



NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



NFFE-IAM Supports the Federal Adjustment of Income Rates (FAIR) Act (H.R. 6398 / S. 3518)

Position: Federal employees have sacrificed a tremendous amount in the name of deficit reduction in the last decade. They were forced to accept several years of pay freezes, and paltry increases in other years. Federal employee wages continue to lag 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 23% 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. 6398 / S. 3518), introduced in 2022 would provide federal workers with a much needed 4.1% average pay adjustment and 1% increase to locality pay in 2023. Since 2011, federal employees have sacrificed over \$200 billion in the name of deficit reduction. Federal workers deserve an adequate pay adjustment especially considering rising inflation and costs of living. NFFE strongly *supports* the FAIR Act.

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 truth becomes obvious through the federal government's struggle to recruit and retain workers across the board. The 23% 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 years of pay freezes and followed by meager annual adjustments, federal workers have seen their incomes decrease by more than 15% with respect to inflation over the past decade. Based on the data collected by the Bureau of Labor Statistics 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 jobseekers 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 23%. So, federal workers have lost 10% 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 affects every congressional district and state. **Support a 4.1% or greater pay increase and 1% increase to locality pay in 2023** consistent with the Federal Adjustment of Income Rates [FAIR] Act, sponsored by Rep. Connolly in the House and Sen. Schatz in the Senate.



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NFFE-IAM Supports Stabilizing the Federal Wildland Firefighter Workforce through Increased Pay and Improved Recruitment and Retention

Position: Federal Wildland Firefighters (WFF) from the U.S. Forest Service (USDA) and Bureau of Land Management (DOI) endure longer, and more dangerous wildfire seasons each year with the loss of life and property increasing at a phenomenal rate. Increases in programmatic investments for wildfire prevention and response bear little fruit if those investments are severely lacking in workforce compensation, wellness, and working conditions. For a fraction of what the government pays annually for wildfire disaster relief and losses incurred from devastated communities and permanently scorched federal lands, the government can end its chronic recruitment and retention crisis, and better compensate and care for its wildland firefighters.

NFFE-IAM requests that the following legislation pass to address the retention and recruitment crisis through 1.) modernized compensation, 2.) modified retirement incentives to retain experienced talent, 3.) improve working conditions, and 4.) realistic approaches to firefighter physical and mental wellness.

Modernized Compensation. Federal wildland firefighting job series are decades out of date and no longer recognize modern job markets and cost-of-living realities. Annual applicant rates are 50% lower than historic levels, and attrition is at a historic high as personnel leave for local firefighting jobs.

- **Base Pay.** Starting base pay for WFFs is woefully low at \$11.86 per hour. The ascent up the GS scale is very slow. The rise to Captain (GS-8) takes at least 7 years (with relocation typical) and pays \$20.00 per hour. Hence, a starting minimum of \$20.00 per hour is critical supported by additional, ample opportunities to supplement pay (e.g., recompense for certifications) and seek promotions. The increase in starting pay must be reflected and adjusted throughout the grades.
- **Job Series.** A new, widely encompassing occupational series is required that fully integrates and compensates for long deployments and dangerous environments. The new series must include personnel on the fire line and behind who are involved in the prevention, control, suppression, or management of wildland fires. As with similar federal occupations, the series must recognize the appropriate practice of utilizing special pay rates, hazard pay, overtime pay, and portal pay.

Modified Retirement Incentives. Essential to effective retention and recruitment efforts, seasonal WFFs need an incentive to return each year, and permanent firefighters need incentives to stay. High attrition rates offset any marginal gains in hiring. As a result, federal assets (fire engines, half crews, Hotshot operations) remain shuttered in federal firehouses as the government increasingly relies on exhausted state and local fire departments to fill gaps in fire response.

- **Creditable Service.** Before FERS, seasonal and temporary work counted toward retirement. This must return to keep both temporary and permanent WFFs from leaving. (H.R. 4268)
- **Enhanced Annuities.** Premium pay must count toward otherwise paltry retirement annuities.

Improved Working and Living Conditions. Housing is mostly unaffordable at most WFF wages, commutes to work are exceptionally long, housing while deployed is often miserable, WFFs are often sleep deprived while deployed, isolation from family is continuous, and hazardous exposure is constant.

Realistic Physical and Mental Health Wellness. PTS, suicide, depression, chronic injury remains high.

- Pass S. 2700 (HERO Act), provides for first responder mental health (H.R. 1480 passed 5/21).
- Pass S. 1116 ensures duty-related presumption of disability/death (H.R. 2499 passed 5/22).



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NFFE-IAM Supports the Federal Retirement Fairness Act (H.R. 4268)

Position: Democrats and Republicans agree that H.R. 4268, also known as the ‘buy-back’ bill, should pass to restore the option to buy-back temporary and seasonal time to count toward retirement. Many Americans answer the call to serve on behalf of their country by working 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, surge programs, agency 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 no more than any other federal employee. NFFE strongly *supports* the bipartisan Federal Retirement Fairness Act 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 are not 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 years longer than the rest of your peers in a physically demanding job.

Until 1989, federal employees with temporary or seasonal time 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 years they worked other than continuing to work past their conventional retirement date. Democrats and Republicans agree, it is time to allow this option again.

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 catch-up contributions to their retirement to compensate for the years they worked as temporary employees. It is important that all federal employees have the freedom of choice to retire on time after their years of service. This bill simply ensures that all employees, regardless of their initial hiring status, are granted the same opportunity for the same amount of work as they once could.



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NFFE-IAM and the FY 2023 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 117th Congress continues debate the NDAA for FY 2023, NFFE respectfully requests the following deliberations:**

Increase federal pay in FY23 consistent with FEPCA – Federal workers have seen their incomes eroded by nearly 11% with respect to inflation over the past decade. The 1.5% federal pay increase in 2021 and a 2.7% federal pay increase in 2022 is insufficient to make up for lost earnings and the pay disparity with private sector pay. Thus, NFFE-IAM urges Congress to fully implement the Federal Employees Pay Comparability Act of 1990 (FEPCA) for 2023 average pay increase of 5.1%, based on the Employment Cost Index calculation. The 5.1% increase for 2023 is also included in the Federal Adjustment of Income Rates Act (FAIR Act).

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 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. 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 until the proper cost-benefit analysis is fully completed.

Repeal and/or Defund Flawed and Discriminatory “Performance-based” Reductions-in-Force (RIF) – We are encouraged by language in the FY2022 NDAA that gives the Secretary of Defense the flexibility to consider Veterans Preference and seniority in RIFs. NFFE-IAM continues to request the full repeal of Section 1101 of the FY2016 NDAA, which diminished the DoD’s RIF rules for both Veterans Preference and seniority in favor of flawed and biased performance ratings. Given that many DoD performance rating systems have been proven discriminatory, particularly against women, older employees, and workers of color, NFFE-IAM continues to call for protections for all workers in a RIF.

Modify Section 5305(h) of Title 5 to provide Locality Pay for Alaska and Hawaii – Because of the unique geographic and cost-of-living challenges that federal employees face while stationed in Alaska and Hawaii, many employees operate under a Special Pay Authority to maintain recruitment and retention levels in those areas. While it is the common practice of most agencies to provide locality pay in addition to the base pay special rate pay, this practice is not solidified in law. This is a minor if not technical change to the law to prevent a recruitment and retention crisis in the future in either state.

Maintain the A-76 Moratorium – This moratorium was put in place after GAO and the DoD Inspector General determined that the DoD could not prove that contracting out provided any cost savings to taxpayers. The A-76 outsourcing cost comparison process has proven to be flawed, frequently producing inaccurate cost comparisons by double-counting government-performed work. NFFE-IAM asks that the moratorium remain until a full cost-savings analysis is provided to the House and Senate Armed Services Committees.



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NFFE-IAM and the Department of Veterans Affairs – 117th Congress

Position: **The Department of Veterans Affairs employees have endured much over the past decade. VA employees are facing a pandemic, deteriorating working conditions, worsening pay, and political activists inside the VA attempting to privatize VA care through lies and retaliation. It is critically important that the Congress act quickly to preserve one of the world's best medical and healthcare systems on behalf of our veterans. Congress itself is responsible for much of the consternation within the VA. Several laws were passed that destroyed legitimate transparency and broke traditional processes that protected care providers and others from mismanagement, corruption, and political bias. It is time to fully restore the systems of checks and balances that protect veterans and their health and medical providers against political overreach and mismanagement.**

VA Employee Fairness Act (H.R. 1948 / S. 771) To restore full collective bargaining rights allowed to other VA employees, and to prevent the punitive misuse of illegitimate bargaining power by managers.

- It restores systematic protections (not 'individual employee rights') against corruption and management malfeasance by eliminating 38 USC 7422 of the failed VA W&A Act of 2017.
- It holds managers and political appointees who oversee the department accountable.
- It helps to prevent retaliation, discrimination, and false disciplinary claims against VA staff.
- It restores full collective bargaining, official time, and impartial appeals to Title 38 employees.
- It improves the overall transparency, effectiveness, and efficiency of VA care for veterans.

Protecting VA Employees Act (H.R. 6682) To correct the failed VA Whistleblower and Accountability Act of 2017. This Act lowered the burden of proof for misconduct that was used to drive whistleblowers, top clinicians, and other workers out of their jobs. It created a corrupt internal board for disciplinary review headed by political appointees (see VA OIG report #18-04968-249), it improperly limited third-party review of appeals (e.g., MSPB), and it broke transparency of veteran care at every level especially regarding private care.

- This bill will restore a proper evidentiary standard to allow clinicians and other employees input into care and working conditions without fear of reprisal from manager, political appointees, and those wishing to privatize VA care by falsely accusing VA employees of malfeasance.
- It restores the power of the Merit Systems Protection Board to provide an unbiased venue for appeals regarding improper discipline, denied promotions, discrimination, or termination.

VA CPE Modernization Act (H.R. 3693) To modernize continuing education programs in the VA by expanding the types of clinicians who are eligible to receive reimbursement for continuing education and increase the amounts they can receive. Current continuing education allowances were set more than 30 years ago and no longer reflect the requirements of modern medical professional educational needs.

VA Asset and Infrastructure Review (AIR) Commission – The AIR Commission report released in early 2022 is highly criticized as being hastily assembled and drastically underestimating the complexity of VA medical care. The report fails to accurately describe the struggle to provide services across the country because of increased spending on privatized services that yields a poor level of care. Especially neglectful of the lessons learned during the COVID-19 pandemic, NFFE-IAM demands that the current AIR Commission report be withdrawn and destroyed, and that a new analysis start from scratch.



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NFFE-IAM Supports the First Responder FAIR Retire Act (H.R. 521 / S. 129)

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 Frist Responder FAIR Retire Act 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. DOL guidelines (5 CFR 353, 302, 330) also require a return to equivalent defined benefits, of which retirement is one. This is a technical fix to the law. This is not an expansion of benefits of any kind.

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 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 care. 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 firefighter. 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.
- Walt was born and raised in a logging family living on the Klamath National Forest. Forest Service firefighters 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 full-time. 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 and paid for by him.



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NFFE-IAM and Federal Workforce Legislation - 117th Congress

Position: The foundation of a modern Democracy relies on a fair, effective, efficient, transparent, and apolitical civilian federal government workforce. To maintain and improve upon a modern federal civilian workforce, NFFE-IAM requests that the following legislation be passed to provide for a stable federal workforce that is ready to accept future challenges without fear of reprisal or improper political influence.

Locality Pay Equity Act (H.R. 3086 / S. 1561) - To align the locality pay areas under the antiquated Wage Grade System pay areas to match the General Service System pay areas.

Equal COLA Act (H.R. 304) - To achieve parity between the cost-of-living adjustment with respect to an annuity under the Federal Employees Retirement System and an annuity under the Civil Service Retirement System.

Honoring Civil Servants Killed in the Line of Duty Act (H.R. 7376 / S. 3474) - To raises the death gratuity to \$100,000 and the funeral allowance to \$8,800 from the current \$10,000 payment for survivors of fallen federal workers (updated in 1997) and \$800 funeral allowance (updated in 1966).

LEO Equity Act (H.R. 962 / S. 1888) - To provide federal Law Enforcement Officer (LEO) status to uniformed law enforcement personnel of the federal government who serve as a first responder to protect government employees and assets, but do not have the same coverage as other federal law enforcement officers.

Protecting our Democracy Act (H.R. 5314) - To strengthen the guardrails that help prevent the abuses of executive power and corruption, to make the presidency more transparent and effective, and to establish that no president is above the law. NOTE: This bill **passed the House on a bipartisan vote** of 220 to 208.

Protect Federal Employee Pensions - The federal workforce is subject to an unfair four-tiered pension – with CSRS and three different FERS tiers. Within FERS, employees hired in 2013 are paying 2.3% more and those hired after 2014 are paying 3.6% more with no benefit increase.

Protect Federal Employee Annuities - The current pension calculation for most FERS pension participants is the average of highest three consecutive years of base salary, multiplied by the number of years of service, multiplied by 1% under 20 years of service or 1.1% above. Given that federal pensions have not seen any improvements since passage of the Federal Employees' Retirement System Act of 1986, coupled with the erosion of federal pensions for those hired since 2013, NFFE-IAM believes that an increase in the accrual rate from 1.1% to as much as 1.7% is long overdue.

Protect the FERS Annuity Supplement - In recent years, Members of Congress have proposed taking away the possibility for many federal workers to retire before the age of 62, frustrating both employees and managers at federal agencies who seek to better manage its workforce through attrition.