plans late last fall.

But after some deliberations, the majority of the FRTIB members agreed to press ahead with its original plans.

The board, its members said, is supposed to serve the fiduciary interests of 5.9 million TSP participants. Not moving the I fund to a new benchmark would, according to the data the board reviewed, would make the TSP an outlier among other comparable 401(k) style plans.

Weaver said the TSP planned to move the I fund to the new benchmark during the second half of the year.

“The transition to the new index will happen over weeks or possibly months,” she said. “There are a number of factors that come into play, particularly liquidity to facilitate trading.”

Congress pursuing legislation to reverse I Fund changes

But members of Congress are actively pursuing legislation that would essentially reverse the upcoming I Fund changes.

A bipartisan, bicameral group of lawmakers introduced legislation last year. Rep. George Waltz (R-Fla.) introduced a similar bill, the Taxpayers and Savers Protection (TSP) Act, last month.

The bill would prevent any TSP fund from being invested in securities that are listed on certain foreign exchanges. Unions and other organizations representing federal employees, however, are pushing back.

The FRTIB manages federal employees’ retirement assets, which are not, as the board has stated, property of the U.S. government. TSP participants themselves choose where to invest their savings, not the board or Congress.

The president nominated John Barger, a current member of the Postal Service Board of Governors, to replace David Jones. Barger is also the managing director of Northern Cross Partners, an advisory and investment firm, and he served for three years as chairman of several boards for the Los Angeles County Employees Retirement Association.

The president also nominated Christopher Bancroft Burnham, who co-founded and leads the Cambridge Global Capital consulting firm, to replace Ron McCray. He was a political appointee in the State Department during the George W. Bush administration and served on Trump’s transition team.

Frank Dunlevy, a long-time investment banker, is the president’s third nominee. Dunlevy currently holds two leadership positions at the U.S. International Development Fund, formerly known as the Overseas Private Investment Corporation. If confirmed, Dunlevy would replace the board’s current chairman Michael Kennedy.

The current FRTIB members will continue to serve until the nominees go through the Senate confirmation process, Weaver said.

See source here.

FEW Washington Update – May 1-15, 2020
Tier II

Key Federal Workforce Issues:

The U.S. Government Accountability Office (GAO) has said that most of its high-priority recommendations related to federal personnel issues remain unaddressed, including those involving use of special hiring and pay authorities as well as long-standing shortages of employees in high-demand occupations.

GAO for example cited a recommendation that OPM assess which special pay authorities—such as incentive payments and other exceptions to standard pay rules—are the most effective in improving employee recruitment and retention and decide how to best use them. It said OPM has collected data from agencies but has not performed the needed analysis.

Similarly, it said that OPM has collected data as GAO recommended on skills gaps across agencies, which GAO said are a factor in 16 of its 35 designated high-risk areas of government overall. But OPM has not conducted an analysis to "predict and address skills gaps in occupations affecting multiple agencies."

GAO further recommended identifying and expanding the special hiring authorities that are the most effective and eliminating the rest. "OPM has made some progress in this area including by proposing ways to improve hiring by using flexibilities that exist within current authority. However, to fully implement this recommendation, OPM needs to prioritize and follow through on its planned actions to streamline hiring authorities and develop legislative proposals to implement these changes," it said.

OPM also has made only partial progress on modernizing the federal job classification system, improving performance management and addressing misconduct, GAO said.

GAO's report was one of a recently issued series on agency compliance with its recommendations. It said that 84 recommendations to OPM from past reports remain open, with three of the 18 deemed high-priority closed within the last year—involving identifying mission-critical occupations, strengthening its IT systems, and implementing solutions to address government-wide personnel challenges.

The new report however adds three recommendations related to strengthening IT security and management as high priority, bringing the number for OPM back to 18.

See more here.

FEW Washington Update – May 1-15, 2020
Tier III

Violence Against Women Act:

Attorney General Mark Herring has joined a coalition of 24 attorneys general urging the U.S. Senate to reauthorize the Violence Against Women Act.

The Senate allowed this act to expire more than a year ago.

The coalition is arguing that isolation and uncertainty during this pandemic exponentially increases the risk to domestic violence victims and the Senate must act immediately.

See source here.

FEW Washington Update – May 1-15, 2020

Of General Interest

Pandemic Mother's Day: The crisis and the road ahead.

This Mother's Day unlike any other. Moms have long been an economic force fueling our economy, a health care force saving lives, a caregiving force lifting families and everyday superheroes; and now moms are disproportionately on the frontlines of the COVID-19 pandemic.

The data is in and the pandemic is having an outsized impact on women and moms, with women of color experiencing compounded harms due to structural racism.

The state of affairs for moms right now is grim; 86 percent of women in the U.S. become moms by the time they are 44 years old; women held three in five of the jobs that have been lost due to the coronavirus pandemic; women make up 73 percent of health care workers infected by coronavirus. We hold the majority of jobs deemed essential, including 77 percent of health care jobs, as well as the majority of critical retail positions, including grocery store employees. Women of color are overrepresented in essential work positions and also in fatalities from COVID-19, which increases the harm caused by the pandemic in communities of color.

Women and moms were hanging on by a thread before the pandemic. Why? Because of outdated policies and discrimination. Going into the pandemic, we were the only industrialized country without paid family and medical leave. Seven in 10 low-wage workers — nearly three-quarters of whom are women and many of whom are moms — couldn't earn even a single paid sick day.

Now the thread is unraveling altogether. Even in this pandemic, one in four essential health care workers doesn't have access to any paid sick days. The first relief package included partial paid leave and sick days, but outrageously exempted 106 million workers, with women and workers of color the most likely to be left out. We need the PAID Leave Act yesterday.

It doesn't have to be this way. Many other countries have policies that lift moms, dads, families, businesses and the economy alike: universal paid family and medical leave, access to affordable, high quality childcare, health care for all, paid sick days and fair pay measures. We can and must too, and the next COVID-19 response bill is where it needs to happen.

Moms simply can't wait. This moment is showing how the cracks in our national structures relating to work, life and parenting are, in fact, giant catastrophes we cannot ignore.

Take what's happening in child care. Due to chronic underfunding, half of child care centers may not be able to reopen after the stay-at-home orders are lifted. This is a simmering national catastrophe because parents need safe enriching places for children to be so they can go back to work, and children need safe, enriching early learning opportunities so they can thrive. Child care work is essential work. Recovery is impossible unless we put significant resources into our child care system in the next relief package so parents can work and child care workers get the wages they deserve. Child care workers aren't the only undervalued essential workers. COVID-19 is making clear exactly what type of work is really essential, especially when disaster strikes: childcare, education, caregiving, harvesting, grocery, and delivery, domestic and health care work. The list goes on and all these jobs are woefully underpaid, often without crucial benefits. Immediate passage of the components in the Essential Workers Bill of Rights must be a priority.

It's not too late for fixes so we come out of this pandemic stronger. Let's start by considering what's happening with the unpaid labor of women during the pandemic as an indicator of the depth of discrimination moms' face and policy changes needed. With many schools out and child care centers closed, more responsibilities are falling on the shoulders of many moms, even as many dads are doing more than their fathers did. Moms are highly aware of what is happening and it is being talked about in now-viral articles and social media posts.

The bottom line is women's unpaid labor puts a tremendous amount of money into our economy, to the tune of $11 trillion. But too often unpaid work is invisible and so deeply disrespected that it exacerbates the discrimination seen in the gender pay gap, which persists and hurts us all. Right now, moms of all races on average are paid just 71 cents to a dad's dollar, with moms of color experiencing increased wage gaps due to structural racism: Latina moms earn just 46 cents and black moms earn just 54 cents to a white man's dollar. It's as shameful as it is shocking.

This can be fixed. Studies show the wage gap narrows when there is national paid family leave and sick days, affordable childcare, health care for all, and other universal economic security measures — all of which are emergency needs in the pandemic. Women and moms must be paid fairly, our outdated policies must be updated and those who are essential workers must also get hazard pay — or better yet, hazard pay and a higher minimum wage, now and always.

For Mother's Day, every member of Congress must urgently update our policies by advancing access to affordable, high-quality child care, health care for all, paid sick days for everyone, universal paid family and medical leave, fair and humane treatment of all immigrant families, decarceration of vulnerable people so loved ones won't be lost, expanded unemployment insurance, fair pay and protections for essential workers.

This isn't solely about moms — it's about lifting everyone. When women and moms are economically successful, so are people of all genders and so is our economy. If women received pay parity, it would cut poverty in half for women and families would add $512.6 billion to our national economy and increase our gross domestic product by at least 3 percent.

Even as moms are everyday superheroes, we cannot solve the crisis we all face on our own. As we rebuild our economy, it is imperative policy makers keep them in mind. There's no time to waste.

FEW receives information from the following sources and contacts: Roll Call, The Hill, WFXR, Politico, JDSupra, FedWeek, Federal News Network, CNN and Newsweek.