

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

The Honorable Gerald Connolly
Chairman
Subcommittee on Government Operations
U.S. House of Representatives
Washington, D.C. 20514

The Honorable Jody Hice
Ranking Member
Subcommittee on Government Operations
U.S. House of Representatives
Washington, D.C. 20514

June 25, 2020

Dear Chairman Connolly, Ranking Member Hice, and Members of the Subcommittee:

We, the undersigned unions representing more than 300,000 federal employees, thank you for the opportunity to provide a statement for the record regarding the Subcommittee hearing, Frontline Feds: Serving the Public During a Pandemic.

As you know, federal employees work hard every day to provide a plethora of services on behalf of and for the American people. Their work continues throughout the COVID-19 pandemic. Many federal workers have become infected with the coronavirus because of their continuing work, and thousands of federal employees have contracted COVID-19 as a result of exposure to the virus during the course of their official duties.

While it is impossible under such a pandemic to completely prevent infection and death, it is our concern that the United States Government is not doing enough to protect its workforce and the American people. We urge the following actions, as well as the actions set forth in the attached June 1, 2020 letter (below) to the President from the Federal Workforce Alliance.

Hazard Pay and Retention Pay

Federal workers are putting themselves at increased risk of COVID-19 to work on the frontlines of the public health response and continue essential public facing services. We appreciate and agree with the bipartisan group of 19 Senators, who—in a May 5, 2020 letter to U.S. Office of Management and Budget (OMB) Acting Director Vought and U.S. Office of Personnel Management (OPM) Acting Director Rigas—urged for the use of existing hazard pay authority to provide a 25 percent increase in basic pay for employees in essential, frontline, or public facing positions whose jobs cannot be accomplished while maintaining the Centers for Disease Control and Prevention (CDC) social distancing recommendations. However, we must add that many federal workers whose duties involve unusual hazards due to COVID-19 are legally ineligible for hazard pay. These employees, including thousands of U.S. Department of Veterans Affairs essential healthcare workers, must receive retention pay for putting themselves in harm's way each day to serve the American people and our nation's veterans.

Personal Protective Equipment and Cleaning Supplies

The need for adequate supplies of personal protective equipment (PPE) remains a significant concern for frontline and essential workers across the country, including federal employees who have not had access to sufficient PPE or the disinfecting supplies they need in order to work safely. Congress has provided resources to address these needs for workers across the country, yet federal employees have still resorted to contacting their members of Congress to report limited PPE at their workplaces and, in the meantime, stored away used masks, gloves, or gowns to reuse the next day in case their facility does not provide PPE again. This is unacceptable, as all federal workers should have everything they need to stay safe on the job.

Safety Leave

Although OMB provided guidance encouraging agencies to approve leave for safety reasons for employees at high risk of COVID-19 who are not eligible for telework, agencies need clearer guidance on how to implement this policy and more encouragement to implement it. These guidelines should allow for expanded use of safety leave, since many federal employees have not been able to use this type of leave. Safety leave has positive effects to mitigate COVID-19 spread within federal facilities and surrounding communities, but because many employees do not have access to it, they have had to take limited annual and sick leave.

Annual and Sick Leave Restoration

Leave policies have not met the needs of federal employees during the COVID-19 pandemic, and employee leaves should be restored. Employees have been unable to use annual leave because of the quarantine and have been unable to use sick leave (including for medical appointments and surgeries) because medical facilities have been closed. However, some employees have been forced to use both kinds of leave because they were forced to stay home by their agencies who did not provide for administrative or safety leave. These leaves should be restored, and all unused leaves should carry over into 2021 to prevent a mass use-it-or-lose-it leave scenario at the end of the year.

We also recommend amending Section 6304(d) of title 5 of the United States Code by adding the following new paragraph at the end:

“For the purposes of this subsection, the service of an employee responding to the COVID-19 pandemic shall be deemed to be an exigency of the public business, and any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).”

Telework

Agencies should be maximizing their use of telework, and all federal employees who can perform their duties remotely should be doing so. We urge you to provide agencies with guidance to provide flexibility so that employees can telework when they suspect that they have been exposed to COVID-19 and so that they can adjust their schedules without a reduction in pay to accommodate needs to care for children and family members. Training and technology should be fully available—and provided to federal workers if necessary—to enable and support telework.

Collaboration with Workers

We urge you to engage in consultation and collaboration with us, the representatives of more than 300,000 federal employees, to develop and implement workplace policies that directly impact those

employees. Our members, the employees providing essential services to the nation during this crisis, have perspectives and ideas from their experience and expertise that will enable agencies to fulfill their missions effectively and efficiently. We are eager to work with you to address the issues covered in this letter and the attached letter, as well as other workplace matters.

Return to Worksites

For worksites to be deemed safe to return by scientifically qualified public health professionals, we, the undersigned unions of the Federal Workforce Alliance, urge the implementation of federal workforce protections set forth in the attached letter submitted for the record. Among these protections, it is imperative that accommodations be made for employees with preexisting conditions that make them, and their families, more susceptible to COVID-19. Additionally, PPE must be provided and worn at all worksites to decrease the chance of transmission. Furthermore, administrative leave must be granted, and flexibility ensured, for all employees who suspect that they have been exposed to the virus, and for employees who have previously tested positive who are volunteering to donate plasma or data to the CDC and other scientific organizations working on solving the COVID crisis. Please see additional requirements as stated in the attached letter.

As Chairman Connolly wrote in his letters to 24 offices of Inspectors General earlier this month, “Our federal workforce has demonstrated that it can continue to work effectively and serve this nation—even in the most difficult and dangerous of circumstances. In return, federal management officials must employ the safest procedures in determining whether and when employees should return to their offices.” We thank the Chairman for his advocacy on behalf of federal workers and for the opportunity to address the Subcommittee today, and we insist the Subcommittee to take the reasonable actions listed in this letter and the attached letter. Anything less will put hundreds of thousands of dedicated federal employees, their families, and the Americans they serve, in unnecessary danger. The safety of federal workers directly impacts the safety of all Americans.

Sincerely,

Antilles Consolidated Education Association
Federal Education Association/National Education Association
International Association of Fire Fighters
International Association of Machinists and Aerospace Workers
International Brotherhood of Teamsters
International Federation of Professional and Technical Engineers
Metal Trades Department, AFL-CIO
National Federation of Federal Employees
National Weather Service Employees Organization
Professional Aviation Safety Specialists
Patent Office Professional Association
Service Employees International Union
United Power Trades Organization

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

June 1, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

The undersigned unions of the Federal Workers Alliance (FWA), representing upwards of 300,000 federal workers, are writing regarding the government's response to the worldwide COVID-19 pandemic, and its responsibilities to the safety of the civil service professionals who work on behalf of all Americans.

As agencies prepare to recall workers back into offices and other workstations, and necessarily back onto public transportation, into cities, and onto roads, the undersigned organizations strongly urge the federal government to prioritize the safety and security of its workers.

First and foremost, in localities where local and state authorities are responding to discreet outbreaks and higher threats to public health, the federal government must allow employees to continue sheltering in place, and working from home, unless and until it is safe to return to the office. Failure to adhere to local and state guidance will exacerbate this worldwide pandemic and all but ensure that its deleterious effects linger for months and years to come.

In jurisdictions where local authorities have begun a phased "re-opening" agencies must ensure full protections are implemented before re-opening their worksites and be flexible in allowing federal employees to develop a schedule that both meets the essential elements of their mission but also protects the health of the workers, and their families – many of whom will lack childcare options for the foreseeable future.

For worksites to be deemed safe to return, by scientifically qualified public health professionals, the undersigned unions of the FWA demand the federal government implement the following for federal employees as well as all contractors at the worksite:

- (1) Liberal accommodations must be made for employees with preexisting conditions that make them, and their families, more susceptible to COVID-19.
- (2) Engineering controls and work practice controls, such as negative pressure rooms, barriers, and work schedule changes must be implemented to reduce the possibility of exposure to COVID-19.
- (3) All individuals present in the worksite should be expected to wear masks to reduce the possible spread of COVID-19 through respiratory droplets.

- (4) Personal protective equipment (PPE), including respirators, gloves, and other PPE, must be provided at the worksite, and worn by employees to lessen the chance of transmission at the worksite, where engineering and other controls have not fully reduced the risk of transmission. For nurses and other healthcare workers caring for suspected and confirmed COVID-19 patients, PPE should include a powered air-purifying respirator and coveralls that include a head and shoe covering, and gloves.
- (5) Hand washing and sanitizing stations must be provided, as well as time in the day for workers to sanitize their work areas and any parts of which that are available to the public.
- (6) Assign and ensure that all shared / common areas and equipment are sanitized at regular intervals by personnel qualified and trained in disinfection of COVID-19.
- (7) On-demand testing for employees who suspect they have been exposed to COVID-19 must be offered. The most reliable tests available should be used.
- (8) Administrative leave must be granted for employees who suspect they have been exposed to COVID-19, to ensure that employees are not pressured into coming to the worksite while they suspect they may be infected.
- (9) Immediate and thorough notice to be provided to employees at worksites where a person who has been suspected of having COVID-19 was present. This notice should include, at minimum, information about the time, location, duration, and nature of the possible exposures. Weekly or regular updates on suspected or confirmed COVID-19 cases at worksites to be provided to employees' unions.
- (10) Administrative leave be granted, and flexibility ensured (i.e.: telework), for all employees who suspect they have been exposed to the virus, and for employees who have previously tested positive who are volunteering to donate plasma or data to the CDC and other scientific organizations that are working on solving the COVID crisis
- (11) Agree to pre-implementation negotiations with unions when collectively bargained agreements do not provide for necessary return to work protocols.

The safety of federal workers directly impacts the safety of all Americans. We share in your desire to resume the vital work of federal employees as soon as it can be responsibly achieved, and we hope you recognize that it is paramount that workers be protected while performing their duties. We must insist that you take these reasonable actions to ensure their safety. Anything less will put hundreds of thousands of dedicated federal employees, their families, and the Americans they serve, in unnecessary danger.

If you have any questions, contact FWA legislative co-chairs Matt Biggs at (202) 239-4880 or Steve Lenkart at (202) 216-4458.

Sincerely,

American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers, AFL-CIO (AFT)
Antilles Consolidated Education Association (ACEA)
Federal Education Association/National Education Association (FEA/NEA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAMAW)
International Brotherhood of Electrical Workers (IBEW)
International Brotherhood of Teamsters (IBT)
International Federation of Professional and Technical Engineers (IFPTE)
International Organization of Masters, Mates and Pilots (MM&P)

Marine Engineers' Beneficial Association (MEBA)
Metal Trades Department, AFL-CIO (MTD)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees (NFFE)
National Nurses United (NNU)
National Weather Service Employees Organization (NWSEO)
Overseas Federation of Teachers, AFT, AFL-CIO
Professional Aviation Safety Specialists (PASS)
Patent Office Professional Association (POPA)
Seafarers International Union/NMU (SIU)
Service Employees International Union (SEIU)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SPORT Air Traffic Controllers Organization (SATCO)
United Power Trades Organization (UPTO)