



FEW Washington Legislative Update November 16-30, 2023

In Congress:

On Thursday, November 16, President Biden signed [a temporary spending bill](#) a day before a potential government shutdown, pushing a fight with congressional Republicans over the federal budget into the new year, as wartime aid for Ukraine and Israel remains stalled. The measure passed the House and Senate by wide bipartisan margins, ensuring the government remains open until after the holiday season, and potentially giving lawmakers more time to sort out their considerable differences over government spending levels for the current budget year.

On Tuesday, November 21, Reps. Don Bacon (R-Neb.) and Jasmine Crockett (D-Texas) [introduced the READINESS Act](#) that if enacted, would provide more job flexibility to the spouses of both active-duty military members and Foreign Service officers. The bipartisan legislation presents several options to military spouses working in government. Upon a military relocation, they would be able to seek an individual determination from their employing agency about whether they can temporarily work remotely, be relocated to an area within commuting distance or be transferred to a comparable job at another agency.

On Wednesday, November 29, House Natural Resources Committee Chair Bruce Westerman (R-Ark.) and Ranking Member Raul Grijalva (D-Az.) introduced bipartisan legislation that would expand access to outdoor federal lands and parks. [The Expanding Public Lands Outdoor Recreation Experiences \(EXPLORE\) Act](#) would take steps to improve broadband connectivity on public lands and waters, update infrastructure and improve access for visitors with disabilities.

Diversity, Equity, and Inclusion:

How Diverse are the Executives, Managers, and Supervisors Working in Government?

Despite a massive push to advance diversity, equity, inclusion and accessibility in the federal workforce, new findings from the Equal Employment Opportunity Commission (EEOC) show that the road ahead is still a long and tough one.

Specifically for women working in the federal government, the topline numbers look much different than they do when you slice the data by specific demographic groups.

“The barriers faced by different groups of women are sometimes hidden in larger data,” Dexter Brooks, associate director of EEOC’s Office of Federal Operations, said in a statement.

Compared with the nationwide workforce, certain minority groups of women are relatively better represented in numbers in the federal sector. For example, American Indian and Alaska Native women comprise 0.8 percent of the federal workforce, more than double their representation in the nationwide workforce. African American women make up 11.7 percent of the federal workforce, and just 6.6 percent of the nationwide workforce.

But notably, three of EEOC’s latest reports reveal that these demographic groups, as well as Hispanic and Latina women working for the government, are behind in two key areas: pay and leadership positions.

“This is where we start seeing that they are underrepresented as executives, managers and supervisors compared to representation in the federal sector overall,” Mxolisi “Mike” Siwatu — whose research focused on American Indian, Alaska Native and African American women in government — said in an interview with Federal News Network.

African American women, for instance, represent 7.3 percent of all executives in government, while women overall comprise 38.5 percent of federal executives.

African American women in the federal workforce:

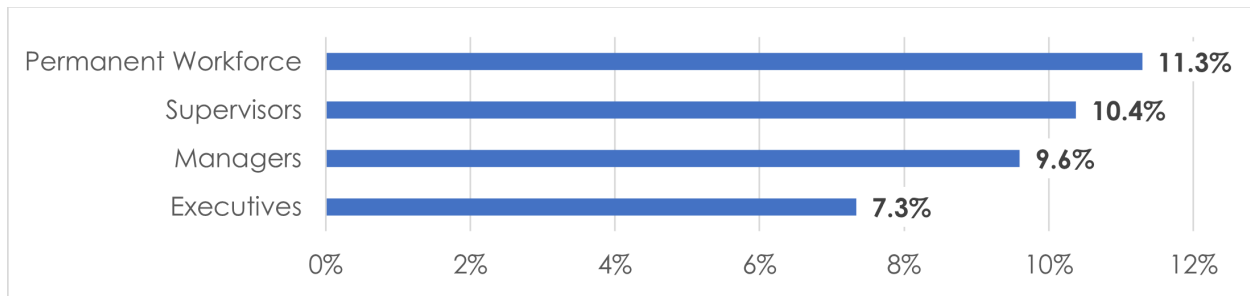


Image from Equal Employment Opportunity Commission 2023 report: African American women in the federal sector.

Women overall in the federal workforce:

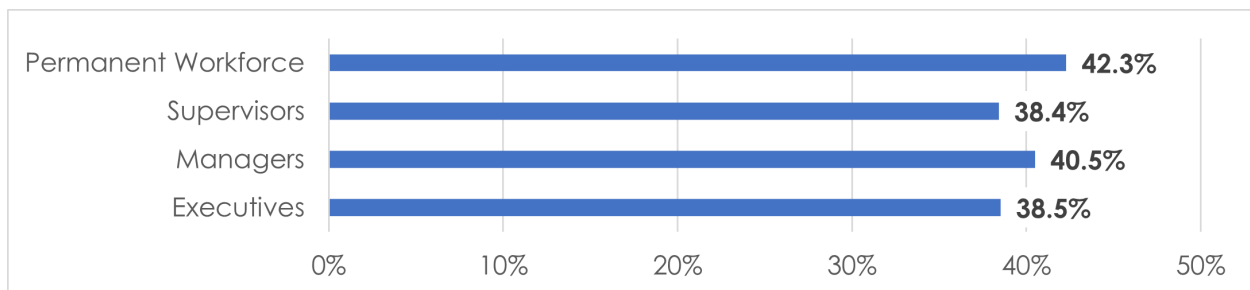


Image from Equal Employment Opportunity Commission 2023 report: African American women in the federal sector.

“Line employees, supervisors, managers and executives have different levels of influence and responsibility in the workplace,” the EEOC report said. “Participation in supervisory, managerial and executive positions is one way to measure workforce advancement.”

The findings, however, were slightly different for EEOC’s report on Hispanic and Latina women in government.

“Hispanic women and Latinas are underrepresented in the federal workforce,” Karen Brummond, author of EEOC’s report on Hispanic and Latina women in government, said in an interview. “While they made up 6.2 percent of the civilian labor force nationwide, they only accounted for 4.5 percent of federal employees.”

Aside from general underrepresentation of Hispanic and Latina women, some levels of leadership positions are seeing more positive trends than others for that demographic group.

“Hispanic and Latina women held first line supervisory positions in the federal agencies at a higher rate than their participation in the federal workforce,” Brummond said. “But like American Indian and Alaska Native women and African American women, they were underrepresented in the higher leadership positions — they were underrepresented as managers and executives.”

The workforce challenges for these groups don’t end at leadership representation either. African American women generally earn less in overall salary. Specifically, they make about \$26,200 less than all federal employees, and \$22,800 less than all women.

Similarly, American Indian, and Alaska Native (AIAN) women working in government earn less, on average, than American Indian and Alaska Native men, women overall and employees overall.

Wage amounts paid above American Indian and Alaska Native women in government:

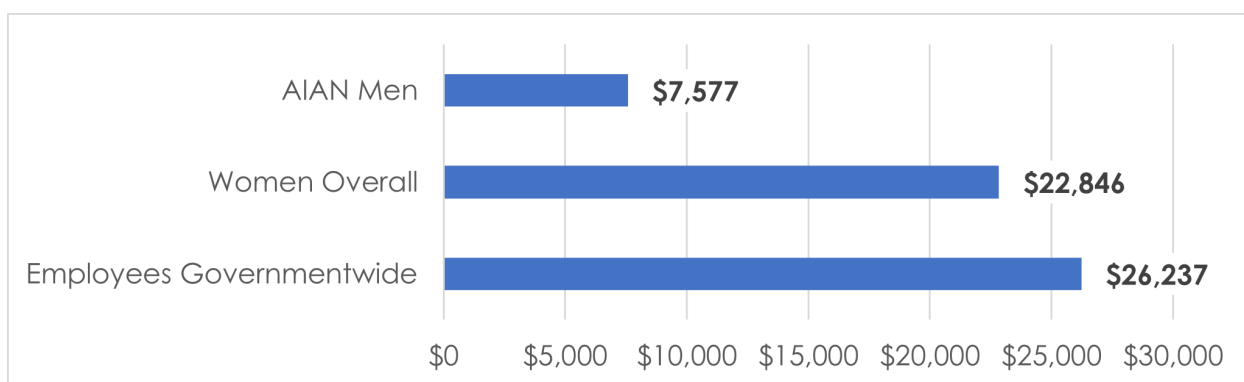


Image from Equal Employment Opportunity Commission 2023 report: American Indian and Alaska Native women in the federal sector.

Hispanic and Latina women working for the federal government also experience a pay disparity compared with other, larger sectors of the government’s workforce.

“We do see a substantial gap,” Brummond said.

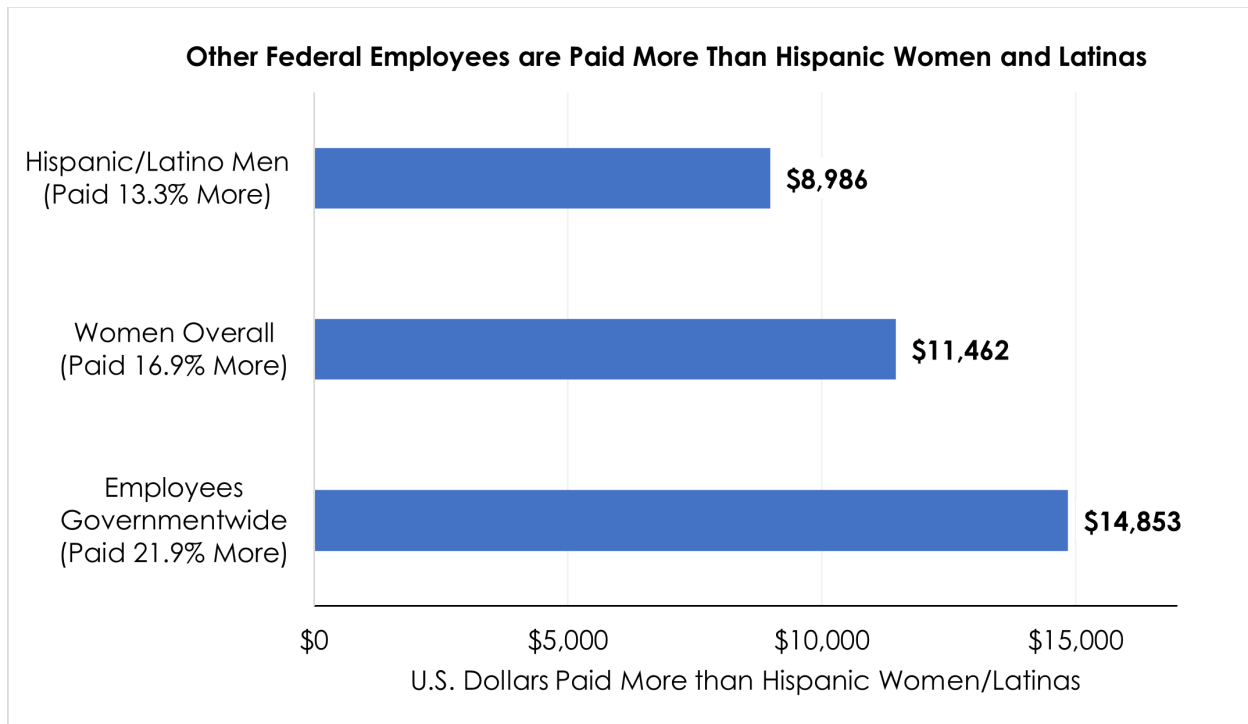


Image from Equal Employment Opportunity Commission 2023 report: Hispanic women and Latinas in the federal sector.

In general, the gender-based pay gap has improved pretty dramatically over time. The current 5.6 percent average pay gap is significantly smaller than it was 30 years ago — 24.5 percent.

In other words, women currently make 94.4 cents for every dollar men make in the federal workforce.

The gender pay gap in the federal sector is also smaller than the current 16 percent gap in the private sector.

Of course, despite improvements, racial and gender-based pay gaps are still prevalent in the federal workforce. Figuring out where exactly the remaining pay disparities come from is complicated. The General Schedule, the government's pay system for about 1.5 million federal employees, is relatively stringent and, to some extent, can hedge against gender-based pay gaps more so than the private sector.

But the rigidity of the General Schedule pay system is also a double-edged sword. According to federal pay experts, in addition to helping move the government toward smaller racial and gender-based pay gaps than the private sector, the pay system can cause persistent pay inequity in the federal workforce as well.

Previous research from the Government Accountability Office in 2017 found that differences in occupation tend to explain the current racial and gender-based gaps, but EEOC experts said more research is necessary.

“Within the federal government, we do still find persistent disparities across the groups with respect to pay,” Siwatu said. “Currently, we don’t have an explanation for why that’s the case.”

In fact, GAO attributed much of the government’s gender pay gap to “unexplained factors,” such as promotions and career choices, which it can’t entirely measure.

Discrimination can play a role, too, GAO has said. Whether they’re conscious of it or not, agencies may tend to choose women for certain occupations and men for others.

In May, OPM took a step to try to close that pay gap a little further. Looking eventually to fully close the gender-based pay gap in the federal workforce, OPM proposed a rule that would bar agencies from using a federal job candidate’s previous salary history when setting pay as part of an employment offer. The proposed rule is still making its way through the federal regulatory process and has not yet been finalized.

There were other factors measured in the EEOC reports, but Siwatu said the top two most telling factors were pay gaps and drop-offs in leadership positions. But getting to the root cause will take further research.

“We see that the pay gaps are there now — we acknowledge that as an emerging issue,” Siwatu said. “Then it becomes a question of why is that there, and what to do about it.”

Sourced From: [\(Federal News Network\)](#)

FEW IN ACTION – November 16-30, 2023

FEW joins NARFE in the advocacy efforts in the ongoing fight to repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO).

The House Committee on Ways and Means Subcommittee on Social Security held a crucial field hearing on Monday, November 20, to address the profound impact of WEP and GPO on public servants.

This hearing is a significant step forward in the relentless pursuit of justice. It is imperative to emphasize the importance of repealing these unfair provisions that have negatively affected the Social Security benefits of over two million federal retirees.

The subcommittee heard oral testimonies from Louisiana retirees that highlighted the real-world effects of WEP/GPO on state and municipal levels, underscoring the severe financial hardships these provisions impose. Witnesses shared moving stories of how WEP/GPO has substantially reduced their Social Security benefits, leading to difficult decisions such as cutting essential living costs, including some basic or modern necessities like internet access. Some even sought part-time employment due to these financial challenges. The hearing reiterates that public servants should not suffer for dedicating their careers to serving their communities.

Reminder: Visit the [Legislative](#) focus area on the [FEW website](#) and go to the [Action Center on Voter Voice](#) to contact your Representatives on the bills that FEW supports!

The latest legislative progress report shows that **The Social Security Fairness Act of 2023**, [H.R. 82/S. 597](#), [H.R. 82](#), currently boasts 300 co-sponsors in the House, and S. 597 is gaining momentum in the Senate with 39 co-sponsors.

An Update on Co-sponsors for the **Comprehensive Paid Leave for Federal Employees Act** ([H.R. 856/S. 274](#)) has added additional co-sponsor on each bill.

- **38** co-sponsors in the House, **12** co-sponsors in the Senate.
 - *Converts unpaid caregiving and medical FMLA leave to paid leave for federal employees (parental is currently paid)*

FEW Washington Legislative Update – November 16-30, 2023

Tier I

Open Season: You Really Ought to Review Your New Benefit Choices For 2024

We're now smack dab in the middle of Open Season. That means there is still plenty of time to review your current federal health benefits selections—and maybe, just maybe—save a lot by switching things up a little for 2024.

With over 150 health insurance plans to choose from, many changing year-to-year—in premium prices and coverage—still the vast majority of feds do not seriously review their options. While not everyone should change their plans, with so few—less than 5 percent of feds—actually electing to make any change, according to the Office of Personnel Management (OPM), “our [federal] workforce could be leaving behind valuable savings.” As OPM Director Kiran Ahuja puts it, “Federal employees and annuitants should take advantage of Open Season to conduct a wellness and financial check-up for their health care coverage to ensure they are getting the most from their benefits.”

So, never mind what you didn't do yesterday. Now through midnight on December 11, you still have time to review and select (or not) new options under the Employees Health Benefits program, the Federal Employees Dental and Vision Insurance Program—or to make use of a Federal Flexible Spending Account Program.

The National Active and Retired Federal Employee Association (NARFE) points out that for 2024, the average fed's premium costs will go up substantially in 2024—by 5.8 percent. “Growth in health care costs typically outpaces inflation in the rest of the economy, and this year is no exception,” William Shackelford, NARFE's national president, warns in a recent statement.

Paul Fronstin, who directs the Health Research and Education Program at the Employee Benefit Research Institute, has done extensive research into the ways well-considered insurance choices can save families “hundreds—even thousands—of dollars in a given year.” He urges federal employees to not let Open Season slip away without at least reevaluating their benefits choices—especially health insurance.

“You shouldn't let the opportunity go by,” Fronstin tells Government Executive. “Even if in the end it makes sense not to change your current plan, it also makes sense to be sure the plan you have from last year is still the one that makes sense for you.”

Maybe your family situation has changed—you'll be welcoming a new child or have one leaving your health plan. Maybe aspects of your existing health plan or your healthcare providers who currently honor it have changed. "Or, maybe, your own health status—and what you need to do about it, tests, possible treatments—this coming year has changed," he adds.

"These important health insurance choices are definitely not only about getting older," he says. "Things happen—and they can happen to anybody at any time. That's why we have insurance—and need to choose the right insurance for us. Maybe you or someone in your family has been recently diagnosed with diabetes or heart disease. Or maybe there's a health status change from an accident or a sports injury—and soon there will be a need for physical therapy."

The point, Fronstin says, is all feds need to take a look at next year's plans, and "consider the tradeoffs. And the big tradeoff on the table every year, of course, is weighing plans that lower premiums versus the higher deductible such plans entail."

The goal is to find that plan that hits the right spot for your family—the best price that still covers your expected needs.

"Of course, it can be an educated guess, a bet—sure," Fronstin says. "But don't dismiss it—in fact, it's an informed or educated decision, one you owe it to yourself and your family to make."

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

FEW Washington Legislative Update – November 16-30, 2023 Tier II

OPM Finalizes New Locality Pay Areas Ahead of 2024 Pay Raise

The Office of Personnel Management (OPM) last week finalized a series of revisions to the map of locality pay areas, meaning that come January, around 33,300 federal employees will begin to see larger annual pay increases.

Last December, the President's Pay Agent, which is made up of OPM Director Kiran Ahuja, Office of Management and Budget Director Shalanda Young and Acting Labor Secretary Julie Su, approved the creation of four new locality pay areas, as well as a comprehensive update to incorporate recent OMB changes to the map of metropolitan

and combined statistical areas. After years of debate, the pay agent opted to take an approach whereby locations added to OMB's map were likewise added to existing locality pay areas, while areas that were removed from OMB's map were held harmless, remaining in their current locality pay area.

In a final rule published to the Federal Register last week, OPM officially implemented those changes. Beginning in January, the list of locality pay areas will include Fresno-Madero-Hanford, Calif., Reno-Fernley, Nev., Rochester-Batavia-Seneca Falls, N.Y., and Spokane-Spokane Valley-Coeur d'Alene, Wash.-Idaho. A non-exhaustive list of additions to existing locality pay areas stemming from the OMB map update can be found [here](#).

But in its filing, OPM reported that some members of the public were confused by its summary of locality pay area changes as published in its proposed regulations on the topic last June and said it would publish a more comprehensive list of changes in the coming weeks.

"A number of comments reflected misunderstanding of the proposed rule's geographic definitions of locality pay areas, with some comments indicating a mistaken belief that certain counties actually included in a proposed locality pay area were excluded and that a correction would therefore be needed prior to publication of a final rule," OPM wrote. "[These] comments all expressed concern about locations which, while not listed as individual counties [in the proposed rule], were all included in the MSA or CSA listed for the locality pay area and therefore did not need to be listed as individual counties. OPM plans to post the definitions of locality pay areas at the county level on its website after these final regulations are issued."

The final regulations also add two additional counties—Clallam and Jefferson—to the Seattle-Tacoma locality pay area in Washington state. Although the Federal Salary Council, an advisory body made up of political appointees and officials from federal sector labor unions, had already recommended the two counties' inclusion, the President's Pay Agent had not finished deliberations on the issue when OPM published its regulatory proposal in June.

"Based on the pay agent's review of the council's analysis of those two counties for locality pay in January 2024, the pay agent agrees with the council's reasoning on those two counties," OPM wrote. "[Jefferson] County and Clallam County, Wash., are therefore being included in the Seattle, Wash., locality pay area in this final rule."

The new regulations will take effect December 16, although they will not have a practical impact until the first full pay period of 2024, which begins January 12.

President Biden is set to finalize and implement an average 5.2 percent pay raise—with a 4.7 percent across-the-board increase to basic pay and an average 0.5 percent boost to locality pay—for 2024 next month.

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

FEW Washington Legislative Update – November 16-30, 2023 Tier III

Reports of Agency's Toxic Workplace and Widespread Harassment Lead to Bipartisan Calls for Investigations

The federal government's bank regulator and its leadership are under fire for fostering an abusive culture rife with harassment and discrimination, with key Republicans and Democrats both starting or seeking probes into the alleged wrongdoing.

The backlash began as The Wall Street Journal last week reported incidents of Federal Deposit Insurance Corporation (FDIC) supervisors taking employees to strip clubs, sending lewd photos, engaging in, and discussing sexual acts and taking other actions dating back more than a decade that created a toxic work environment.

Many women quit their jobs over the behavior, according to the report, which found FDIC Chair Martin Gruenberg had bullied employees and helped personally cultivate a culture that allowed harassment and discrimination to fester. Employees also said they often feared retaliation if they reported wrongdoing.

Some Republican lawmakers are now calling on Gruenberg to resign, while members of both parties are seeking further information on his leadership and the environment at the agency. Rep. Patrick McHenry, R-N.C., who chairs the House Financial Services Committee, has launched his own probe into the matter, while Democrats on the Senate Banking Committee, led by Chairman Sherrod Brown, D-Ohio, are asking the agency's inspector general to investigate it. The agency said it has itself hired a law firm to review the allegations.

"Unlike your review, the committee's investigation will focus not only on the alleged widespread and entrenched misconduct and toxic work environment, but whether this

environment impacted the safety and soundness of the banking system,” McHenry wrote in a letter to Gruenberg. “In addition to workplace culture and misconduct, the Committee will further investigate your personal conduct and whether it conformed to the standards expected of our banking regulators.”

McHenry added he had concerns over FDIC's capacity to carry out its mission given the workplace issues within the agency and cautioned his committee will use its “full arsenal of oversight and investigative tools, including compulsory mechanisms,” to conduct its investigation.

“The FDIC is committed to being fully transparent and responsive to the requests of the committee,” an agency spokesperson said, though they declined to comment on the accusations.

Gruenberg—who has served on the FDIC board since 2005 and is now on his second stint as chairman—told lawmakers last week he was unaware of the issues within his agency, but conceded a problem clearly existed and such behavior should not have been tolerated. A 2020 inspector general report found FDIC did not have policies and procedures in place for preventing or reporting sexual harassment.

In a letter to the FDIC IG asking for an independent investigation, Brown and his fellow committee Democrats asked for the probe to examine whether alleged harassers ever faced discipline, the 2020 IG report led to any change and other matters.

“The FDIC’s employees play a critical role in ensuring our financial system operates in a safe and sound manner,” the senators said. “It is imperative that the FDIC recruit and retain talented public servants and create a safe and professional work environment. Allowing employees that have engaged in misconduct to stay on the job, while losing talented employees because of the failure to meaningfully address these systemic issues, compromises public trust in the FDIC.”

Sen. Tim Scott, R-S.C., also said he hoped to see an independent review of the matter.

“If the FDIC fails to protect its own employees, how can we trust its mission of ensuring the safety and soundness of our financial system is being successfully carried out?” Scott said.

Caitlin Savino, a spokesperson for the IG, said only that the office received the letter and is “currently reviewing the request.”

On Monday, Republicans on a panel of the House Oversight and Reform Committee launched their own investigation into the alleged behavior.

“On the heels of several bank failures which shook confidence in the banking system and led the Biden Administration to take unprecedented steps to contain further panic, the allegations of a culture of tolerating harassment at the FDIC weakens the credibility of your agency,” Reps. Lisa McClain, R-Mich., and Andy Biggs, R-Ariz., wrote in a letter to Gruenberg.

They asked for all records relating to complaints and investigations into inappropriate behavior by FDIC employees, information from a law firm investigating the claims, related communications from FDIC human resources, documents from Gruenberg's office and a list of employees reassigned due to sexual harassment allegations.

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

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