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**FEW Washington Legislative Update
July 1-15, 2021**

In Congress

Although there are more than two calendar months remaining before the start of the government's new fiscal year of October 1, working time for Congress to act on agency funding and other issues of importance to federal employees already is running short.

Included are plans for the traditional August recess until after Labor Day, which gives only 18 days for floor voting to be scheduled before that deadline. Neither chamber has brought even one of the 12 regular spending bills to a vote. As usual, the House has taken the first steps, clearing several through the committee level last month with several more likely in the next few weeks. The Senate has not advanced past the hearing stage.

A typical response with budgeting business still unfinished by September 30 is to enact a temporary extension, commonly of several months—which in turn, commonly has been extended one or more times until enactment of a final measure or measures. Already there is talk on Capitol Hill of such a move but developments on spending bills so far have raised the prospect of political divisions that could endanger such an extension.

For example, on the key bill for the federal workforce, the general government appropriations, Democrats have moved to drop a long-standing general ban on abortion coverage in the FEHB program. Republicans have sought, unsuccessfully so far, to reinstate the ban—which has been in similar bills for many years—and have hinted that the issue might prevent enactment of a funding extension.

That bill also typically determines the following year's federal raise, either directly by setting a number or indirectly by allowing the White House's recommendation to take effect by default. So far Congress has followed the latter course for 2022, which would yield a 2.7 percent raise, although efforts to boost that number to 3.2 continue.

Budgetary brinksmanship is common and a way around it typically is found, at least temporarily. However, there have been notable exceptions, including what turned into a record-setting partial shutdown in late 2018-early 2019.

Another key measure, the annual DoD authorization, also is behind the typical schedule with both the House and Senate not expecting to begin writing it until late this month. That bill often becomes the vehicle for federal workplace provisions not only at DoD but also government-wide because it is considered a “must-pass.” That could be done this year, for example, with a bid to expand federal employee paid leave provisions.

That bill also runs on a fiscal year cycle and there is pressure in Congress to complete it by October 1. However, that often slips to late in the year, as well.

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Paid Family Leave:

We may no longer have an administration that openly attacks its own workforce but there remains an alarmingly dishonest narrative in Washington about federal employees that cannot be dismissed as routine political squabbling.

In what should have been a measured, thoughtful policy debate about paid family leave for federal employees, a recent congressional hearing instead devolved into scurrilous attacks on the integrity and value of frontline federal workers around the country.

The Republican members of the House Oversight and Reform Committee were led by Rep. James Comer of Kentucky who disparaged a paid family leave program as “enhanced work perks for federal bureaucrats” who “already enjoy a lavish set of benefits.”

Many members and federal employees around the country take issue with this demeaning and inaccurate characterization, and the refusal to give serious consideration to a program that would support workers and their families in a time of crisis. In response, Democratic Rep. Carolyn Maloney of New York, the committee chair and sponsor of the paid family leave bill, led a spirited defense of civil servants.

It is possible to ask meaningful questions about the need for the program—whether it would help recruit and retain skilled employees, how much it would cost, the logistics of its implementation, or how it would guard against fraud—without attacking our country’s workforce.

This hearing should have been a substantive and informative inquiry for the committee that is responsible for government oversight. Instead, it was a contest to see how many ways certain members could offend federal employees, by asserting that federal

employees will lie about needing paid family leave; that it's an extravagant perk that they don't deserve; that they already have too much time off every year; and that anyone who needs paid family leave lacks personal responsibility.

And for reasons that are unclear, telework came under attack as well. The program that has allowed hundreds of thousands of federal employees to keep delivering on the missions of their agencies throughout a deadly global pandemic was inexplicably couched as federal workers "not on the job."

Paid family leave is not a perk. It's an expansion of the unpaid leave provided by the Family and Medical Leave Act of 1993, which we all know has extensive eligibility and documentation requirements, and strict limits.

It is for the federal employee whose spouse spends the week in ICU after a heart attack. Or the one whose elderly mother has only days remaining in hospice. Or the one whose child is recovering from a severe injury and cannot go to school or daycare.

Too often we have federal workers who have exhausted their sick and annual leave taking care of a family member go into debt while on unpaid leave and are stressed about both when they return to work.

It doesn't have to be that way. In fact, there is strong bipartisan support in this country to lessen the burden for employees when they are in crisis. We are confident that a serious, honest debate at the highest levels of government would compel Congress to implement this humane workplace policy in federal agencies and maybe, one day, in every workplace in America.

Sourced from [FEDWeek](#).

FEW Washington Legislative Update – July 1-15, 2021 Tier II

Diversity:

Top diversity officials at four major agencies said on Tuesday, July 13, 2021, that obtaining and using better data will be crucial to advancing diversity, equity, inclusion and accessibility in the federal workforce.

Representatives from the Office of Personnel Management (OPM), State Department, FBI and Office of the Director of National Intelligence participated in a panel for Government Executive and NextGov's "Future of Work" virtual event on Monday July 12, 2021. The wide-ranging discussion covered the recent executive order from President Biden on advancing diversity, equity, inclusion and accessibility in the federal workforce as well as what these agencies were doing beforehand.

Mini Timmaraju, senior advisor on diversity, equity, inclusion and accessibility to the OPM director, said data is a crucial part of implementation of the executive order, which has provisions on improving agency-level and governmentwide data.

“We know, for example, the data governmentwide shows that the biggest challenge we have is...the Senior Executive Service,” as it is 70 percent white and 66 percent male, she said. Making improvements in the Senior Executive Service—which houses the top policy, supervisory and managerial jobs in federal agencies—will be important in order to create a trickle-down effect, she added. “But there’s a lot we don’t know yet because we don’t collect comprehensive demographic data across the government. So, for example, we don’t collect sexual orientation and gender identity data.”

While it was an “incredible symbolic moment” that OPM and other agencies flew the Pride flag during Pride Month in June, “we do not have the data to show how LGBTQ+ federal workers are doing in the workforce,” said Timmaraju. “We don’t have enough metrics to understand what inclusion factors are being affected here.”

Also, she said there has to be more of a government-wide effort to look at “intersectional challenges” across the government, such as what are the unique challenges women of color could be facing? In using OPM’s source of federal workforce data, FedScope, you can look at gender or race/ethnicity, but not the two together. Better data will complement the results from the annual Federal Employee Viewpoint survey and other forums, said Timmaraju.

Within 100 days of the executive order being issued, agency heads must submit preliminary assessments of “the current state of diversity, equity, inclusion and accessibility in the agency’s human resources practices and workforce composition,” which should involve “an evidence-based and data-driven approach.”

While “many of the top agencies are already doing this, there isn’t necessarily a uniform strategy or standard for how we evaluate diversity, equity, inclusion and accessibility, how we benchmark it and therefore we have challenges really showing successes and really reevaluating where we have missteps,” Timmaraju said. She added OPM is working on an assessment tool to help agencies comply with that requirement.

Similarly, Rita Sampson, chief of equal employment opportunity and diversity at the Office of the Director of National Intelligence, said her agency is working on “setting numeric goals to try to increase our efforts; we have to shoot for something and to have measurable improvements.”

She also said it’s important to focus on qualitative as well as quantitative data. Through a workforce concerns report a few years ago, for instance, the Office of the Director of National Intelligence found they needed to focus more on microaggressions and education on stereotypes. This shows agencies should use the two types of metrics in tandem to achieve results, she said.

The Department of State is looking for “data and disaggregated data” because “we have to know where we are in order to measure our progress and right now, we don’t have a clear understanding of where we are,” said Ambassador Gina Abercrombie-Winstanley, Chief Diversity and Inclusion Officer at the Department of State. When it comes to retention and promotions, different groups hit different roadblocks, she said.

She added, “The law is not helpful in putting in place remedies for what we know are underrepresented populations except for those with disabilities,” in which you can set targets “in a more definitive way.”

Scott McMillion, Chief Diversity Officer at the FBI, agreed with the other panelists about the importance of data. “Any organization definitely has to look at and know what the data is and particularly what it is referring to—what barriers, challenges [and] roadblocks may be in place that are stymying that diversity across the board that you are looking for,” he said. McMillion said he thinks the FBI has done a good job examining what the barriers are, especially for special agents.

While there are some legal restraints on what data can be collected, “what I think is more powerful is we look intentionally at the collection of data and making it uniform across the government,” Sampson said. “For example, you can ask individuals to amend their personnel profiles in their personnel system, as an individual, but what we want is to make sure that the [Office of Management and Budget] processes and the OMB forms enable us to adopt those key data points.”

The executive order directs the OPM director, deputy director for management at OMB and chair of the Equal Employment Opportunity Commission to “consider issuing, modifying, or revoking such guidance in order to expand the collection of such voluntarily self-reported data and more effectively measure the representation of underserved communities in the federal workforce.” If there are any changes, officials should take steps to protect individuals' privacy, the order stated.

There was also consensus among the panelists that transparency and effective communication, and messaging are important in diversity, equity, inclusion and accessibility efforts.

Sourced from [Government Executive](#).

FEW Washington Legislative Update – July 1-15, 2021 Tier III

Women and Pandemic Job Hit:

The disproportionate hit that COVID-19 dealt to female workers is set to endure, with men’s employment recovering more quickly than women’s, according to the International Labour Organization.

There will be 13 million fewer women working this year than in 2019, while men will have succeeded in recouping the crisis-induced losses, the Geneva-based body estimated in a report. The ILO urged governments to enact policies that focused on job creation and retention that benefited women, particularly in sectors like health care and education.

“The inequalities between women and men in the world of work that have been exacerbated during the COVID-19 pandemic will persist in the near future,” the ILO said. “Even though the projected jobs growth in 2021 for women exceeds that of men, it will, nonetheless, be insufficient to bring women back to pre-pandemic employment levels.”

Sourced from [Bloomberg](#).

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