



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 July 15-31, 2021

In Congress

The House in the last week of July is slated to approve its first minibus appropriations bill, which would endorse President Biden's proposal to increase civilian federal employee pay by an average of 2.7 percent in 2022.

The bill as advanced by the House Appropriations Committee makes no mention of a 2022 pay raise for federal workers, allowing the president to move ahead with the pay raise plan as included in the White House's fiscal 2022 budget proposal.

Biden's plan does not specify how the average 2.7 percent figure would be split between across-the-board increases to basic pay and an average boost to locality pay, although traditionally 0.5 percent has been reserved for locality pay. In 2021, federal employees received a 1.0 percent across-the-board increase and no adjustment to locality pay.

Some Democrats and federal employee unions have urged lawmakers to adopt a more generous raise, such as the one proposed by Rep. Gerry Connolly, D-Va. Connolly's bill would grant feds a 3.2 percent average raise next year, split between a 2.2 percent across the board increase and a 1 percent average increase in locality pay.

Before the House began debate on the first minibus legislation, the House Rules Committee reviewed more than 200 proposed amendments from members. But none of those amendments addressed federal employees' wages, all but guaranteeing that the final House version of the bill, which will be voted on Thursday or Friday, will endorse Biden's pay raise plan.

FEW Washington Legislative Update – July 15-31, 2021

Tier I

Paid Family Leave:

Federal employees got one step closer on Tuesday, July 20, to having a wider array of uses for their paid parental leave, as the House Oversight Committee voted 24 to 16 to favorably report the bill expanding such leave to the full House for a vote.

Federal employees were granted 12 weeks of paid parental leave beginning in October 2019, which enabled employees to take paid time off for the birth or placement of a child in their household.

That leave is based on mandates in the Family and Medical Leave Act, which requires all employers to offer 12 weeks of unpaid parental leave to employees, as well as to address serious medical needs of the employee or a member of the person's family.

The legislation advanced July 20 would ensure that the federal government's 12 weeks of paid leave would also apply to that second category.

"Unpaid leave is not a viable option for many federal workers," said Rep. Carolyn Maloney, D-N.Y., who introduced the bill.

"In this bill, all of the current eligibility criteria from the FMLA would remain intact. There is a 12 months serious service requirement, and an employee would need to put in a request to the agency they work for and provide any necessary justification. And 12 weeks per year would remain the limit that an employee could take for paid family and medical leave."

Despite its advancement, many Republican committee members criticized the addition of another "perk" for civil service employment paid by American tax dollars.

A Congressional Budget Office estimation for the bill, released July 16, predicted that its passage would cost the government approximately \$53 million over the next 10 years.

"There is an incredible cost to not passing paid comprehensive leave: Talent exits our federal workforce and sometimes never comes back; when it does come back there are costs to retrain it; there are costs to productivity; there are costs to put in place replacement employees, because people exit the workplace permanently, rather than in a planned and temporary way under a limited set of circumstances," said Rep. Katie Porter, D-Calif.

But Republicans questioned the validity of CBO estimates and their lack of USPS cost calculations, arguing that federal employees can already use advance sick leave to take time off to care for themselves or a loved one.

Sick leave available to federal employees does not have the level of flexibility offered by this paid leave legislation. A federal employee would have to work nearly five years without taking a single sick day to accrue the same amount of leave as guaranteed in the bill. And though an employer may grant employees sick leave in advance before they earned that time, that advance is capped at 30 days, meaning that the employee

must still have worked full time without using a sick day for nearly 2.5 years to reach the same level of time off included in the bill. That employee would also not be able to get any more sick days for the rest of that year.

The legislation would expand the use of such leave to cover the deployment of a military family member, grief from a miscarriage or stillbirth, and recovery from surrogacy, which are not directly outlined in federal sick leave.

But Rep. James Comer, R-Ky., criticized the shift from a Republican approach to federal employment under Donald Trump to the Biden administration that, “rather than holding federal employees accountable, they want to protect poorly performing federal employees while dramatically increasing their benefits.”

“Frankly for the last decade, my Republican friends on the other side of the aisle, especially when they’re in the majority, never missed an opportunity to demonize the federal employee,” said Rep. Gerry Connolly, D-Va.

“They’re not public servants, they’re ‘bureaucrats.’ They don’t have a benefit package, like other employees around America, they have ‘perks.’ The language is deliberate to demonize federal employees, to somehow make them fat bureaucrats who don’t do a job.”

The committee did unanimously approve some pieces of federal-focused legislation Tuesday that would enable inspectors general to continue working in the event of a shutdown and would instruct OPM to establish occupational series for federal positions in software development, software engineering, data science and data management.

The committee also passed another contentious bill that would bring administrative law judges back under the competitive service classification, rather than the excepted service that they moved to under a Trump administration executive order.

“For decades, ALJ’s were previously hired through a competitive service appointment process that was administered through the Office of Personnel Management. Because this process was run by an agency that was considered independent of the hiring agency, it helped to ensure that the pool of available ALJ’s was both qualified and impartial,” said Connolly.

“In July of 2018, however, executive order 13843 removed them from the competitive service and placed them in the excepted service, outside the reach of normal hiring and employment protections and not subject to requirements for minimum qualifications.”

Under that legislation, agencies would once again hire ALJs from a pool of qualified candidates established by OPM, and those qualifications would include a license to practice law and at least seven years of experience administering law.

Sourced from [Federal Times](#).

FEW Washington Legislative Update – July 15-31, 2021 Tier II

Post-Pandemic Telework

The Office of Personnel Management (OPM) last week issued new guidance encouraging agencies to revise their telework policies once they reopen following the COVID-19 pandemic, with an eye to expanding its use, better managing performance of teleworkers, and opening up the possibility of permanent remote work for some positions.

The guidance comes following news that the U.S. Government Publishing Office (GPO) will offer full-time telework, including remote work for employees outside the Washington, D.C., area once it reopens. GPO officials said they found that the agency's maximum telework stance during the pandemic improved productivity and employee engagement, and expanding its use could improve performance and retention, and attract new employees from across the country.

OPM's guidance stressed that telework policies should incorporate considerations regarding how it might improve agencies' ability to recruit and retain workers, and suggested offering remote work to employees on a case-by-case basis. Under remote work, employees could live outside the commuting area of their agency—earning locality pay based on where they live.

OPM also urged agencies to rethink policies that bar federal employees from teleworking while caring for a dependent child, and instead offer teleworking parents "maxiflex" schedules that allow employees to juggle work and home responsibilities without taking leave.

"In many instances, these policies assume a rigid adherence to specific work hours," the guidance stated. "Agencies may want to consider offering teleworking employees with dependent care responsibilities a maxiflex work schedule, which is a type of flexible work schedule that, when combined with telework, provides the most flexibility to employees who need to address the dual demands of work and caregiving, as well as other personal responsibilities."

The federal government's HR agency said that additional guidance on telework, and a detailed guide to developing remote work policies, would be published in the coming weeks.

Sourced from [Government Executive](#).

FEW Washington Legislative Update – July 15-31, 2021 Tier III

Equal Pay:

The United States women's soccer team filed its opening brief on Friday, July 30, 2021, in an appeal of their ongoing equal pay lawsuit against the United States Soccer Federation, more than a year after a district court judge dismissed the team's lawsuit.

The news came as the team was in Japan for the Olympics.

"We believe in our case and know our value," Megan Rapinoe said in a statement. "It's time the U.S.S.F. does too."

In the brief, which was filed with the U.S. Court of Appeals for the Ninth Circuit, 28 current and former members of the women's national team argued that the effect of the lower court's decision was to say that women can only earn equal pay to men if they work harder and perform better.

"Anyone who knows this team knows that we do not give up until we win," forward Christen Press said in a statement.

The team is appealing a May 2020 decision by Judge R. Gary Klausner, of the United States District Court for the Central District of California. He threw out the players' arguments that they were systematically underpaid.

U.S. Soccer on Friday, July 30, 2020, echoed its earlier support of the district court judge's decision.

"The District Court rightly noted that the Women's National Team negotiated for a different pay structure than the Men's National Team, and correctly held that the Women's National Team was paid more both cumulatively and on an average per-game basis than the Men's National Team," U.S. Soccer said in a statement.

The legal fight began in 2016, when five top women's players filed a wage discrimination complaint with the Equal Employment Opportunity Commission, the federal agency that enforces civil rights laws against workplace discrimination. The players argued they were being shortchanged in several ways, including bonuses, appearance fees and meal money.

Sourced from [The New York Times](#).

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.