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FEW Washington Legislative Update
March 1-15, 2021

In Congress

Two critically important women's rights bills will come before the U.S. House of Representatives this week: the Violence Against Women Act (VAWA) and the Equal Rights Amendment.

On March 8, Rep. Sheila Jackson Lee (D-Texas), House Judiciary Chair Jerry Nadler (D-N.Y.) and Rep. Brian Fitzpatrick (R-Pa.) reintroduced the bipartisan Violence Against Women Reauthorization Act of 2021, which would support women and all survivors who have been subjected to domestic violence, dating violence, sexual assault and stalking.

"The last year has demonstrated the immense needs to reauthorize and improve VAWA," said Chair Nadler. "During the COVID-19 pandemic, we have seen a sharp rise in domestic violence and other crimes. As demand for services has increased, service providers have seen funding drop while caseloads skyrocket."

"It is imperative that Congress act now to increase funding for victim services, expand training and education for providers, and strengthen and improve VAWA programs to respond to this crisis. I look forward to working with my colleagues to pass this bill as quickly as possible and ensuring that every survivor-women, men and children-has the resources they need to lead safe and healthy lives free from violence and fear."

Congress last authorized VAWA eight years ago. VAWA expired in September of 2018-for the first time since its original adoption in 1994-because of opposition to the usually bipartisan law. In 2019, the House passed a bill to reauthorize VAWA, but the Senate blocked the measure.

The legislation introduced last week would ensure expanded funding for victim services, including housing, health care, cash aid, paid leave from employment to deal with the harms of gender-based violence, and unemployment compensation if needed. The law also reauthorizes grant programs to improve the criminal justice responses to gender-based violence, expands allowable uses and invests in prevention.

VAWA would also strengthen protections and programs for women in marginalized communities, who experience particularly high rates of violence. To protect Native American women, the law would expand tribes' jurisdiction over certain crimes in Indian Country and would end impunity for non-Native perpetrators of sexual assault, child abuse co-occurring with domestic violence, stalking, sex trafficking and assaults on tribal law enforcement officers on tribal lands.

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Tier I

<u>Paid Leave:</u>

Congress on Wednesday, March 3, 2021 passed a sweeping $1.9 trillion COVID-19 relief package, known as the American Rescue Plan, which will provide federal employees with a few new benefits.

The Senate passed the COVID-19 relief package with some modifications on Saturday, March 6, 2021, sending it back to the House for another vote.

The House cleared the final version of the bill Wednesday afternoon on March 10, 2021, with a 220-211 vote. No Republicans voted for the bill. President Joe Biden signed the bill into law Thursday afternoon on March 11, 2021.

The American Rescue Plan includes a few provisions that are notable for federal employees. At the top of the list is more paid leave for the vast majority of employees. The COVID-19 relief package includes $570 million to pay for additional emergency paid leave, a program that sparked some debate among members of Congress in recent weeks.

Full-time federal employees will be able to receive up to 600 hours, or 15 weeks, of paid leave to recover from COVID-19, quarantine or care for a sick family member or a child who is attending virtual school due to the pandemic.

Employees could also use the leave for the purposes of receiving a COVID-19 vaccine or recovering from any symptoms or conditions related to immunization.

There are, however, a few exceptions. Employees can't use this new emergency paid leave at the same time as any other kind of paid time off, and the leave benefits will be capped at $1,400 a week.

Notably, leave paid to employees will reduce their total service for the purposes of calculating their federal retirement benefits, according to the legislative text.

The vast majority of federal employees are eligible to use this new type of emergency leave, including workers at the Postal Service, Postal Regulatory Commission, the Public Defender Service for the District of Columbia and the D.C. courts.

Employees at the Department of Veterans Affairs, Transportation Security Administration and the Federal Aviation Administration are also eligible for the new bank of paid leave.

Federal employees will be able to tap into this new emergency paid leave bank through September 2021.

“There have been cases where federal employees who should be staying home, in quarantine, have insisted on coming into work because they don’t have enough personal leave and can’t afford leave without pay,” Tony Reardon, national president of the National Treasury Employees Union, said Wednesday. “This emergency leave benefit will help them and also protect their coworkers.”

Beyond additional paid leave, the COVID-19 relief package also includes a provision guaranteeing workers compensation benefits to certain federal employees who have contracted the virus and raise a claim with the Labor Department.

The legislation essentially presumes federal employees who have direct contact with patients or members of the public contracted COVID-19 on the job. That presumption means employees may have an easier time filing for workers compensation benefits with the Labor Department, because they won’t need to prove they contracted the virus at work.

“This change will allow employees or their survivors to receive workers’ compensation benefits under the Federal Employees Compensation Act without facing denials or lengthy appeals,” Everett Kelley, national president of the American Federation of Government Employees, said Wednesday, March 10, in a statement.

AFGE has been pushing for an automatic presumption of illness for frontline employees during the COVID-19 pandemic.

Teleworking employees will not be eligible for workers compensation benefits.
Sourced from Federal News Network.

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OSHA COVID-19 Standard:

On January 21, 2021, President Joe Biden signed an Executive Order directing the Occupational Safety and Health Administration (OSHA) to consider an emergency temporary standard (ETS) related to COVID-19. If the ETS is deemed necessary, the Order, titled “Protecting Worker Health and Safety,” calls on OSHA to issue it by March 15, 2021. What might employers expect if an ETS is issued?

The Order also directed OSHA to update COVID safety recommendations for businesses within 2 weeks, review its enforcement efforts, and study whether an ETS is necessary. If deemed necessary, the agency must issue the emergency standard by mid-March.

The proposed standard would likely require employers to create a company-specific plan to minimize worker exposure to COVID-19. The rule is expected to mandate mask-wearing, social distancing, hand-washing breaks, and communication procedures for workers during outbreaks. The new standard, which many feel is long overdue, is expected to protect the most at-risk workers.

The Order has already resulted in the launch of a National Emphasis Program (NEP) on COVID-19 “to focus enforcement resources on workplace violations that put the largest number of workers at serious risk,” which OSHA announced on Friday, March 12. NEPs aim to protect workers’ health and safety in specific industries that present high risks to people and the environment. OSHA currently has 13 additional NEPs that focus on hazards such as combustible dust, hazardous machinery, and silica.

States with COVID-19 Standards

Many states have developed their own COVID-19 standards, leading to a patchwork of rules and enforcement. Here’s a sampling of where three states have landed.

The California Plan, AB 686, requires employers to develop a virus prevention program. It also requires employers to ask employees to report symptoms and outline policies that accommodate high-risk workers. The standard allows Cal/OSHA to shut down a facility or part of a business when it detects imminent hazards and immediately issue serious violations.

Virginia, the first state to adopt COVID-19 standards, requires mask-wearing, social distancing, access to hand-washing facilities or hand sanitizer, frequent cleaning of high-contact surfaces, and communication procedures when a worker tests positive for COVID-19, as well as requires positive workers to remain out of work for 10 days or acquire 2 consecutive negative tests before returning to work.

Michigan’s standard requires employers to create a written exposure control plan that includes exposure determination and outlines measures that will be taken to prevent employee exposure to COVID-19, including:

- Engineering controls
- Administrative controls
- Hand hygiene and environmental surface disinfection
- Personal protective equipment
- Health surveillance
- Training

So, What Would a Nationwide Virus-Specific Rule Mean for Employers?

Although unclear at the moment, a nationwide standard would likely lean upon rules the states mentioned above have already developed and implemented. Companies will probably be required to create company-specific COVID-19 prevention plans outlining how they comply with OSHA's new regulation. We expect that it would cover the following common sense topics:

- Hand-washing requirements
- Limited contact among workers (social distancing)
- Frequent cleaning and disinfecting routinely touched surfaces and tools
- Ventilation
- Stay-at-home rules if someone in a worker's household is sick
- Employee screening
- Communication to staff should a worker test positive

A nationwide standard would help provide consistent communication to workers, helping them understand what their employers are required to do to keep them safe and what their rights are under the new standard. Companies that choose to ignore the new standard will risk monetary fines—potentially quite large ones. Previous fines issued because of inadequate COVID-19 protocols have been relatively low—an issue that OSHA, under the Trump administration, has received much criticism for.

Although OSHA does not yet have a standard that specifically covers COVID-19, that may change. In the meantime, OSHA has developed helpful guidelines you can view here; until a formal federal standard is released, employers should follow these guidelines to keep workers and workplaces safe.

Sourced from EHS Daily Advisor .

Federal Employee Pay and Benefits:

- Federal employees and contractors with security clearances saw their pay increase by 2 percent on average in 2020 over 2019. A new survey by ClearanceJobs.com and the DHI Group found the average salary among people with security clearances, no matter the level, was over $103,000. Those who work in the intelligence community have the largest salary of over $129,000 on average. Meanwhile, a strong majority of employees with clearances say they are at least somewhat likely to change jobs in 2021, which was a 4 percent increase over the previous year's survey.

- Federal employees may face especially long retirement delays. A few agencies have warned employees they may wait longer than normal for their initial and full annuity payments during their first year of retirement. Customs and Border Protection (CBP) warned its employees it could take as long as a year. CBP and a few other agencies said the delays are due to processing lags at the National Finance Center. It's responsible for processing and submitting retirement paperwork to the Office of Personnel Management. NFC said delays should ease by the end of the month. (Federal News Network)
- The Department of Veterans Affairs (VA) said the recently-approved $1.9 trillion COVID-19 relief package will help resolve some nagging challenges that persist during the pandemic. It got $262 million to help cut the backlog of compensation and pension claims. The inventory grew from 76,000 last March to 212,000 today. The department said the extra funding should help bring the backlog down to 100,000 claims by September. VA also received another $100 million to accelerate its transition to the Defense Department's supply chain system.
- The National Security Commission on Artificial Intelligence (AI) warned AI talent in government is underutilized. "There's this huge talent deficit in the government." That's the bad news from Commission Chairman Eric Schmidt, the former CEO and chairman of Google. But the good news is many current defense and civilian agency employees might be good candidates to reskill for jobs working with AI. But Schmidt said agencies also need to develop career paths for senior AI talent to keep them from leaving government. (Federal News Network)
- The Federal Robotics Process Automation (RPA) Community of Practice is working on version two of RPA Playbook. The playbook offers federal agencies guidance for starting or scaling RPA programs. It covers best practices and common pitfalls agencies have encountered in their RPA journeys. James Gregory, RPA Program Director at the General Services Administration, said the updated version will include a wider range of lessons learned from across government.
- The Biden Administration plans to use the recent Microsoft and SolarWinds incidents to refocus agencies on cybersecurity. Saying they saw significant gaps in modernization and in technology of cybersecurity across the federal government, the White House is developing a new approach to ensure agencies are buying secure software. The administration said Friday, March 12, it will borrow a page from the New York City department of sanitation and require some sort of rating so agencies know what the security is of hardware and software that they are buying. The White House said the goal is to have better visibility in the technology they are buying so they can have more trust in their networks. The White House is prepping a new executive order that will address these and other needed cybersecurity actions.
- The Postal Service's next-generation vehicle contract draws scrutiny from the House Oversight and Reform Committee Chairwoman Carolyn Maloney (D-N.Y.) who is asking USPS to turn over documents that support its decision to award the 10-year contract to Oshkosh Defense. Competitors proposed a fleet of electric vehicles, but the Oshkosh Defense deal includes a mix of electric

vehicles and trucks that run on fossil fuels. Postmaster General DeJoy tells lawmakers USPS will make up to half of its first-round purchases of electric vehicles if Congress puts up billions of dollars to support the purchase.

- Deputy Defense Secretary Kathleen Hicks is creating an action group focused on management issues. The group will be the Defense Department's principal governing body for actions affecting defense enterprise, resource management, planning and budgeting. Smaller groups based on innovation, defense strategy and acquisition will report to the larger management group. Hicks is also creating a workforce council, which will focus on talent management, personnel policy and total force requirements.
- The Pentagon is also creating a new $7.5 million Center of Excellence in Networked Configurable Command, Control and Communications for Rapid Situational Awareness. The center will be located at the University of California, Riverside. It was awarded through the Office of the Under Secretary of Defense for Research and Engineering's Historically Black Colleges and Minority-Serving Institutions Research and Education Program.
- The National Guard has been stationed at the Capitol for more than two months, but many are saying it's time for their presence to evaporate. The nation's largest body representing the National Guard is calling for the military to leave the Capitol grounds. The National Guard Association of the United States said it's time for local law enforcement to take over. The association is one of many in recent days to support a drawdown. House Armed Services Committee Chairman Adam Smith and other lawmakers said a military presence at the Capitol is not a good look. The Pentagon recently extended the Guard's mission at the Capitol for another two months. Troops have been stationed on the grounds since the January 6 attack by supporters of President Trump.

Sourced from Federal News Network.

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Women's Economic Progress and COVID:

The childcare crisis is at a "tipping point", threatening to reverse decades of women's economic progress, according to a new report published on Monday, March 8.

The report warned that the female-dominated childcare sector risked collapse, as coronavirus lockdowns and rising poverty levels had led to a "steep drop" in demand for formal and informal services.

Balancing paid and unpaid care was particularly hard for poorer women working in the informal sector, which offered no paid leave, social protection, or the chance to work remotely, said the report, published by the International Development Research Centre, the Growth and Economic Opportunities for Women East Africa initiative, the Bill &

Melinda Gates Foundation, FemDev and the Initiative for What Works to Advance Women and Girls in the Economy.

The COVID-19 pandemic had exposed the extent to which childcare falls on women, who are on average now spending more than 30 hours a week looking after children, it said.

“A year into the pandemic, we are no longer just worrying about progress on women’s equality coming to a standstill. We’re now seeing the possibility of such progress being reversed. The devastating impact that COVID-19 has had on women’s livelihoods cannot be overstated,” it said.

“The childcare crisis is at a tipping point. Childcare must be addressed within our COVID-19 recovery plans both to advance gender equality and because it makes fiscal sense.”

Anita Zaidi, president of the Gates foundation’s gender equality division, said poverty levels among women had been expected to drop by 2.7 percent between 2019 and 2021. “But actually, now it looks like poverty for women will go up by 9 percent. That’s almost 50 million more women globally in poverty,” she said.

The closure of childcare centers could be devastating. “Women who want to come back into the labor force cannot, because those childcare centers don’t exist. Many women have to go to work, otherwise they have nothing to eat and they don’t have shelter, so what they are then doing out of desperation is their older girls are not going back to school and have to look after the younger kids so mum can work,” she said.

Childcare provider Kidogo estimates that about 60 percent of families in Kenya who were previously using its centers have shifted care responsibility to girls as young as eight.

Zaidi said childcare should be subsidized and needed to be regarded as a societal issue, not a problem for women to solve. “Childcare is a critical barrier to women’s labor force participation and with women not participating in the labor force economies will not progress,” she said.

Last week, the UN Development Programme (UNDP) called for the “immediate introduction” of a temporary basic income to ensure women who face the harshest economic impacts of COVID-19 are able to survive the pandemic. A monthly investment of between 0.07 percent and 0.31 percent of developing countries’ GDP could lessen the impact of the pandemic for up to 2 billion women, it said.

Sourced from [The Guardian](#).

FEW receives information from the following sources and contacts: Federal News Network, The Guardian, GovernmentExecutive, CNN, FedWeek, and EHS Daily Advisor.