www.few.org

455 Massachusetts Ave. NW, P.O. Box 306
Washington, DC 20001
Phone: 202/898-0994
Fax: 202/898-1535

This information may be provided to FEW membership via government email

FEW Washington Legislative Update
August 1-15, 2021

<u>In Congress</u>

In a statement Monday, August 9, Senate Majority Leader Chuck Schumer said the resolution, which aims to clear the way for President Joe Biden's policy agenda without Republican support, included only "top-line" instructions and that "every Senator will have opportunities to shape and influence" the final bill.

In the budget summary, Democrats proposed creating the first-ever federal paid family and medical leave benefit, a pathway to residency for "millions of immigrant workers and families" and adding a new dental, vision and hearing benefit to the Medicare health insurance program.

In education, the resolution highlights tuition-free community college for two years, heightened investments in Historically Black Colleges and Universities, and increasing the Pell Grant awarded to undergraduate students with financial need from its current level of $6,495.

The proposal also tackles many of the climate and infrastructure provisions that didn't make it into the separate, $1.2 trillion infrastructure bill that's making its way through the Senate, including new clean energy tax incentives, electrifying the federal vehicle fleet and making the "largest ever one-time investment" in Native American infrastructure projects.

The release doesn't specify how the package will be funded, but in his statement, Schumer hinted at Biden's proposed tax hikes for the ultrawealthy, saying the legislation would "make the wealthy pay their fair share."

FEW Washington Legislative Update – August 1-15, 2021
Tier I

Pay Gap:

An employee association representing federal prosecutors has called on the Justice Department to review its compensation policies and use of unpaid appointments, which the group says contributes to difficulty recruiting women and people of color.

Last month, the National Association of Assistant United States Attorneys, which represents more than 6,000 career federal prosecutors, wrote a letter to Attorney General Merrick Garland arguing that reviewing the department's "inequitable pay system" should be part of its review to comply with President Biden's recent executive order promoting diversity, equity and inclusion across the federal government.

At the crux of the association's argument is the fact that assistant U.S. attorneys can make as much as $40,000 per year less than other lawyers at the department with similar experience and responsibilities. As a result, Lawrence Leiser, president of the association, wrote that young attorneys with sizeable student loan debt—who are disproportionately women and people of color—simply cannot afford to become federal prosecutors.

"While it is well known that the [pay] gap negatively impacts the retention of AUSAs, NAAUSA believes the discrepancy also makes a career as a federal prosecutor cost prohibitive for many diverse and underprivileged Americans," he wrote. "The American Bar Association in their 2020 Law School Student Loan Debt Survey Report found Black, Hispanic, Asian and Multiracial law school students are more likely to borrow student loans and borrow student loans at notably higher amounts than their white counterparts . . . around $25,000 to $40,000 more in student loans on average."

Additionally, according to the American Bar Association's survey, more than 40 percent of those working in private practice and as corporate lawyers said they chose a job that "paid more" rather than in their desired field. And Leiser noted that pay is the sole pain point as measured by the annual Federal Employee Viewpoint Survey—although U.S. Attorney offices rank in the top half of nearly every metric, they were ranked 359th out of 407 agency subcomponents on compensation in 2020.

"Put simply, under-compensation is a principal barrier to maintaining a positive workplace in U.S. Attorney offices," he wrote. "While student loans impact nearly all law school students, the issue uniquely impacts students of color and U.S. Attorney offices are not equipped to recruit diverse students who are most impacted by large debt burdens. It is averse to the goals of the president's [diversity] order to continue relying on the goodwill and commitment of AUSAs to do their job without adequate and equitable compensation compared to their Main Justice colleagues."

The association also suggested that the department's appointment of special assistant U.S. attorneys, a practice by which attorneys from other agencies are temporarily made federal prosecutors and are often unpaid for their work, should be reconsidered under the provision of Biden's order encouraging the end of unpaid internships across the federal government.

"Providing unpaid opportunities limits the pool of applicants to those who can afford to be financially dependent on another," Leiser wrote. "Given the financial disparities in our nation, this often prevents diverse pools of applicants from even considering SAUSA opportunities. As President Biden's executive order points out . . . properly compensating all federal employees ensures equal opportunity in federal employment."

Sourced from GovExec.

Vaccine Requirements:

U.S. President Joe Biden announced a new measure on Thursday ,August 12, requiring all federal workers and on-site contractors to verify that they received the COVID-19 vaccine. Unvaccinated federal employees will face mandatory masking, weekly testing, and travel restrictions.

The White House's new policy reflects concern over the Delta variant, which is increasing the rate of infection and the number of hospitalizations throughout the nation. Simultaneously, vaccination rates have stalled. Plenty of free vaccines are available in the United States. However, according to the Centers for Disease Control and Prevention (CDC), approximately 164.8 million Americans are fully vaccinated out of the total population of 330 million.

The federal government is the largest employer in the nation. The White House's new measure is aimed at increasing the vaccination rate of the millions of federal workers and contractors. Private businesses and other institutions may follow the example this requirement is setting.

"Right now, too many people are dying or watching someone they love die and say, 'If I'd just got the vaccine.' This is an American tragedy. People are dying who don't have to die," President Biden said in an address. "Get vaccinated for yourself, the people you love, for your country."

Several federal unions have criticized the new measure. The Federal Law Enforcement Officers Association asserted that requiring vaccinations infringes on civil rights. The American Postal Workers Union also opposes the requirement.

Regarding children and schools, President Biden explained that schools should be open full-time in the fall. Biden pushed for school districts to hold at least one "pop-up vaccination clinic" in the coming weeks to vaccinate children who are at least 12 years old. The White House offered to reimburse small and medium-sized businesses who give workers paid time off to vaccinate their children and other family members.

Sourced from Jurist.

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

Whistleblower Protections:

Whistleblower advocates are hopeful 2021 is the year they can make stronger protections for federal employees a reality.

And they believe it's imperative this year, especially as federal employees are managing trillions of dollars in new government spending on COVID-19 relief and potentially infrastructure.

"While the United States was the pioneer of whistleblower rights, in some ways our rights are the dinosaur rights now," Tom Devine, legal director for the Government Accountability Project, said last week at the National Whistleblower Center's annual celebration of those who disclose waste, fraud and abuse. "We haven't kept pace with the global best practice standards in the rest of the world." It hasn't been for lack of trying.

"There have been numerous attempts at reform, time and time again," said Stephen Kohn, a whistleblower attorney and founder of the National Whistleblower Center, who called the procedures for federal employees "some of the absolute worst protections anywhere."

"Every time we pass a new reform bill we say, 'Oh, it's going to get fixed!' And it didn't get fixed. The only fix in our view is to get jury trials and get court access for federal employees," he added.

Advocates see promise in the Whistleblower Protection Improvement Act, which House Oversight and Reform Committee Chairman Carolyn Maloney (D-N.Y.) and Rep. Nancy Mace (R-S.C.) introduced earlier this year. The bill already cleared the oversight committee and now awaits a full vote in the House.

Devine likened the bill to "the promised land" for federal employees.

"The federal workers who have the highest-stake disclosures, to contribute the most to the country, have the weakest rights of almost any group in the U.S. labor force," he said. "This is an important opportunity for us. Everybody who's involved in this movement needs to get on the horn to their congressmen and senators and tell them to make this a priority. If they're worried about trillions of dollars of new government spending, then how about protecting the people who can expose the fraud, waste and abuse?"

The WPIA prohibits agencies from launching retaliatory investigations against whistleblowers and bars them from retaliating against federal employees who share information with Congress.

"These protections are absolutely overdue," Melissa Wasser, policy counsel for the Project on Government Oversight, said of the bill.

Perhaps most notably, the bill would give federal employee whistleblowers access to a jury trial, which has long been a priority for members of Congress and whistleblower advocates. Specifically, it allows whistleblowers to appeal their cases in federal district court if the Merit Systems Protection Board doesn't issue a decision within six months, or eight months for more complex cases.

"This would help whistleblowers get their cases heard, especially since the only administrative remedy they have right now is going through the Merit Systems Protection Board, which has been absolutely paralyzed since January 2017," Wasser added.

Sourced from Federal News Network.

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

Labor Markets:

Everything about the Labor Department's July employment report is positive. Unemployment is down and employment is up. The message is clear: the economy's recovery from last year's lockdowns and quarantines has a powerful forward momentum that should carry on for a while at least, provided, of course, that COVID's Delta variant does not prompt a renewed round of economic strictures.

The most immediate encouragement comes from news on job creation. According to the Bureau of Labor Statistics (BLS), the economy created 943,000 new jobs in July. Employment in leisure and hospitality concerns led, accounting for some 40 percent of total job creation, which is unsurprising, since that was the sector that suffered most during last year's lockdowns. Government hiring accounted for more than usual, about one-quarter of the jobs created last month. Those who fret over bureaucratic bloat in Washington can take comfort, however, that most of this hiring occurred at the state and local level, as expanding tax revenues and the generous provisions of federal COVID relief funds allowed for rehiring those laid off last year and an expansion in services. Otherwise, job creation was spread proportionally across the economy. Only one of the major industry categories tracked by the Labor Department showed a decline. That was retail trade and the small employment drop there more likely reflected of the way the statistics are reported than any sign of weakness. Hiring in this area, after all, had proceeded at a prodigious and unsustainable rate through spring.

Other measures in the report carry more fundamental encouragement. People who had previously dropped out of the workforce – either because they were discouraged in their job search or because they preferred to remain on generous unemployment benefits or for another reason – have begun to return to work. What the BLS calls the "participation rate" has risen. This measure of the proportion of the population either working or seeking work presently stands at 61.7 percent, higher than in a long while. The same is true of the "employment-population rate," which tracks those working as a percent of the population. At 58.4 percent, it also stands above recent measures. In today's labor-short economy such trends reassure that business and industry will have the human resources available to meet the nation's production needs.

Even with this rise in job seekers, employment growth was strong enough to bring down the unemployment rate from 5.9 percent of the workforce in June to 5.4 percent in July. The absolute number of unemployed Americans fell by 782,000 and is now barely half its year-ago level, a remarkable comeback indeed. Perhaps even more encouraging is how unemployment has fallen across all major demographic categories. Youth unemployment, at 9.6 percent in July, was down from June's 9.9 percent level and about half the 19.1 percent rate a year ago. Unemployment for adult men fell, as did unemployment for adult women. Since women's employment suffered most during the pandemic lockdowns, it is especially encouraging that the women's rate, presently at 5.0 percent, is actually 0.4 percentage points lower than the men's rate. (No disparate impact problem suspected.) As far as racial and ethnic groups are concerned, unemployment rates for all – white, Hispanic, black, and Asian – fell. What is more, the unemployment gaps between the majority white part of the population and others have all narrowed.

This pace of recovery is, of course, unsustainable. But even if it slows, this kind of momentum will begin to approach, if not quite reach, the extremely favorable labor market conditions that prevailed before the pandemic, when unemployment rates averaged below 4 percent. To be sure, many questions hang over the economy's longer-term prospects — inflation, for instance, huge federal deficits, and financial imbalances among them. But for the immediate future, things look good. The only fly in the ointment over this shorter horizon is the spread of COVID's Delta variant. If it cannot at present justify a return to last year's quarantines and lockdowns, there is no forecasting the future course of the disease or whether the authorities will panic.

Sourced from Forbes.

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