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FEW Washington Legislative Update
February 1-15, 2021

In Congress

The Congressional majority renewed their focus Tuesday, February 16, on passing President Biden's $1.9 trillion coronavirus relief bill, as they face a mid-March deadline for when enhanced unemployment benefits will expire if Congress doesn't act in time.

With the former president's impeachment trial out of the way in the Senate, the Senate Majority Leader is preparing to push the legislation through a few final procedural hoops before an expected floor vote next week in the House. From there, the legislation would go to the Senate floor.

President Biden is participating in a CNN town hall event in Wisconsin on Tuesday night to discuss the coronavirus, the economy and other issues. White House press secretary Jen Psaki said he will use the opportunity to promote his relief plan, which includes a new round of $1,400 stimulus checks, as well as hundreds of billions of dollars for schools, city and state governments, coronavirus testing, and vaccine manufacture and distribution.

The proposal would increase emergency federal unemployment benefits from $300 to $400 a week and extend them into the fall. The benefits are set to expire March 14, 2021.

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Rebuilding the Federal Workforce.

President Biden has tapped an Obama administration veteran and personnel expert to serve as czar within the White House on issues related to the federal workforce and agency performance.

Pam Coleman will serve as associate director for performance management within the Office of Management and Budget (OMB). Coleman previously worked as director of the state personnel office in New Mexico under Gov. Michelle Lujan Grisham, D., and on the Biden transition as a member of the Homeland Security Department agency review team. During the Obama administration, Coleman served in several roles at the Presidential Personnel Office, including as the first leadership development team lead.

“The Biden-Harris administration has made it a priority to protect, empower and rebuild the federal workforce, and Pam will play a vital role in this urgent task,” an OMB spokesperson said. “A respected and dedicated public servant with significant government experience, Pam is well-equipped to help restore trust with the tremendously talented federal civil workforce and ensure our government works for all Americans.”

President Biden has spoken frequently of the need to restore faith in the civil service, pointing out that the former administration cultivated an adversarial relationship with the federal workforce to the detriment of the public. The new president has undone former policies that diminished federal union authorities and threatened to erase civil service protections. The President told workers at the State Department last week he would always have their backs, and plans to visit more federal agencies this week.

Coleman will replace Peter Warren, who previously held the position. Her predecessors have typically led efforts to boost the use and transparency of performance data across government. Coleman’s appointment was first reported by The Washington Post.

Shelley Metzenbaum, who held the job during the Obama administration, called Coleman's appointment "very promising," praising her personnel background and familiarity with government.

President Biden has tapped Neera Tanden, former head of the think tank Center for American Progress, to lead OMB, and Jason Miller to serve as her deputy director for management. Tanden will have two confirmation hearings this week, while committee action has not yet been scheduled for Miller. Coleman's appointment does not require congressional action.

Sourced from Government Executive.

Gender Pay Gap:

Pay secrecy contributes to the gender pay gap, say researchers. On average, women make 18 percent less than their male counterparts.

Over the last decade, more than a dozen states plus the District of Columbia have enacted legislation banning pay secrecy policies—workplace rules that prohibit workers from discussing wages and salaries. The laws aim to eliminate a means by which employers can discriminate—intentionally or not—against women in the pay setting.

A new policy brief paper from Jake Rosenfeld at Washington University in St. Louis, Shengwei Sun at the Institute for Women's Policy Research, and Patrick Denice at the University of Western Ontario, examines the effectiveness of these laws.

The research comes as United States Senators John Hickenlooper and Michael Bennet have reintroduced the Paycheck Fairness Act, a bipartisan bill to strengthen the Equal Pay Act of 1963. The bill was first introduced in 2010, but Congress has failed to adopt it every year since.

The authors find that despite increased state legislation preventing pay secrecy, informal pay secrecy has increased since 2010—the last time workers were surveyed on the subject—offsetting a slight decline in formal bans on discussing pay. Between 2017-18, nearly half of full-time workers reported they were either discouraged or formally prohibited from discussing wages and salaries.

Additionally, their research shows women are more likely to work under a pay secrecy policy. They're also more likely to violate the policy—35.3 percent of women and 24 percent of men subject to a formal pay secrecy policy say they still talk about pay with coworkers.

"An emerging body of research finds that pay secrecy policies—workplace rules, informal or formal, that bar or discourage workers from discussing wages and salaries—disadvantage women in particular," says Rosenfeld, professor of sociology.

"First, these practices prevent women from finding out whether they are being underpaid. Second, in cases where women do discover a pay discrepancy by violating a pay secrecy policy and asking colleagues about what they make, their attempts to remedy the disparity could be met with retaliation from an employer."

Illegal but Common

Altogether, 4,262 full-time employees were surveyed between 2017-18. It was the first time since 2010 that the Institute for Women's Policy Research conducted a national survey on pay transparency, according to Rosenfeld. At that time, about half of all workers and 60 percent in the private sector reported that they were either discouraged or prohibited from discussing wage and salary information.

“Since then, state after state has taken legislative steps to bar employers from implementing these speech restrictions, and the issue has reached wide audiences in the nation’s media,” he says. “Yet we find their presence remains incredibly common, and that state-level efforts to facilitate transparency in the workplace have generally failed.”

Even in states with pay secrecy bans, nearly one in 10 workers is formally barred from discussing pay, their research finds.

Altogether, 60 percent of workers in the for-profit, private sector work under a pay secrecy policy of some sort, a six-point decline from 2010. The proportion of private-sector workers who reported that they are formally prohibited from discussing their pay fell from 25 percent in 2010 to 16 percent in 2017-18. But during that same time period, the share of workers who reported being informally discouraged from discussing their pay increased from 41 percent to 44 percent.

By comparison, pay transparency is much more common in the public sector and unionized workplaces. Among public sector employees, 74.3 percent say that pay is public and another 13.3 percent say discussion is permitted. Pay transparency is similar for union workers with 68.7 percent saying pay is public and another 20 percent reporting they are permitted to discuss pay.

The National Labor Relations Act, which technically protects workers’ rights to discuss their pay, is riddled with loopholes and weak enforcement. It excludes large groups of employees, including supervisors and public sector workers. And even when they’re caught violating the law, employers are usually subject only to minor fines and penalties.

Existing state-level legislation has not been sufficient to end workplace pay secrecy, either.

“Legislation alone might not be enough to shift entrenched workplace norms and practices regarding pay secrecy,” the authors write. “Many workers subject to a pay secrecy policy may not know that these policies are illegal, and employers imposing illegal restrictions may not believe that there is a realistic threat of enforcement. Legislation should be backed up by enforcement and information.”

Current anti-secrecy laws could be more effective if complemented by other approaches, such as limiting employers’ reliance on salary history during recruitment and mandating that employers provide applicants with the salary range for the advertised position, Rosenfeld says. These transparency practices also shift the burden of ensuring fair pay from individual employees to employers.

Pay Transparency For All

Lack of knowledge about who makes what undermines the ability of all workers, especially women, to negotiate.

“Existing research suggests that gender differences in negotiation outcomes are less pronounced when the terms of negotiation and the bargaining range are clear, whereas ambiguity amplifies the gender difference,” the authors write.

“Thus, initiatives to enhance workplace pay transparency would not only allow women to uncover whether they are being illegally underpaid, they may also benefit them at the negotiation table. Moreover, in organizations where pay is public and where there is less reliance on individual negotiation, such as in the federal government or in unionized workplaces, gender wage gaps are smaller.”

“One thing to know is that most pay secrecy policies are, in fact, illegal, and have been since 1935,” Rosenfeld says. “However, the penalties for violating the law by preventing workers from discussing pay are laughably small and the costs for workers to push through a successful legal challenge to retaliation quite steep. So, I cannot recommend simply marching to your manager’s office (or Zoom window) and demanding to see the company’s pay chart (if you think you are being underpaid).”

“I think that in the short-term a safer strategy would be to educate fellow workers on their rights regarding discussing pay and advocating for a strengthening of state and federal legislation on the issue.”

Times are changing, though, and employers should take note. Rosenfeld’s previous research suggests that younger workers are rejecting these workplace policies and discussing their wages and salaries. The current brief also shows a sizable fraction of women workers are violating pay secrecy policies.

Rosenfeld’s advice for employers: “Assume your pay structure isn’t a secret—pretend everyone knows who makes what—and think hard about how to justify your compensation structure to your firm in a way that workers feel is fair.”

Sourced from Government Executive. See original study here.

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Telework and COVID Safety:

Legislation (HR-978) has been reintroduced in Congress to set standards for recalling federal employees to their regular worksites from telework, a bill that passed the House last year but not the Senate.

It would require federal agencies to "publish a safety plan publicly on their agency website and communicate this plan directly to employees and to track that all employees have received it. In addition, the safety plan must address the agency's continuity of operations and discuss implementation of widely recommended health and safety initiatives, including procedures for administering the vaccine to agency employees," according to a summary from Rep. Gerald Connolly, D-Va., the main sponsor and chair of the House government operations subcommittee.

"The plan would also discuss protections for employees required to travel or work in locations outside of federal office buildings, requirements for visitors to federal facilities, and contingencies for high-risk employees or employees living in a household at high-risk of contracting COVID-19," it says.

Also among bills newly offered in Congress are:

* HR-916, to offer buyout and early retirement incentives in the DoD civilian workforce with the goal of a 15 percent reduction by 2025, after which employment would be capped at the lower level; and to increase the weight of performance ratings in reductions in force there.

* HR-962, to broaden eligibility under the special retirement provisions for federal law enforcement officers allowing them to retire earlier although at the cost of higher contributions to the retirement fund while employed by including all those authorized to carry a firearm and whose duties involve investigation and/or apprehension and certain officers at the IRS, Postal Inspection Service and VA.

Sourced from FEDWeek.

COVID Vaccine and High-Priority Federal Occupations:

Concerns are continuing about the pace of vaccinations against the Coronavirus of federal employees in high-priority occupations even as the nationwide numbers have climbed in recent weeks.

Accountings by state governments, which are largely overseeing the distribution, do not specify how many federal employees are in the priority level currently receiving inoculations nor how many have received them.

About 10 percent of nearly 300,000 federal and contractor employees in the capital region, for example, have been identified as “as critical personnel to ensuring the continuity of national societal functions,” the governors of Maryland and Virginia and the mayor of the District of Columbia have said in a joint letter. But they added that their jurisdictions “simply do not have the resources available to support these priority vaccinations, due to the additional burden on local resources that this mission would require—especially when considering the amount of vaccine each state receives.”

They asked HHS and FEMA to make a direct allocation of vaccines for those employees, in addition to the regular amounts for their jurisdictions, with a federally operated vaccination site to distribute them.

Figures from federal agencies that have received direct allocations also are incomplete. For example, CDC data show that the Bureau of Prisons has administered both needed doses to some 17,000 persons and the initial dose to another 13,000, but that does not break out how many of those have gone to its employees vs. prisoners. Similarly, DoD has reported administering both doses to some 180,000 and the initial dose to some 560,000 but those figures include military personnel and certain other categories along with civilian employees.

The VA in contrast says it has given both doses to 209,000 of its employees and the initial dose to nearly 50,000 more, along with veterans in high-risk categories.

DoD, VA and the Postal Service each report more than 100 deaths of employees, and cumulative cases above 45,000 among DoD civilians, 17,000 at VA and 14,000 at USPS.

Sourced from FEDWeek.

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Women in the Workforce:

President Biden said the exodus of millions of women from the labor force and the closing of schools —along with the mental health issues for children that could arise — during the COVID-19 pandemic constitute a "national emergency."

"CBS Evening News" anchor and managing editor Norah O'Donnell spoke to Mr. Biden in the first network news interview he has given since his inauguration.

"It is a national emergency. It genuinely is a national emergency," President. Biden said. Nearly 3 million women have left the workforce over the past year.

Dr. Anthony Fauci, President Biden's chief medical adviser and the top infectious disease doctor in the country, has said that to get herd immunity, 75 percent of

Americans have to be vaccinated. At the current rate of 1.3 million vaccines a day, CBS News has calculated 75 percent of Americans won't be vaccinated until the end of 2021.

Sourced from Federal News Network.

FEW receives information from the following sources and contacts: Federal News Network, GovernmentExecutive, CNN, FedWeek, and CBS News.