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## FEW Washington Legislative Update July 16-31, 2022

### **In congress:**

On Tuesday, July 19, the Senate held a cloture vote on [a bill to increase domestic semiconductor production and competition](#) by funding manufacturing and scientific research. The \$280 billion bill was passed with a 64-32 vote the following day.

[The Respect for Marriage Act](#) was passed by the House on Tuesday, July 19, when Democrats moved to codify same-sex and interracial marriage. The bill attracted 47 Republican votes in the House and aims to protect the right to marry from being overturned by the Supreme Court.

The Senate proposed [a bill to let Medicare negotiate drug prices](#) for 10 drugs in 2026 and 10 more in 2029, forbid drug companies from raising prices faster than inflation, and cap Medicare recipients' out-of-pocket costs for prescription drugs at \$2,000 a year. The Medicare drug bill would be the most significant drug-pricing legislation since 2003 and has enormous bipartisan support.

### **Diversity, Equity, and Inclusion**

Advocates are calling on the Senate [to create a diversity office](#) similar to the House, saying it would fill a crucial need. The Joint Center submitted testimony to Senate appropriators this year making its case, stating that such an office could help with recruitment and retention in addition to tracking diversity. For now, the Joint Center keeps an eye on Senate staff diversity using what data it can find.

[The U.S. Government Publishing Office \(GPO\)](#) Equal Employment Opportunity office is now the Office of Diversity, Inclusion, and Equal Opportunity. This name change correctly highlights the office's work and responsibilities, including diversity and

inclusion training, dispute counseling, and processing formal complaints. The office wants to reiterate its commitment to providing a safe and welcoming work environment for all branches of government.

On Friday, July 22, the [State Department announced](#) they would be taking action to improve diversity, equity, inclusion, and accessibility (DEIA) efforts in the federal workforce. Some of these actions include altering the foreign service generalist exam process, prioritizing the use of Schedule A hiring authority for individuals with disabilities and disabled veterans, and establishing a program to identify and remove any potential barriers to equal employment opportunities. To get a full composition of the USAID workforce and the barriers to hiring, retention, and recruitment, she and her office have designed a DEIA survey, which they hope to launch soon.

## **FEW Washington Legislative Update – June 15-31, 2022**

### **Tier I**

#### **Schedule F:**

Certain lawmakers are once again making a push that would allow the government to fire bureaucrats more easily. For the third time since 2016, members of the House introduced a bill to make all federal employees "at-will" workers. That means agencies would be able to more quickly remove employees for underperforming or behaving in a manner that goes against federal rules. "My bill would make all federal bureaucrats at-will employees - just like private sector workers - and claw back the inordinate protections some federal employees grossly abuse while helping legitimate whistleblowers and victims of discrimination get the justice they deserve.

This would empower federal agencies to swiftly address misconduct and remove underperforming employees, creating a workforce that once again serves the American people," said Rep. Chip Roy (R-Texas). The bill would abolish the Merit Systems Protection Board (MSPB), an entity created to protect federal workers against partisan political practices by hearing employee appeals. The legislation would make it harder for federal employees to appeal firings on the basis of retaliation or discrimination.

Previous iterations of the bill, which were introduced during the Trump administration, all failed to pass Congress. Those bills did not go so far as to completely abolish the MSPB, but rather limited what could be appealed to that board under the new bill, employees would get 14 days notification of their proposed termination. An agency official, who is not the one who proposed the original termination, would review the

proposed firing and may conduct a hearing. From there, the deciding official will determine if the termination will proceed. The final decision cannot be appealed except by the president. Federal employee advocates spoke out against bills like Roy's in the past. In 2016, the National Federation of Federal Employees issued a statement against making federal workers at-will employees.

"The due process protections federal employees receive were established with the specific purpose of increasing government efficiency and protecting against political patronage systems," the organization wrote. "It would allow for federal managers to fire any employee at any time for any reason. Anything from a disagreement over sports allegiances to ideological differences, leaving the terminated employee no option for appeal. Worse yet, managers could fire entire departments only to replace employees with friends and families."

The bill is unlikely to make it into law due to the members being in the minority in both legislative houses.

Sourced from ([Federal News Network](#))

### **EEOC:**

The National Academies of Sciences, Engineering, and Medicine concluded that the EEOC's Pay Data Collection Completed in 2020 Could be Used to "Prioritize Investigations and the Allocation of Resources".

On Thursday, July 28, the National Academies of Sciences, Engineering, and Medicine (National Academies) issued a report regarding the EEOC's historic, first-time collection of pay data from certain private employers and federal contractors completed in 2020. The study found that the data EEOC collected may be used effectively to help identify pay discrimination and offers short-term and long-term recommendations for improving pay data collection by the agency if undertaken in the future.

The study found that the data the EEOC collected is unique and no other federal data collection captures the same information from private-sector employers. Therefore, collecting pay data is necessary to assess pay practices and differences in compensation by sex, race, and ethnicity.

Pay data would enable the EEOC to pursue a more data-driven approach to the investigation and resolution of discrimination charges and could be used to help

prioritize investigations and the allocation of resources; identify systemic discrimination; and analyze national, regional, and industry-based pay gaps.

To improve the EEOC's ability to enforce the law and address pay disparities, the EEOC should expand and strengthen its data collections. The study recommended several short- and long-term improvements that would not only enhance the reliability of any future pay data collection but would also make it easier for employers to produce the information.

EEOC Chief Data Officer Dr. Chris Haffer said, "The report released by the National Academies today is a scientifically sound body of work. Its comprehensive analysis and data-driven recommendations provide strategic direction for how to improve the collection of compensation data and align with many of the needs the EEOC has already identified and begun addressing as part of the agency's modernization of its EEO data collections and data analytics."

Because lack of access to pay data has been a longstanding barrier in the efforts to enforce federal laws prohibiting pay discrimination, the EEOC voted in 2016 to collect pay information from certain private sector employers and federal contractors. Although the next Administration stayed the collection of pay data, a federal court rescinded the stay, and the EEOC completed its collection of 2017 and 2018 pay data under court order in 2020.

Given the unique circumstances of the collection and the importance of pay data for enforcement purposes, the EEOC contracted with the National Academies in 2020 to study the pay data collected from private employers, and recommend the most effective uses for the pay data, and identify areas of improvement for future collections. The National Academies Committee on National Statistics (CNSTAT) assembled a distinguished panel of experts with a variety of relevant expertise and perspectives to conduct the assessment. The panel held public meetings to collect input from stakeholders, including worker advocates, employer representatives, and state and federal agencies and held closed internal meetings to allow the panel to deliberate and formulate its final report.

EEOC Chair Charlotte A. Burrows stated, "The study confirmed what we at the EEOC have long known – collecting and analyzing pay data can be a useful tool in preventing and combating pay discrimination in American workplaces...The National Academies' rigorous examination of the Commission's historic first pay data collection validates our efforts to collect and use compensation data to achieve pay equity in our nation."

Sourced From ([U.S. Equal Employment Opportunity Commission Newsroom](#))

## **FEW Washington Legislative Update – July 16-31, 2022**

### **Tier II**

#### **Potential Civil Service Purge**

On Tuesday, July 26, Former President Donald Trump seemed to endorse a plan to strip tens of thousands of federal workers of their civil service protections and fire them at will under the next Republican administration.

An Axios report found that former White House aides are planning to revive the controversial Schedule F, a job classification system that would take current federal workers in “policy-related” positions out of the competitive service, stripping them of civil service protections and making them effectively at-will employees.

Schedule F was authorized via executive order in October 2020, but the Trump administration failed to implement the measure before he left office in January 2021. One of President Biden’s first acts as president was to rescind the edict.

“We need to make it much easier to fire rogue bureaucrats who are deliberately undermining democracy or, at a minimum, just want to keep their jobs,” Trump said.

Those involved in the effort to revive Schedule F told Government Executive that they have identified 50,000 federal employees that could be fired under the proposed new authority, although they hope to fire only a fraction of that total to create a “chilling effect” to keep the rest of them in line.

Schedule F was reviled by members of both parties, as well as good government groups, academics, and federal employee unions when it was unveiled in 2020. But lawmakers failed to act at the time to prevent its implementation, with Republicans and some members of Democratic leadership concluding that it would go away once Trump left office. Some experts warned it would return in some form with the next Republican administration.

Sourced from ([Government Executive - Workforce](#))

**FEW Washington Legislative Update – July 16-31, 2022**  
**Tier III**

**Promoting Women Will Boost Economic Potential:**

Boosting women's participation in the workforce and giving them more leadership opportunities would boost the economic potential of South Korea and the United States, according to U.S. Treasury Secretary Janet Yellen.

Women represented a "huge untapped resource" for both the United States and South Korea, Yellen, the first woman to head the U.S. Treasury, told the women in remarks prepared for delivery during a lunch at a vegan restaurant in Seoul.

The comments come as the Biden administration is fighting to salvage key parts of its domestic agenda, including a funding boost for child care and universal preschool aimed at increasing the participation of women in the workforce.

President Joe Biden had hoped to pass major legislation that would have included such funding along with initiatives to combat climate change and raise taxes on big corporations but has been stymied by the opposition of Democratic Senator Joe Manchin, whose vote is critical in the evenly split Senate.

Yellen told Reuters that increasing access to paid leave and child care remained a priority for the Biden administration, adding: "We're not throwing in the towel on any of it."

In her meetings, Yellen noted that South Korean women are among the most educated in the Organization of Economic Cooperation and Development countries but hold just 20 percent of management roles in South Korea. They are also more likely to be irregular workers and earn 31 percent less than men on average, the highest gap in the OECD, data from the organization shows.

The International Monetary Fund estimates that closing the gender gap in labor force participation could boost South Korea's real gross domestic product by 2035 by more than 7 percent. "Women should be given the ability to stay in the workforce," Yellen said, adding that many Korean women faced pressure to stay home and raise families. Women everywhere were also held back from rising to senior jobs in public service and the private sector - even in advanced economies such as the United States.

A Treasury official said the conversation focused on the challenges of moving ahead in the tech sector while balancing careers and families, a theme echoed during a subsequent meeting Yellen held with women economists from the Bank of Korea.

In her meeting with Bank of Korea economists, Yellen shared her own experiences in the male-dominated profession of economics, and said she was ultimately able to juggle both a family and career because she married a man who "strongly believed in a fair division of labor in our household".

She said she had worked for years to expand the relatively low number of women who studied economics in the United States and pushed to increase the "disappointingly low" number of women in senior roles at the Federal Reserve when she was there.

The economists presented Yellen with a plaque that said her legacy had inspired them to "learn more, do more, and become more".

Sourced from ([Reuters](#))

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