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FEW Washington Legislative Update April 15-30, 2021

In Congress

The Biden administration on Wednesday, April 28, detailed a \$1.8 trillion collection of spending increases and tax cuts that seeks to expand access to education, reduce the cost of child care and support women in the work force, financed by additional taxes on high earners.

The American Families Plan, as the White House calls it, follows the \$2.3 trillion infrastructure package President Biden introduced last month, bringing his two-part package of economic proposals to just over \$4 trillion. He will present the details to a joint session of Congress on Wednesday, April 28, evening.

The proposal includes \$1 trillion in new spending and \$800 billion in tax credits, much of which is aimed at expanding access to education and child care. The package includes financing for universal pre-kindergarten, a federal paid leave program, efforts to make child care more affordable, free community college for all, aid for students at colleges that historically serve non-white communities, expanded subsidies under the Affordable Care Act and an extension of new federal efforts to fight poverty.

Administration officials cast the plan as investing in an inclusive economy that would help millions of Americans gain the skills and the work flexibility, they need to build middle-class lifestyles. They cited research on the benefits of government spending to help young children learn. In a 15-page briefing document, they said the package would help close racial and gender opportunity gaps across the economy.

Many of the provisions, like tax credits to help families afford child care and a landmark expansion of a tax credit meant to fight child poverty, build on measures in the \$1.9 trillion economic rescue plan Mr. Biden signed into law last month. The package would make many of those temporary measures permanent.

But the plan also includes a maze of complicated formulas for who would benefit from certain provisions — and how much of the tab state governments would need to pick up.

The package could face even more challenges than the American Jobs Plan, Mr. Biden's physical infrastructure proposal, did in Congress. The president has said repeatedly that he hopes to move his agenda with bipartisan support. But his administration remains far from reaching a consensus with Republican negotiators in the Senate.

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Paycheck Fairness Act:

The Paycheck Fairness Act, which aims to eliminate the gender pay gap and strengthen workplace protections for women, passed the House of Representatives on Thursday, April 15, in a 217-210 vote.

The bill, which was reintroduced by House Democrats in January, has been met with opposition from some business groups who say it could threaten bonuses, prohibit employees from negotiating higher pay and make it easier for “trial lawyers to file large class-action suits against employers.” However, many workplace and gender experts have argued in favor of the bill, emphasizing that it could be a key step to achieving equal pay for women.

“I applaud the House of Representatives for passing the Paycheck Fairness Act,” President Joe Biden said in a statement released by the White House. “Closing the gender pay gap is more than just an economic imperative — it’s a moral imperative as well.”

Biden added that a full passage of the Paycheck Fairness Act by Congress would address the wage gap by “closing loopholes that have allowed employers to justify gender pay disparities, strengthening provisions for holding employers accountable for systemic pay discrimination, and helping level the playing field for women and people of color by making it easier for workers to challenge pay disparities as a group.”

Additionally, he said the Paycheck Fairness Act would make it illegal for employers to ask employees about their salary history in the hiring process and promote pay transparency by requiring more employers to report pay data to the government. Right now, at least 18 states already have laws in place that ban employers from asking about salary history.

The act would also protect workers from facing retaliation if they discuss their salary with co-workers, an issue Biden says is a “critical barrier to equality given that pay disparities often persist because workers are kept in the dark about the fact that they aren’t being paid fairly.”

Currently, women in the U.S., on average, are paid just \$0.82 for every dollar paid to men. When broken down by race, Asian American and Pacific Islander women are paid \$0.85 for every dollar paid to white men, white women are paid \$0.79 for every dollar paid to white men, and Black women, Native American women and Latinas are paid \$0.63, \$0.60 and \$0.55, respectively, for every dollar paid to white men. For some Native American women and Asian American and Pacific Islander women, the pay gaps they face are even more severe than the average that's reported for their racial group.

While this isn't the first-time lawmakers have tried to pass the Paycheck Fairness Act, with Democrats helping the House pass the legislation in 2008, 2009 and 2019, some experts do hope that this attempt will be different considering the disproportionate impact the pandemic has had on women.

"Black women, Latinas, and other women continue to be undervalued and underpaid, even as they risk their lives on the front lines of the COVID-19 crisis to keep the country going," Emily Martin, vice president for education & workplace justice at the National Women's Law Center (NWLC), says in a statement. "If we don't close the gender wage gap, a woman starting her career today stands to lose more than \$400,000 over a 40-year career. Latinas will typically lose over \$1 million and Black women and Native American women close to that."

This "life-changing" loss in income, Martin says, undercuts women's "ability to navigate this crisis in the short run and to build wealth and economic stability for their families in the long run."

The World Economic Forum (WEF) predicts that the pandemic's impact on women has only widened the gender gap that already existed. Prior to the pandemic, WEF predicted that it would take 100 years for gender equality to be reached globally. Now, that prediction has increased to 135.6 years. When looking at the U.S. specifically, WEF predicts it could take 61.5 years before economic parity is reached.

One reason why this gap has widened during the pandemic is because of the disproportionate job loss women have experienced over the past year, as well as the decrease in women's labor force participation rate as many working mothers have been forced out of work by child-care demands. Since February 2020, women have lost more than 4.6 million net jobs, with many of these jobs being in service-sector industries that were impacted heavily by the pandemic, reports NWLC. By comparison, men have lost nearly 3.8 million net jobs over the same time period.

When looking at women's labor force participation rate, data from NWLC shows that the current participation rate of 57.4 percent is the lowest it's been since December 1988. Prior to the pandemic, women's labor force participation rate stood at 59.2 percent in February 2020.

Both Biden and Vice President Kamala Harris have called the pandemic's impact on women a "national emergency," with Biden urging the Senate to "act swiftly to pass the Paycheck Fairness Act."

“Equal pay is about justice, fairness, and who we are as a nation,” Biden added in his White House statement, “it makes all of us stronger, and it represents what America is truly about.”

Sourced from [CNBC](#).

Emergency Leave Fund:

OPM has told federal agencies that they may now begin allowing their employees to take a special form of paid leave under the “emergency paid leave” (EPL) program created nearly two months ago, although agencies now in turn must set up their own procedures and requirements for employees to take that leave.

New guidance carries out provisions of the pandemic relief law creating a \$570 million fund which agencies draw on for employees who are “unable to work” because of certain pandemic-related considerations. According to the guidance, these are if the employee is:

- (1) Subject to COVID-19 governmental quarantine or isolation order/advisory;
- (2) Self-quarantining due to COVID-19 concerns on the advice of a health care provider;
- (3) Caring for an individual subject to (1) such order/advisory or (2) such advice;
- (4) Experiencing symptoms of COVID-19 and actively seeking (i.e., taking immediate steps to obtain) a medical diagnosis;
- (5) Caring for a child when required because, due to COVID-19 precautions, the child’s school or place of care has been closed, or the child is participating in virtual learning instruction, or the child’s care provider is unavailable;
- (6) Experiencing any other substantially similar condition (as approved by OPM);
- (7) Caring for a family member (i) who has a mental or physical disability or who is 55 years of age or older and (ii) who is incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19; and/or
- (8) Obtaining immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization (after using any administrative leave provided by the employing agency).

For a full-time employee, the maximum amount is 600 hours (15 work weeks), with the amount prorated for part-time employees. The fund is to be available until September 30 2021, and retroactive claims dating to when the law was enacted March 11, 2021—but not before—will be allowed. “Employees can ask their agency to retroactively convert other categories of leave they may have taken to EPL, if they meet the eligibility requirements,” OPM said.

Each agency is to provide employees with a form, modeled after an OPM template, to request the leave; “employees should check with their human resources office on the procedures for claiming EPL,” said one of a series of documents OPM issued April 28 regarding the fund.

“Documentation requirements vary depending on the qualifying circumstance. The leave request form will describe generally required documentation. Employees will need to make certain certifications and may need to provide explanations in certain circumstances. An agency may request supplemental information, explanations, or certifications, if it believes it is necessary,” it said.

Sourced from [FEDWeek](#).

FEW Washington Legislative Update – April 15-30, 2021 Tier II

Whistleblower Protections:

House Democratic leaders on civil service issues have proposed a broadening of protections for whistleblowing federal employees in what would be the most significant set of changes to those laws since a 2012 revision.

Provisions aimed at expanding the scope of protections include: making clear that no federal government employee, up to and including the President, may interfere with or retaliate against a federal employee sharing information with Congress; prohibiting agencies from launching retaliatory investigations in certain situations; defining certain types of furloughs as retaliatory actions; and prohibiting retaliation against an employee who makes whistleblowing-type disclosures to a supervisor.

It further would broaden the categories of covered employees to include noncareer Senior Executive Service employees, Public Health Service officers or applicants, and the National Oceanic and Atmospheric Administration’s commissioned officer corps.

Regarding the legal process, the bill would speed up consideration of requests for a delay in a personnel action the employee considers retaliatory pending further investigations; grant whistleblowers access to a jury trial in federal district court if the MSPB does not issue a decision in 180 days (or 240 days for complex cases); and clarify that whistleblowers who prevail are entitled to recover attorney fees and other relief such as training, restoration of seniority, or a promotion consistent with the employee’s record.

Sourced from [FEDWeek](#).

FEW Washington Legislative Update – April 15-30, 2021 Tier III

COVID, Women, and Financials:

Women and people of color are the most likely to say they are financially worse off today than before the pandemic began, according to a Washington Post-ABC News poll, underscoring the struggles many Americans are still facing even as the broader economy shows signs of improvement.

A quarter of women say their family's financial situation is worse today than before the coronavirus-related shutdowns began in March 2020, compared to 18 percent of men, the poll finds. And 27 percent of non-Whites say they are worse off now versus 18 percent of Whites.

The findings highlight the ongoing financial hardships that many families are facing a year into the global health crisis. Women and workers of color were far more likely to lose jobs when the pandemic took hold last spring and wiped out millions of service-sector jobs in restaurants, hotels, spas, salons and non-urgent health-care fields. Women have also borne the majority of the child-care responsibilities as schools and day-care centers shuttered and classes moved online, requiring additional parental involvement.

In follow-up interviews, several women told The Post they were forced to leave jobs to care for children, or they had to take lower-paying jobs that gave them more flexibility. A few women also cited rising costs of rent and food, which caused some to fall behind on bills even if they were able to keep their jobs.

About 1 in 5 Americans overall say their family's financial situation is worse than before the shutdowns, while more than 6 in 10 adults say their financial situation is about the same as before the pandemic.

Sourced from [TheWashingtonPost](https://www.washingtonpost.com)

FEW receives information from the following sources and contacts: Federal News Network, GovernmentExecutive, CNBC, The New York Times, The Washington Post, CNN, FedWeek, and CBS News.