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FEW Washington Legislative Update June 1-15, 2021

In Congress

The Senate passed a bill Tuesday June 15, 2021, that would make Juneteenth, or June 19th, a federal holiday commemorating the end of slavery in the United States.

The bill would lead to Juneteenth becoming the 12th federal holiday. It is expected to easily pass the House, which would send it to President Joe Biden for his signature.

Juneteenth commemorates when the last enslaved African Americans learned they were free. Confederate soldiers surrendered in April 1865, but word didn't reach the last enslaved Black people until June 19, when Union soldiers brought the news of freedom to Galveston, Texas. That was also about two and a half years after the Emancipation Proclamation freeing slaves in the Southern states.

“Making Juneteenth a federal holiday is a major step forward to recognize the wrongs of the past,” said Senate Majority Leader Chuck Schumer, D-N.Y. “But we must continue to work to ensure equal justice and fulfill the promise of the Emancipation Proclamation and our Constitution.”

The Senate passed the bill under a unanimous consent agreement that expedites the process for considering legislation. It takes just one senator's objection to block such agreements.

Sen. Ron Johnson, R-Wis., had objected in the previous Congress to a bill to celebrate Juneteenth as a federal holiday because of the cost and lack of debate, he said. Johnson noted that he has supported resolutions recognizing the significance of Juneteenth, but he was concerned the new holiday would give federal employees another day off at a cost of about \$600 million per year.

“While it still seems strange that having taxpayers provide federal employees paid time off is now required to celebrate the end of slavery, it is clear that there is no appetite in Congress to further discuss the matter. Therefore, I do not intend to object,” Johnson said in a statement before Tuesday’s vote.

The bill is sponsored by Sen. Edward Markey, D-Mass., and had 60 co-sponsors. He tweeted Monday, June 14, 2021: “We have a long road towards racial justice in the United States and we cannot get there without acknowledging our nation’s original sin of slavery. It is long past time to make Juneteenth a federal holiday.”

The vast majority of states recognize Juneteenth as a holiday or have an official observance of the day, and most states hold celebrations. Juneteenth is a paid holiday for state employees in Texas, New York, Virginia and Washington.

Under the legislation, the federal holiday would be known as Juneteenth National Independence Day.

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Pay Increase:

Most unions and other organizations representing federal employees issued a measured response to President Biden’s proposed average pay raise of 2.7 percent in 2022, thanking him but demanding more.

It is unclear how Biden’s pay raise proposal, which was released at the end of May 2021 as part of his detailed fiscal 2022 budget plan, would be divvied up between basic pay and locality pay. It marks an increase over the 1 percent across-the-board raise federal workers received at the beginning of 2021, but a decrease from the 3.1 percent raise they got in 2020.

The federal government’s two largest labor unions, the American Federation of Government Employees and the National Treasury Employees Union, both said that while they were largely supportive of the budget, particularly the provisions aimed at bolstering agency staffing and funding, they continue to back the Federal Adjustment of Income Rates Act, which would grant feds an average 3.2 percent pay increase next year, split between a 2.2 percent across-the-board pay raise and an average 1 percent increase in locality pay.

Rep. Gerry Connolly, D-Va., who introduced that bill, said the administration must do more to counteract the previous administration’s unsuccessful efforts to freeze feds’ pay and otherwise attack their benefits and workplace protections.

“The president’s budget is great progress towards the goal of competitive compensation for our federal workforce and a clear recognition of the important work federal employees have done throughout the pandemic,” Connolly said. “However, these public servants have endured years of pay freezes and attacks from the previous

administration. If we are going to recruit the next generation of public servants and be competitive with the private sector, Congress must pass the FAIR Act and give federal employees a 3.2 percent raise.”

The Federal Managers Association also continued to push for the adoption of a 3.2 percent raise in 2022, and called on the administration to pursue lifting the federal pay ceiling on higher paying federal jobs.

“We recognize the proposed 2.7 percent pay raise for the federal workforce as a significant improvement from the 1 percent raise feds received this year, and we acknowledge the return to the traditional pay parity for feds with the uniformed military,” said FMA National President Craig Carter. “FMA is already on record as endorsing the Federal Adjustment of Income Rates Act in both the House and Senate, which would provide for a 3.2 percent pay raise in 2022, and we will continue to advocate for that as a reasonable boost for both the federal workforce and the military.”

National Federation of Federal Employees National President Randy Erwin said the president’s budget signals “genuine support” for federal workers, but the union will “continue discussions” with the White House on the adoption of the FAIR Act and other issues.

“It is a relief to have the backing of the White House especially after a long period of uncertainty caused by overcharged politics and a national pandemic,” Erwin said. “Federal workers never stopped working for the American people during that time, but it is imperative to again focus on the business of government and improve upon the effectiveness and efficiency of our collective missions.”

The push for a larger pay raise in 2022 than what Biden has proposed was not unanimous, however. The National Active and Retired Federal Employees Association described the 2.7 percent pay raise proposal as a “market-value pay increase.”

“It is gratifying to hear that the Biden administration is returning to standard practice with its proposal of a 2.7 percent average pay increase across the civil service, which is on par with private-sector wage hikes and his proposed pay raise for the military,” said NARFE National President Ken Thomas. “With this raise, the administration is demonstrating respect for hard-working civil servants and the jobs they do, and we urge Congress to follow suit.”

Sourced from [GovExec](#).

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Inclusiveness Initiative:

The Office of Personnel Management (OPM) has listed hiring for critical skills, labor relations and diversity and inclusiveness initiatives as among the administration’s top priorities for the federal workforce.

In its “budget justification” document, OPM says that agencies experienced “significant attrition across critical occupations” in the last four years, “diminishing their capacity to meet the urgent challenges facing the country. Early executive actions call on OPM to work proactively with agencies to hire data scientists, technologists, and refugee officers –among other occupations – while also taking on the critical task of recruiting more people into government overall.”

“To rise to the occasion, OPM needs to take on a role as strategic partner to agencies to help them meet their talent needs. This will require a more proactive and resource intensive approach that combines effective policy guidance with hands on implementation support to agencies,” it says.

Further, a Biden memo on the foreign policy and national security workforces “lays out an ambitious vision for reform that touches on nearly every aspect of the talent process, including recruitment, hiring, training and advancement, security clearance reform, veterans hiring, and more.”

It says that Biden’s executive order revoking many of the Trump administration’s policies regarding federal unions, “calls for a fundamental reset of federal labor relations as a core pillar of the administration’s push to empower federal workers and promote collective bargaining across the American labor market. to comply with the executive order, agencies may need to partially re-open many of the 2,000+ collective bargaining agreements across the government.”

“Agencies have also been asked to change the scope of their bargaining moving forward to include a broader set of topics. But the work goes far beyond these specific actions. To truly reset labor relations, agencies and unions need to sit down together to collaborate on the critical challenges facing the country. It is not enough to carry out the specific directions in the EO. Rather, there needs to be a commitment to a new way of engaging employees and their unions, as an indication of the contributions and expertise of the career civil service,” it says.

OPM also said it “intends to reinvigorate and expand its governmentwide leadership role” in diversity/equity/inclusion/accessibility that was started during the Obama administration.

That will include “providing technical assistance to agencies on the development of their agency-specific plans, and will have responsibility for collecting data, promoting paid internships, expanding partnerships with minority-led and serving institutions, analyzing demographic data to enhance broad recruitment, training, and providing guidance.”

Sourced from [FEDWeek](#).

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Tier III

COVID and Reentry:

New guidance from the Biden administration paves the way for bringing more federal employees back to their official duty stations from telework by lifting a former cap on building occupancy and telling agencies to review their telework policies.

The guidance, in a joint OMB-OPM-GSA memo, provides further instructions to agencies as they plan, in its words, for “an effective, orderly, and safe increased return of federal employees and contractors to the physical workplace”—what it calls “reentry.”

Agencies are to submit general draft plans for “post-reentry personnel policies and work environment” to OMB by June 18; larger agencies are to submit a draft schedule for “phased reentry of personnel” by July 9; and all agencies are to submit final plans, considering any feedback, by July 19.

“Agency plans for reentry and post-reentry should be informed by lessons learned during the past 15 months. The agency’s eventual post-pandemic operating state may differ in significant ways from the agency’s pre-pandemic operating state,” it says.

It says that a general limit on occupancy to 25 percent of maximum capacity, set by a January 2021 memo, is “no longer in effect” although “agencies may establish occupancy limits for specific workplaces as a means of ensuring physical distancing between unvaccinated individuals.”

Before increasing the number of employees in the workplace, it adds, an agency must complete its phased plan for reentry and post-reentry, ensure it has an updated COVID-19 workplace safety plan pursuant to current CDC guidelines, satisfy any applicable collective bargaining obligations, and provide ample notice to any affected employees.”

Agencies also must follow the same steps before changing employees’ telework status, it says. While the government’s overall remains in maximum telework status, the mix of telework and onsite work is a matter of an agency’s discretion, decisions that “must be guided by how they can most effectively achieve their respective missions.”

Sourced from [FEDWeek](#).

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