



FEW Washington Legislative Update November 16 - November 30, 2022

In congress:

On Wednesday, November 23, President Biden delegated to the Secretary of State, the direct the drawdown of up to [\\$400 million in defense articles and services](#) of the Department of Defense, and military education and training, to provide assistance to Ukraine and to make the determinations required under such section to direct such a drawdown.

On Monday, November 28, President Biden called on Congress to pass legislation immediately to adopt the [Tentative Agreement](#) between railroad workers and operators to avert a potentially crippling national rail shutdown. The deal provides a historic 24 percent pay raise for rail workers, improved health care benefits, and the ability to take unscheduled leave for medical needs.

On Tuesday, November 29, the Senate passed the bipartisan [Respect for Marriage Act](#). The bill repeals and replaces provisions that define, for purposes of federal law, marriage as between a man and a woman, and the term “spouse” as a person of the opposite sex, with provisions that recognize any marriage that is valid under state law. It also repeals and replaces provisions that do not require states to recognize same-sex marriages from other states with provisions that prohibit the denial of full faith and credit or any right or claim relating to out-of-state marriages on the basis of sex, race, ethnicity, or national origin. Lastly, the bill allows the Department of Justice to bring a civil action and establishes a private right of action for violations.

Diversity, Equity, and Inclusion:

The Consumer Protection Bureau's Union Is Pushing for Better Pay, Fewer Pay Gaps

Leaders of a union representing Consumer Financial Protection Bureau employees are urging management to stop dragging its feet on efforts to eliminate a series of pay disparities at the agency, including between CFPB workers and their counterparts at other financial regulators.

Unlike most federal agencies, the compensation of employees at the CFPB is not tied to the General Schedule, in order to better equip the agency to compete for talent with financial institutions and other regulatory agencies. Unions at the CFPB therefore can bargain with management over pay, unlike many of their counterparts elsewhere in government.

But National Treasury Employees Union Chapter 335, which represents CFPB workers, said the agency's policies have contributed to significant gender and racial pay gaps, and the agency has failed to meet its legal obligation to keep pace with other regulators like the Federal Reserve Board on pay. The Dodd-Frank Act, which established CFPB, requires that the agency's compensation be "comparable" to that of employees at the Federal Reserve.

The union conducted an internal study of CFPB compensation in 2020, and found that Black employees were paid a median \$20,000 per year in base pay less than their white counterparts. And racial pay gaps were exacerbated when accounting for gender as well—Hispanic women made around \$18,600 less per year than White men, compared to an overall Hispanic base pay disparity of \$16,000.

Catherine Farman, president of NTEU Chapter 335, said that in January 2021, the union reached an agreement with management for the agency to conduct an agency-wide salary review process to ensure that employees with similar experience and job duties are paid the same amount.

"The main [2021] agreement was around getting a bureau-wide salary review and reset, which set out the goal and terms for looking at everybody's salary, evaluating every current employee's work experience and resume, and using that to set salaries under the same pay-setting policy," Farman said. "It takes out the subjective factors that used to be in various versions of the policy, like 'skills,' 'knowledge,' and the haggling that goes on that is completely based on subjective decisions by those folks."

But in the nearly two years since the agreement was reached, the salary review and reset has yet to actually take place. Farman said that there have been numerous delays stemming from issues with the data collection required at the start of the process, chalking much of it up to the fact that initially, CFPB assigned the entire project to one employee.

“The main reason is that there was mismanagement in the Office of Human Capital of our work experience data,” she said. “[They] basically had one person working on it, and they never dedicated the resources necessary to actually do this reset and analysis, and there’s been a lack of accountability and oversight under multiple directors [of the office] to take responsibility. It was just an impossible task for one person.”

Last summer, CFPB finally answered the union’s complaints about the process, brought in additional contractors and the salary analysis process resumed in August. Those delays have hampered ongoing negotiations between the union and management on a new set of pay bands governing the agency, which remains ongoing with the help of an independent mediator.

“Our goals are still equal pay and comparable pay [with other regulators], tackling the pay disparities and racial disparities,” Farman said. “Aside from the racial pay gaps, the other fundamental lack in the current compensation system is comparable pay, which is a specific term laid out in Dodd-Frank and another statute. The statutes on this require us to be paid comparably to the Federal Reserve Board and other federal regulators, but we’re not paid as much as these workers at other agencies, so we regularly have folks leaving for those agencies or otherwise getting poached due to that, and it’s something the bureau’s never addressed.”

According to data compiled by the union, salary bands at the Federal Reserve Board have increased 30.6 percent between 2012 and 2022, while CFPB pay bands have only increased by 1 percent. Although the CFPB agreed to the salary review, Farman said that in negotiations, the agency still has declined to concede that pay gaps exist within the workforce, and has resisted calls to update salary bands to better reflect how much other federal regulators make.

Sourced From: [\(Government Executive\)](#)

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Tier I

Not Many Federal Law Enforcement Officers Are Women. The Marshals Service Is Looking to Change That

The Marshals Service is looking to ease these and other challenges for its female officers with another first: In September, it became the first federal law enforcement agency (and the 200th overall) to sign onto the 30x30 Pledge, a nationwide initiative launched in March 2021 that seeks to increase the representation of women in recruitment classes for law enforcement—a field long dominated by men at all levels—to 30 percent by 2030.

The 30x30 Pledge “is a public symbol of our commitment” to recruiting more women, Marshals Service Director Ronald Davis told Government Executive in a recent interview at his office in Arlington, Virginia. He seeks to ensure “we’re creating an agency and an environment where we actually value that diversity, not to recruit you as a woman, and then turn you into a man.”

The U.S. Marshals Service provides security for federal courts, judges and other court personnel; apprehends criminals; transports prisoners; carries out court orders; seizes assets taken in illegal ways; and protects government witnesses and their families. It is the oldest law enforcement agency in the nation, established as the Office of the United States Marshals in 1789 when President George Washington signed the Judiciary Act and given its current name in 1969.

While it has been home to trailblazing women, it has difficulty recruiting, retaining and promoting females—not unlike that of the other law enforcement bodies the 30x30 initiative was designed to address.

Of the 94 U.S. marshal positions, which are presidentially appointed and Senate-confirmed, three are filled by women. Overall, the agency’s workforce is 25 percent female, according to the most recently available online data from the Office of Personnel Management. This is down from 31 percent in 2002. As for the deputy marshals, just 10 percent are female, up from 8 percent in 2002. For criminal investigators, which are a subset of the deputy marshals, 9 percent are female, down from 12 percent in 2002.

The decreases in female representation over the past two decades have not happened in a vacuum, as female representation in federal law enforcement overall has dropped and then remained stagnant over that time, Cathy Sanz, president of the Women in Federal Law Enforcement, told Government Executive over the summer. The numbers are “kind of dismal,” she said, attributing this to the volatility of hiring surges and freezes in the federal government as well as issues with recruitment.

The Justice Department inspector general reported in June 2018 that it found “women in special agent and deputy U.S. Marshal (criminal investigator) positions consistently reported distinctly more negative perceptions of equity and experiences with differing treatment and discrimination than other staff in the four law enforcement components.”

Furthermore, “these negative perceptions may be influenced by the low percentage of women in leadership and criminal investigator positions, promotion selections that reflect an underrepresentation of women, and the staff view that personnel decisions are based on personal relationships more than merit.”

The IG recommended that each law enforcement component it looked at (the Marshals Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; and FBI) review their recruitment, hiring and retention efforts to find the barriers to gender equity; establish component-level recruiting, hiring, and retention practices to address gender equity barriers; track and analyze demographics of new staff; work to address women’s barriers to advancement in different job types; improve objectivity and transparency of the merit-based promotions process; and address the feelings of stigmatization and retaliation in the Equal Employment Opportunity complaint process. USMS leadership at the time agreed with all of the recommendations.

Female law enforcement officers bring many contributions, such as getting better outcomes for victims of sexual assault and other crimes, according to the 30x30 Pledge, co-run by the Policing Project at New York University and National Association of Women Law Enforcement Executives, in collaboration with other groups. They also are seen as trustworthy by diverse communities and use force less often than men, the group said.

Davis—who started his law enforcement career in 1985 and was sworn in as Marshals Service director in September 2021—said there should be “equal and fair opportunity across the board” at his agency, in terms of promotions and lateral assignments. “The only thing that really should dictate your success, is what you're willing to put into it,” he said. The goal is to be free of “any barriers or obstacles, direct, indirect, real or

perceived, that would prevent someone, especially women, from advancing in the agency.”

To help carry out the 30x30 initiative, the department is in the process of hiring its first-ever chief diversity officer who will help with recruitment, retention and promotion, Davis said.

Additionally, in its budget proposal for fiscal 2023, the agency suggested the creation of a National Recruitment and Strategic Outreach Branch to support its hiring and diversity efforts. (The government is currently operating under a continuing resolution as congressional negotiators have not come to a full year funding agreement yet.)

“Agencies in the 30x30 network are supported to work on pledge activities over a two-year period,” said a fact-sheet from 30x30. “Activities range from data analysis and surveying personnel to assessing and adjusting hiring, promotion, retention processes, and culture. Agencies share progress and challenges with the 30x30 Initiative every six months—feedback that informs additional support for participating.”

Mo McGough, chief of strategic initiatives of the Policing Project and a co-founder of 30x30, told Government Executive that officials with the project are feeling “optimistic” given all of the support the pledge is getting. Over 240 entities have signed on, including state and local agencies.

Biden’s executive order issued this past spring on reforming policing really aligns with this initiative because it seeks to increase diversity of officers, McGough noted. The Marshals Service has set an example that could prompt other federal agencies to join the pledge, she said.

So far, Customs and Border Protection has also signed on, and the Bureau of Alcohol, Tobacco, Firearms and Explosives has made a verbal commitment. The group is in conversations with seven other federal agencies, McGough added.

Additionally, the Homeland Security Department, which houses CBP, launched the “30x23” initiative in December 2021, which seeks to boost the representation of females among new hires for law enforcement positions to 30 percent by 2023, Kym Craven, executive director of the National Association of Women Law Enforcement Executives and director of the Public Safety Strategies Group LLC, told Government Executive.

Sourced From: [\(Government Executive\)](#)

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Tier II

Everything You Need to Know for Open Season 2022

It's Open Season for employees that participate in the Federal Employees Health Benefits Program. Participants have until Dec. 12 to make changes to their health plans for 2023.

The employee share of premiums will jump 8.7 percent in 2023, the biggest increase in 10 years. When OPM released the new rates in September, agency officials attributed the jump in premiums to the “unprecedented volatility” in healthcare costs due to COVID-19, noting that the pandemic cost FEHBP about \$2 billion in the testing and treatment of the disease in 2021.

Still, premium changes can vary between plans, and enrollees should double-check to make sure their plan is right for them and their families. Fewer than 2.5 percent of federal employees change their health plan during Open Season. Even if you are happy with your current plan, it may change in 2023 with the increase in premiums.

Below are links to some of GovExec's 2022 Open Season coverage, so you can quickly find advice and information about your health benefits.

[Open Season Checklist](#): Even if you think you do not want to change your health benefits, it can still be helpful to review all the details about Open Season. This checklist will help you confirm if your health plan is still best for you and your family.

[Medicare and Open Season](#): The basics of Medicare, and how it interacts with FEHBP.

[OPM Director Urges Enrollees Not to Leave Savings on the Table](#): OPM Director Khiran Ahuja warned employees in October that they could be leaving thousands of dollars on the table this Open Season, along with resources enrollees can use to save money.

[Annual Insurance Checkups](#): Resources to make educated decisions about your insurance this Open Season.

[Open Season To-Do List](#): Comprehensive steps to take during Open Season.

[Flexible Spending Accounts](#): The FSA allows employees to contribute pre-tax dollars for health care expenses and more. Learn how the health care FSA works.

[A Closer Look at 2023 FEHBP Premiums](#): Information on changes to popular plans, which plans increased or decreased the most, and more.

Sourced From: ([Government Executive](#))

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Tier III

A record number of women will serve in the next Congress

A record number of women will be elected to Congress this year, CNN projects – but barely. READ: “Women’s Congressional Policy Institute 2022 Election Wrap-Up” [here](#).

The 149 women who will serve in the US House and Senate in the 118th Congress will expand the ranks of female representation by just two members above the record set by this Congress.

Alaska carried women across that threshold when the state determined through its ranked-choice voting system that Rep. Mary Peltola, a Democrat, will represent the state’s at-large House seat for a full term after winning the special election earlier this year, while Sen. Lisa Murkowski will win reelection.

Women will break an overall record in the House, with 124 taking office in January. Not only will women of color break records in the 118th Congress, but within the House alone, there will also be a record number of both Latinas and Black women. There will be four more Latinas in the House for a total of 18 – the most ever – and one more Black woman, bringing their total from 26 to 27.

More than half of the incoming class of 22 freshman women in the House will be women of color, showing the increasing diversity of that chamber.

“We’ve seen a pretty steady increase in the racial and ethnic diversity of women as candidates, nominees, and then officeholders at the congressional level, but more specifically, in the US House,” said Kelly Dittmar, director of research at the Center for American Women and Politics at the Eagleton Institute of Politics at Rutgers.

“That diversity is still hugely lacking in the US Senate. ... We’re seeing stasis there in terms of the number of women of color overall. The number of Asian and Latino women

specifically will stay the same, and the number of Black women will stay the same at zero.”

Rep.-elect Sydney Kamlager of California is one of those new voices coming to the House. A state senator, she was elected to replace retiring Rep. Karen Bass, who will become the first female mayor of Los Angeles. Kamlager said while she is excited about the diversity of the freshman class, there is still a long way to go.

“I think folks have to stop giving lip service to Black women and brown women and put the money where the mouth is. The fact remains that Black and brown women face higher barriers of entry into this work than other women and men,” the Democrat said. “When we run, our contributions are less oftentimes than men. We are held to higher and double standards,” she added, noting that female candidates are still often asked why they are not “home taking care of your husband or your children.”

“Folks are OK with a mediocre male candidate but expect the female candidate to be off the charts,” she said.

Rep.-elect Yadira Caraveo, a Democrat, is the first Latina elected to Congress from Colorado. A state representative and the daughter of Mexican immigrant parents, she’ll also be just the second female doctor who’s a voting member of Congress. (The first, Democratic Rep. Kim Schrier, won reelection in Washington state.)

“Kind of sad that it took until 2022,” Caraveo said, reflecting on both milestones.

Her experience in medicine and state politics, she said, prepared her for having to work harder to get “less credit” than her male counterparts.

“It is, unfortunately, something that I’ve seen throughout my time, both in medicine and in politics, and, sadly, a challenge that one gets used to, in some ways, but also, in other ways, continues to be painful,” said Caraveo, a pediatrician.

“Even members of my staff, you know, as they came on board, really noted the different way in which I was treated or perceived as a woman of color compared to some of the other candidates that were able to more easily get meetings or support from different groups,” she added.

Sourced From: ([CNN](#))

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