



NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



NFFE-IAM Opposes a Federal Employee Pay Freeze, and Supports the Federal Adjustment of Income Rates (FAIR) Act (H.R. 1073/S. 426)

Position: Federal employees have sacrificed a tremendous amount in the name of deficit reduction in the last decade. They were forced to accept frozen pay from 2011 - 2013. Since then, annual adjustments have ranged between 1% and 2.1%, but the annual adjustments have lagged far behind private sector wage increases in the same time period. Years of substandard pay adjustments has led to federal workers making an average of 31% less than private sector workers performing the same jobs, according to the Federal Salary Council. This is unsustainable. The Federal Adjustment of Income Rates (FAIR) Act (H.R. 1073/S. 426), introduced in February of this year, would provide federal workers with a modest but much-needed 3.6% average pay adjustment in 2020. Since 2011, federal employees have sacrificed over \$195 billion in the name of deficit reduction. Federal workers deserve an adequate pay adjustment. NFFE strongly *supports* the FAIR Act.

If the 35-day partial government showed us anything, it demonstrated that **a high percentage of federal employees live paycheck to paycheck**. The country witnessed firsthand the panic and desperation of hundreds of thousands of federal workers as they struggled to pay for rents, mortgages, medications, heating, childcare, and food. While some in Congress mischaracterize federal workers as over-paid, the shutdown demonstrated that clearly is not true. The 31% pay gap that favors the private sector is factual, and any disruption in pay or annuities to federal families is devastating. Public servants deserve better. At minimum, they deserve fair pay.

After three consecutive years of pay freezes followed by meager annual adjustments, federal workers have seen their incomes decrease by nearly 15% with respect to inflation over the past decade. Yet, the Trump Administration continues to order pay freezes. Based on data collected by the Bureau of Labor Statistics that was reported by the Office of Personnel Management, private sector workers continue to have a significant salary advantage over federal employees. This advantage has grown significantly in the last decade. This ballooning pay gap not only frustrates the federal workers at many of our critical government agencies, but it also discourages younger job-seekers from looking towards the federal government for stable, competitive employment.

In 2005, the President's Pay Agent reported that the public-private pay gap was just 13%. Today, the federal pay gap stands at 31%. So, federal workers have lost 18% of pay relative to the private sector since 2005, and the methodology to calculate these gaps has been virtually unchanged. To keep our country on a sustainable path forward, federal agencies and departments must be able to recruit and retain a qualified and talented workforce. Providing inadequate pay adjustments year after year makes this difficult, if not impossible, to accomplish. As a result of the squeeze on federal workers' pay, morale in the federal workforce has fallen dramatically, and critical services to the American people are suffering.

Federal employees have made significant financial sacrifices in the name of deficit reduction - nearly \$100,000 per federal employee - which is hurting communities where federal employees reside across the country. This effects every congressional district and state. **Support a 3.6% or greater pay increase for FY20 (H.R. 1073, S. 426)** consistent with the Federal Adjustment of Income Rates [FAIR] Act of 2019, sponsored by Rep. Connolly in the House and Sen. Schatz in the Senate.



NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



NFFE-IAM Opposes Further Cuts to Federal Employees' Retirement Security; and Supports the *Federal Employee Pension Fairness Act*

Position: In a shocking affront to working Americans, the White House budget proposal for FY 2020 *again* requests devastating cuts to federal employee retirement, including cuts to the annuities of current retirees. Without any meaningful fiscal logic, the Administration proposes the elimination of COLAs, a 6% increase in retirement contributions without an annuity increase, elimination of the FERS social security supplement, lower annuities based on 'High 5' calculations, lowering the rate of return on the TSP G Fund, and increasing FEHBP employee contributions (on top of the current average annual premium increase of 6.5%). Together, these cuts will take \$200 to \$300 billion more from federal employees, retirees, and their families over the next ten years. NFFE-IAM strongly *opposes* these measures.

Congress has established a four-tiered pension for federal employees – CSRS and 3 different FERS systems. This means workers hired in 2013 unfairly pay 2.3% more than original FERS employees, and those hired in/after 2014 pay 3.6% more. These increases in employee contributions come with no increase in retirement benefits. In addition, past Administration budgets have attempted to cut pensions, including doing away with the FERS defined benefit altogether for new hires. **NFFE-IAM urges support for the *Federal Employee Pension Fairness Act*** (bill number pending), sponsored by Maryland Representative Anthony Brown in the last Congress to bring federal pension contributions back to pre-2012 levels for all employees.

There are numerous provisions contained in the budget request that would erode the basic financial security of middle-class federal workers, retirees, and their families who live and work in virtually every community and congressional district. These proposals renege on the government's commitments to its current and former employees in exchange for their hard work over long careers. The proposals in the budget would undoubtedly make it harder (if not impossible) for federal employees to have a secure retirement. Federal workers would in effect be required to work for more years, reducing government savings and delaying the career progression of younger employees. In addition, these proposals would undermine our government's ability to recruit and retain an effective and well-qualified workforce to serve our nation's needs by slashing workers' take-home pay and undermining retirement security.

Federal employees have consistently been the target of political attacks from lawmakers seeking to cut government spending at the expense of those who allow the government to function properly. They have been an easy scapegoat for legislators, already having lost \$200 billion in earnings due to pay freezes, pension cuts, and other methods. They have been punished for economic problems they did not create, and singling them out for further pain and sacrifice is not only wrong, but detrimental to the effectiveness and competitiveness of the federal workforce.

Congress must stop this 'race to the bottom' for working Americans. NFFE-IAM *strongly opposes* any further cuts to federal employees' retirement security.



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**NFFE-IAM Supports the Federal Employees Paid (Parental) Leave Act
(H.R. 1534 / S. 1174)**

Position: **The U.S. federal government, unlike many other countries and large private employers, does not provide paid parental leave to its employees. Employees must save accrued annual and sick leave to receive paid time off. While the current practice works for the lucky few who never get sick or take a vacation, it is unrealistic for most. The Federal Employees Paid Leave Act (H.R. 1534 / S. 1174) will promote the values of parenthood and family by providing twelve weeks of paid leave to federal employees who adopt, foster or have a child. NFFE-IAM strongly *supports* the Federal Employees Paid Leave Act.**

Most federal workers are eligible for twelve weeks of unpaid leave under the Family Medical Leave Act. However, if an employee wants to receive pay for any portion of their parental leave, they must use accrued vacation time or sick days, a difficult task for those who are newly employed or have experienced any health problems in the past. This outdated policy does not promote a family-friendly environment and stands in stark contrast with the rest of the industrialized world.

The United States is one of the only industrialized nations in the world that does not offer paid parental leave to all workers. Most countries recognize how important it is for mothers to recover from childbirth and for parents to nurture their children during their most important developmental stages. As the federal government often sets the bar for employee benefits, passage of this bill could inspire other sectors of government and private corporations to offer paid parental leave and bring our country closer to the global standard of paid parental leave.

Offering paid leave will also improve recruitment and retention for federal employees and make federal agencies more competitive. In the coming years, recruitment and retention will be increasingly important as the high rate of retirements continues. While the federal government does not compete with private-sector salaries, the Federal Employees Paid Leave Act will help put the federal government on an equal playing field when it comes to being a family-friendly employer.

NFFE-IAM strongly supports the Federal Employees Paid Leave Act, H.R. 1534 / S. 1174, legislation that will provide twelve weeks of paid leave to federal employees who adopt, foster or have a child. This would ease the burden for parents who are too often forced to choose between their paycheck and their child.



NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



NFFE-IAM Supports the Federal Retirement Fairness Act (H.R. 2478)

Position: Many Americans answer the call to serve on behalf of their country by serving in the federal government as a civil servant. Because the needs of the government change very quickly, it is in the regular course of duty that many workers are hired for seasonal or temporary terms of employment. These seasonal or temporary employees include wildland firefighters during fire season, park rangers during tourist season, civilian personnel to assist the military during special operations, programs and agencies during transitions, and so on.

Often these workers become permanent full-time federal employees, many with years of seasonal or temporary experience to their name but they have no way of counting that time toward retirement. Under the Federal Retirement Fairness Act, these workers have the option to ‘buy-back’ their time as a seasonal or temporary employee, paying the normal retirement contributions plus interest back to the government. Because the employee is paying (plus interest) for this time to count toward retirement, the burden to the taxpayer is minimal. NFFE strongly *supports* the bi-partisan Federal Retirement Fairness Act (H.R. 2478) cosponsored by Rep. Derek Kilmer (D-WA) and Rep. Tom Cole (R-OK).

Over the years, the federal government has used temporary hiring authority to quickly increase the size of its workforce and adapt to fluctuating or short-term requirements in areas such as acquisition and ship maintenance. Many of these dedicated temporary workers ultimately become permanent federal employees and contribute their life’s work to federal service.

Federal employees that began their career as temporary employees aren’t able to contribute the requisite number of years to draw full retirement benefits after 30 years of service. These dedicated workers then face a choice: leave the federal service without full retirement benefits or work longer than their peers to obtain their full retirement benefits. In places like the Puget Sound Naval Shipyard, where people work with their hands, this is a choice between two bad options: Retire without the security you thought you had or put your health at risk by working a few years longer than the rest of your peers in a physically-demanding job.

This has happened for as long as the modern federal service has existed. And, until 1989, federal employees who found themselves in this situation had the option buy back years of retirement contributions to allow for an “on-time” retirement. Unfortunately, that authority expired, leaving folks with no option to obtain full retirement benefits for the amount of years they worked, other than continuing to work past their conventional retirement date. That is simply not fair.

This problem can be solved with minimal burden to the taxpayer. The Retirement Fairness Act would provide federal employees with the ability to retire on time. Specifically, it would allow interested and eligible employees to make additional contributions to their retirement to compensate for the years they worked as temporary employees and did not pay into the federal retirement system. In order to minimize the burden on the taxpayer, the legislation would require payments to include a deposit of 1.3% percent of the base pay for each year and corresponding interest.

It is important that all federal employees have the freedom of choice to retire on time after their years of service if they have made the necessary contributions to do so. This bill simply ensures that all employees, regardless of their initial hiring status, are granted the same opportunity for the same amount of work.



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NFFE-IAM and the FY 2020 National Defense Authorization Act

Position: **The National Defense Authorization Act (NDAA) provides the annual budget and related expenditures for the U.S. Department of Defense. The Act also provides guidance on many important policy changes to federal operations and the workforce. As the 116th Congress begins to debate the NDAA for FY 2020, NFFE respectfully requests the following deliberations:**

Block Efforts to Implement a New Round of Base Realignment and Closures (BRAC) – A BRAC would lead to the loss of tens of thousands of good jobs and devastate communities all across the U.S. NFFE-IAM believes it is premature to approve another round of BRAC until there is a comprehensive and strategic cost-benefit analysis of our overseas bases. A Government Accountability Office (GAO) report showed that the total cost for implementing the 2005 round of BRAC ballooned from the original estimate of \$21 billion to \$35.1 billion (GAO-12-709R). NFFE-IAM urges Congress to deny BRAC authority to the Administration until the proper cost-benefit analysis is fully completed.

Repeal and/or Defund Flawed and Discriminatory “Performance-based” Reductions-in-Force (RIF) – As a result of Section 1101 of the FY16 NDAA, DoD RIF rules diminish both Veterans Preference and seniority in favor of flawed performance ratings. Given that performance rating systems throughout the government have historically been proven to be discriminatory, particularly against women, older employees, and workers of color, NFFE-IAM asks that Congress repeal Section 1101 of the FY16 NDAA to ensure protections for all workers and respect for our veterans in a RIF.

Revert to a One-year Probationary Period for DoD Workers – As a part of the FY16 NDAA, and over the objections of NFFE-IAM, Congress increased the probationary period for DoD workers from one year to two years. NFFE-IAM believes this was a misguided provision that added needless bureaucracy to this process, as 12 months is more than enough time for federal managers to determine if an employee is adequate to continue. If anything, a two-year period is a disincentive for managers to timely terminate poor performers. Repeal the two-year probationary period.

Maintain the A-76 Moratorium until DoD properly provides a cost analysis of outsourcing government functions to contractors – Fortunately, the FY18 NDAA conference report removed Senate language to allow for A-76 privatization competitions absent a DoD inventory of its service contracts. The current A-76 moratorium was put in place after GAO and the DoD IG determined that the DoD could not prove that contracting out government work provided cost savings to the government.

Close the Unfair Accelerated Promotion Program (APP) Donut Hole – The APP has allowed Navy shipyards to compete with the private sector for many years by guaranteeing engineers hired into our four public shipyards at the GS-5/7 levels are eligible for a one-time accelerated promotion to the next higher-grade after successful completion of training. Navy Office of Civilian Human Resources (OCHR) headquarters has stifled fair application of the APP such that workers hired between January 2016 and December 2016 are unfairly left out in the cold. NFFE-IAM requests that Congress close the OCHR loophole and require the Navy to extend the APP to those hired between January and December 2016.



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**NFFE-IAM: Rescind the VA Whistleblower and Accountability Act, and
Support the VA Employee Fairness Act (H.R. 1133)**

Position: **The VA Whistleblower and Accountability Act of 2017 (“Act”) has failed the Department of Veterans Affairs (VA) and more importantly, failed America’s veterans. The Senate initiated an investigation regarding the true impact that the Act has had within the VA. The Act improperly provided the VA with unaccountable authority to review its own actions. The unintended consequence of the Act was to deliver disturbing blows to civil service system transparency and management accountability. The Act does not promote accountability; rather, it allows the concealment of mismanagement and wrongdoing by scapegoating workers and suppressing whistleblowers and critics.**

H.R. 1133, the VA Employee Fairness Act introduced by House Veterans Affairs’ Committee Chairman Mark Takano (D-CA), will restore equal rights to front-line clinicians, including physicians, registered nurses, dentists, physician assistants, podiatrists, optometrists, chiropractors and expanded-function dental auxiliaries. These rights include the right to grieve, arbitrate and negotiate over routine matters including overtime pay, scheduling and reassignments. When used in conjunction with official time, these rights serve as an imperative system of checks and balances against political overreach and mismanagement that compromise veterans’ care.

Why the VA Whistleblower and Accountability Act of 2017 is failing:

- This Act lowered the burden of proof for misconduct to from “preponderance of the evidence” to “substantial evidence,” which under existing case law can be essentially nothing (i.e. the evidence shows there is less than 1% chance you did what you were disciplined for, and it could still be upheld). This invites retaliation and targeting, using misconduct charges for virtually anything without proper justification.
- It erodes collective bargaining rights by shortening the timelines for grievances and shortening the timelines for appeals to the Merit Systems Protection Board (MSPB).
- It eliminates the ability of an MSPB judge to mitigate a penalty proposed by the agency. This is a new restriction of MSPB administrative judges to properly adjudicate.
- It created an internal review board of disciplinary action headed by a political appointee; this appointee need not have any adjudication experience and the office is under IG investigation.
- It effectively suppressed whistleblowers and critics of management officials.
- Even worse, the Act allows for the forfeiture of an employee’s pension under certain circumstances with little proof. This is legally prohibited in the private sector.

How the VA Employee Fairness Act (H.R. 1133) will help:

- It restores systematic protections (not ‘individual employee rights’) against corruption.
- It holds managers and political appointees who oversee the department accountable.
- It helps to prevent retaliation, discrimination, and false disciplinary claims against medical staff.
- It restores collective bargaining, official time, and impartial appeals processes.
- It improves the overall fairness, effectiveness and efficiency of VA care for veterans.

Join Senators Baldwin, Blumenthal, Brown, Hirono, Murray, and Tester in questioning this failed law, and immediately support the VA Employee Fairness Act (H.R. 1133) to start fixing what was broke in the VA.



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NFFE-IAM Supports the First Responder Fair RETIRE Act (H.R. 1256/S. 531)

Position: Under current Office of Personnel Management (OPM) guidance, employing agencies are not required to protect injured Federal Law Enforcement Officers and Firefighters from professional and financial harm after they are injured on duty. The Fair RETIRE Act (H.R. 1256/S. 531) would require agencies to place injured first responders who return to work with injuries into “equivalent positions” as described in 5 USC 8151(b), thereby protecting their employment and retirement status. This is a technical fix to the law.

In addition, the Act will prevent the first responder from losing thousands of dollars from forfeited retirement contributions that were paid by the employee at a higher than standard rate. And, the Act maintains the standard of retirement at age 50 with 20 working years instead of the 30 working years required under non-6c retirement systems. Forcing an injured first responder to potentially work an additional 10 years because they got injured is simply cruel. NFFE-IAM *strongly supports* the First Responder Fair RETIRE Act.

Federal firefighters (FF) and law enforcement officers (LEO) put their lives on the line for America every workday. In acknowledgement of the strenuous and hazardous nature of work, Congress created an accelerated retirement system for these positions to maintain the veracity of the workforce. The hallmarks of this special system (commonly referred to as “6c” for the section of the law it is contained in) is a shorter length of service (20 years) and higher employee contributions to the retirement system. The higher contribution allows an employee to make the same contributions to the system over 20 years as would be made in the standard 30-year timeframe of CSRS/FERS retirement systems to allow for the shorter career length of service.

If a federal first responder is injured on the job, under a glitch in the current law, a supervisor can reassign the injured employee into a non-6c position. Upon doing so, the first responder forfeits and permanently loses thousands of dollars in retirement contributions/benefits and may need to work an additional 10 years in order to retire under the non-6c system, all as a consequence of dedicated service which caused an on the job injury. This glitch in the law also provides unparalleled power and leverage to a local supervisor who can use the threat of reclassification into a non-6c position to wrongfully coerce employees or promote unethical behavior. This kind of authority does not exist anywhere else in government.

While this glitch in the law affects a very small number of injured first responders (most are simply reassigned into 6c positions), when a supervisor places these employees into non-6c positions—often without merit—the results can be devastating. This legislation is supported also by **the Federal Law Enforcement Officers Association (FLEOA)** and the **International Association of Fire Fighters (IAFF)**.

How the current law harmed real-life first responders who return to work after injuries:

(continues...)

- Greg, a disabled veteran, got his first appointment with Forest Service in 2001 as a Recreation Technician. In 2004, he applied for and received a Law Enforcement Officer position. He was injured in the line of duty. In 2013, he was deemed unable to perform the duties of his position. He was assigned to a fleet management position. He lost his 6c retirement and nine years of extra contributions into the 6c system.
- Bob, a smoke jumper, was assigned to fires in the Selway Bitterroot Wilderness area. After he jumped, the wind suddenly changed and he was taken into the top of a 120-foot tall Grand Fir tree. As trained, Bob started to rappel down the tree, but the top broke off the tree. Bob fell 80 feet to the ground, with the broken top landing on him. It took five hours to get him to emergency medical help. His back was broken in five places; he was told he might never walk again. Bob eventually recovered and was placed in an engineering technician position. He lost his 6c retirement and 12 years of extra contributions into the 6c system.
- Lana was just five years old when she decided she wanted to be a fire fighter. She got a position with the Forest Service in 2005 and she was on her way. During the 2009 season, Lana sustained a serious leg injury that left her unable to carry weight over 10 pounds. This ended her dream career, but she could still work. Lana was placed in an administrative support clerk position. She lost her 6c retirement and extra thousands of dollars of out-of-pocket contributions. Gone.
- Walt was born and raised in a logging family living on the Klamath National Forest. Forest Service FFs were the heroes of his childhood. Much to the dismay of his parents, he always knew he was going to be a firefighter. Walt got out of the Army in 1978 and started in a temporary firefighting position with the Forest Service in 1980. In 1987 he got a permanent position in fire. He had achieved his dream. While working with the Lassen Hotshots in 1991, he was injured while fighting a fire in Alaska. As Walt says:

“My firefighting career was over. I was devastated, my life was over. I have talked to many employees who know what happens when they get hurt. They hide injuries that could have been treatable to not lose their jobs. I knew an engine captain that was given a job as a GS/4 mail room clerk. I know for a fact that he was considering suicide when he finally just quit the agency.”
- Walt was placed in timber contracting position, losing his 6c retirement and his extra contributions into that system. After seven years, he worked his way back to a position in fire dispatch, but it had taken too long; he was no longer eligible for firefighter retirement in the secondary position because of his break in service in a 6c position.
- Ernest started as a federal fire fighter in June 1991. In 2011 he reinjured a previous on-duty injury to his back. In 2012 it was determined that he could no longer perform the duties of his position, and he was placed in a non-6c retirement position, issuing badges. Although he had 21 years of service, he had not yet reached age 50, so was not eligible to retire. Over time the damage from his injuries have deteriorated his physical condition such that he cannot perform his current job fulltime. He also has not yet reached the minimum retirement age for the standard retirement system. He lost his 6c retirement and 20 years of extra contributions into the 6c system, and has been forced into a 30 year career rather than the 20 year career promised him.



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NFFE-IAM Opposes Closure of the Job Corps Civilian Conservation Centers

Position: For 55 years, the US Department of Agriculture (USDA) operates 25 Civilian Conservation Corps (CCC) Job Corps centers through the U.S. Forest Service. The centers are staffed by Forest Service employees. The CCC program serves a dual purpose: 1) It cares for the health of our forests, and 2) It provides essential job training opportunities in rural communities near national forests. In addition, the CCC program trains at-risk youth with career vocations and the technical education needed to get jobs in fields of high demand. The program serves as a major deterrent to youth homelessness and prevents entry into criminal justice or mental health systems. 80% of CCC graduates go on to community college, full employment, or the military. The CCC program at USDA provides futures to young people while delivering millions of hours of trail maintenance, forest firefighting, and disaster recovery support at no additional cost to the taxpayer.

While Congress recognizes the CCC program as an effective youth employment program and an excellent use of taxpayers' dollars, the program is under attack by those who are supposed to support it.

- *The Trump administration:* Each year, President Trump zeros-out the budget for the CCC program with little explanation. The budget cites outdated facts and figures, however the CCC program occupies the top levels of performance and outputs for the entire Job Corps program.
- *USDA Secretary Sonny Purdue:* Secretary Purdue is quietly closing CCC program centers without explanation. Recently, he closed the highest performing center in the program (Centennial) without any forethought how to train students as firefighters for this fire season. He continues to abuse this authority originally intended for poor performing centers by moving to close centers without the consultation of Congress or other stakeholders.
- *The Department of Labor:* The Department of Labor (DOL) unfortunately holds the purse for the entire Job Corps program. DOL is guilty of mismanagement of the Job Corps program at both DOL and USDA, especially hurting the CCC program by intentionally starving it of new students and proper funding. A 2013 DOL Inspector General report cited major DOL mismanagement and obstruction of funds to the USDA CCC program.

In spite of these attempts to disrupt and end the CCC program, CCC students provided nearly 400,000 hours of firefighting services in 2018. In 2017, students provided 5000 hours of support in response to Hurricane Harvey, 4000 hours treating 35,000 acres of prescribed fire to prevent forest fires, and 10,000 hours of forest restoration work. With disasters getting worse and more frequent, now is not the time to reduce responders for wildfires, hurricanes, and floods.

WE REQUEST:

1. **Support 2020 Senate language prohibiting DOL from arbitrarily reducing CCC funding.**
2. **Close the WIOA loophole that allows the USDA Secretary to autonomously close centers.** This authority was originally reserved for poor performing centers. It is being exploited and used for political gain without regard to center performance or function (firefighting, etc.).
3. **Enhance transparency and accountability with direct funding to the U.S. Forest Service.** DOL has mismanaged Job Corps and stated it wants out of the CCC program. We agree.

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