



**CONGRESSIONAL
TESTIMONY**

STATEMENT FOR THE RECORD

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

**PROVIDED TO THE
HOUSE COMMITTEE ON OVERSIGHT AND REFORM**

**HEARING ON
"No Worker Left Behind: Supporting Essential Workers"
June 10, 2020**

Chairwoman Maloney, Ranking Member Jordan and Members of the Committee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia employees who serve the American people in 70 different agencies across the country and around the world, I thank you for holding this important hearing in support of essential workers. Ensuring the health and safety of essential workers and the entire federal workforce is a crucial factor in America's fight against COVID-19.

AFGE represents thousands of essential workers including health care providers and support personnel at the Department of Veterans Affairs (VA), the Department of Defense (DoD) and the Bureau of Prisons (BOP). We represent frontline emergency responders including employees at the Federal Emergency Management Agency (FEMA), and employees whose jobs require regular contact with the public, such as Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA) and those who work in Social Security Administration (SSA) field offices, and VA Regional Offices. We represent meat and poultry inspectors at the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS), and numerous others throughout DoD, VA, the Department of Homeland Security, and the Office of Personnel Management (OPM). Thousands of federal employees have confirmed COVID-19 infections, most because of workplace exposure; some have died and many thousands more have not been tested but may be infected. In this statement, we will outline essential worker provisions that will help protect frontline workers at risk of exposure to COVID-19 and make the federal workplace safer during this pandemic.

Priorities included in the "HEROES Act"

AFGE supports provisions included in the "Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act" to address certain essential worker issues. These provisions include premium pay, an automatic presumption of workplace illness for purposes of workers' compensation, adequate personal protective equipment (PPE), telework, an OSHA emergency temporary standard, and emergency paid sick leave. These measures have passed the House and await Senate action. They provide some important health and worker safety

provisions that will ensure federal employees have the protections and resources needed during this public health emergency, as well as the ability to successfully carry out their duties and serve the American public.

Premium Pay

AFGE supports providing premium pay for employees whose duties, work setting and interaction with the public place them in danger of contracting COVID-19. We support the provision making that pay retroactive to January 27, 2020 when the national emergency went into effect.

Presumption of Workplace Illness

AFGE is supportive of an automatic presumption of workplace illness for federal employees who are required to report for duty and interact with the public, individuals who are quarantined, or who have been diagnosed with COVID-19 during the performance of their duties and contracts the virus. This automatic presumption of workplace illness allows these federal employees to make a Federal Employees' Compensation Act (FECA) claim without facing a potentially lengthy denial and appeals process and helps these workers receive much needed benefits and health care services.

Adequate Personal Protective Equipment (PPE)

AFGE supports a comprehensive strategy for ensuring adequate PPE, testing and other medical resources necessary to fight COVID-19 are available to all workers who need them. The "HEROES Act" addresses a broad range of medical needs, including many forms of PPE, testing, ventilators, pharmaceuticals, vaccines, and other equipment and supplies that the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) determine to be scarce and critical. The "HEROES Act" enhances the authority of the Defense Production Act (DPA) to hold agencies accountable, through strong reporting requirements, oversight, transparency, and stakeholder engagement. To do so, the "HEROES Act" establishes thorough and regular reporting requirements that ensure that Congress and the public remain fully informed about medical resource needs. The "HEROES Act" also establishes a strong role for Comptroller General evaluation of executive branch activities under

the DPA, including stakeholder engagement, and specifically recognizes the role of labor representatives of public sector workers, health care workers, service sector workers and manufacturers.

Telework

AFGE is supportive of provisions in the “HEROES Act” that require federal agency leaders to allow telework for all eligible federal employees during the coronavirus pandemic. Federal employees have successfully engaged in telework for many years and have demonstrated they are able to be effective and productive working remotely during the pandemic. AFGE urges the Committee’s oversight of agencies’ use of telework and continued telework capabilities during the course of the COVID-19 pandemic.

Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard

AFGE supports the creation of an Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard (ETS). If the Department of Labor were to issue an ETS, all employers, including the federal government, would be required to meet a federally mandated and enforceable standard to help protect employees against the spread of COVID-19. AFGE fully supports the issuance of an ETS and the inclusion of H.R. 6559, the “COVID-19 Every Worker Protection Act of 2020” in the “HEROES Act.”

Emergency Paid Sick Leave

Emergency paid sick leave should be provided to every federal employee who is not able to report to work due to a COVID-19 related illness or caring for a family member with a COVID-19 related illness. It is extremely important that employees who are reporting for duty have access to leave should they become ill or need to be medically quarantined. It is for these reasons that AFGE supports language in the “HEROES Act” that strikes the provision in the “Coronavirus Aid, Relief and Economic Security Act,” giving the Director of the Office of Management and Budget the authority to revoke the Emergency Paid Sick Leave benefit for certain federal employees.

Additionally, it is equally important that federal employees have access to testing if they are exposed to the virus or become symptomatic. To prevent the spread of the virus in the workplace employees must have access to adequate personal protective equipment (PPE), emergency paid sick leave, and testing.

Further essential worker priorities not included in “HEROES Act”

AFGE urges the Committee to take the next step to enact provisions that were not included in the “HEROES Act.” Specifically, we urge the Committee and the Congress to work to mandate federal agencies to provide universal testing and contact tracing for COVID-19, Federal Employee Health Benefits Program enrollment opportunities, protections for USDA food safety and inspection service (FSIS) workers, and restoration of labor management relations and collaboration with workers as agencies begin the reopening process.

AFGE commends Chairwoman Maloney for introduction of H.R. 6906 the “Pandemic Heroes Compensation Act” to create a compensation fund in support of essential workers and their families. H.R. 6906 would provide financial assistance for medical costs, loss of employment, loss of business, replacement services and burial costs for workers who contract COVID-19. AFGE strongly supports this legislation and urges its passage.

We are also supportive of legislation introduced by Committee member Jackie Speier (D-CA) and her colleagues Joe Neguse (D-CO) and Max Rose (D-NY) to provide tax-free death benefits to spouses and children of essential workers lost to COVID-19, including support for secondary education.

Universal Testing and Contact Tracing for COVID-19

Our nation will not be able to assess the risk of transmission until we know the extent of infection. Epidemiologists are unanimous that nationwide universal testing is the best way to identify risk factors and take action to isolate those who have been in contact with infected individuals. Only with universal testing will it be possible to implement prudent policies for the reopening of federal offices and other worksites. We ask that the Committee in its oversight capacity ensure that ongoing testing is widely available at no cost to federal employees who are

deemed essential and to those who are teleworking before and after they return to their duty station.

Equal Rights for the Federal Workforce

In March 2020, the House passed H.R. 1140, the “Rights for Transportation Security Officers Act,” with a strong bipartisan vote, and we urge the Committee to include this critical bill in future legislation. As the Committee works to equip the federal workforce and keep employees healthy to fight COVID-19, federal employees who do not fall under Title 5 of the U.S. Code have been inadvertently overlooked and as frontline workers, they have few rights at work. We must ensure parity for all federal employees instead of continuing separate and unequal personnel management systems. Further, the more than 650 TSOs confirmed to have contracted COVID-19, and five deaths among TSA screening staff, raises concerns about the efficacy of this dual management system. We urge the Committee to include H.R. 1140, the “Rights for Transportation Security Officers Act,” in the next COVID-19 legislative package.

Federal Employees Health Benefits Program (FEHBP) Enrollment Opportunity

AFGE urges the Committee to amend current law to allow federal employees who are not currently enrolled in a FEHBP health plan the opportunity to purchase health care coverage during this public health emergency. Many career part-time federal employees are not enrolled in FEHBP. The employee share of FEHBP premiums for career part-time federal employees is much higher than the premium share for full-time federal employees. Agencies such as TSA, DOD, and FEMA utilize their flexibilities to keep a large segment of their workforces on part-time schedules. Prior to COVID-19, many part-time employees opted out of FEHBP because they could not afford their share of premiums. Providing employees who do not have health care coverage the opportunity to enroll in FEHBP will eliminate barriers to medical treatment for federal employees.

Stop Transfer of Federal Prisoners During the Pandemic

We urge the Committee to work to prohibit the transfer of federal inmates into and within the BOP system during the COVID-19 pandemic. The BOP continues these transfers unabated. Most notably, they are moving inmates from facilities that have had outbreaks of COVID-19 to

ones that have not had any confirmed cases, risking the health of correctional employees, inmates, their families, their communities and the federal prison population. We urge the Committee to include H.R. 6427, the “PANDEMIC Act of 2020” introduced by Representative Fred Keller (R-PA) in the next COVID-19 legislative package.

Protect USDA Food Safety and Inspection Service (FSIS) Workers

Meatpacking plants have become hotbeds for COVID-19 outbreaks, forcing the closure of numerous plants. FSIS inspectors lack adequate PPE and social distancing protocols. AFGE urges Congress to include language in the next COVID-19 legislative package mandating that meatpacking plants slow down their line-speeds to allow workers and inspectors to spread out and follow CDC guidelines.

Restoration of Labor-Management Relations

Every day, essential workers across the federal government feel the harsh effects of the Administration’s insistence on silencing the voices of the federal workforce and their labor representatives. From the outset of this pandemic, AFGE and other unions representing essential workers have been shut out of agency response teams at both the national and local level. The federal government’s unwillingness to listen to the frontline employees who deliver care and serve the American public is a stark departure from the labor-management partnerships that allowed federal government agencies to fulfill their missions during hurricanes, epidemics, and other past national crises. Sadly, rather than take the simple, cost saving and productive step of increasing dialogue, federal agencies are undermining collective bargaining agreements that enhance workplace safety, staffing levels and recruitment and retention. To address the health and safety of essential federal workers, there must be a clear government-wide directive for agencies to consult and collaborate with employees and their unions to develop and implement policies to address the issues outlined in this statement. Federal employees will bear the consequences of policies being imposed without their valuable input, even when decisions threaten their lives. Essential workers will continue to be the ones most impacted by the decisions that are made going forward.

AFGE urges the Committee to include language to restore labor-management relations and communication as agencies work to quickly implement new policies and workplace procedures during this health care crisis. The administration's federal workforce personnel Executive Orders issued in May 2018 continue to serve as barriers to labor-management collaboration. Labor representatives should have the opportunity to communicate regularly to discuss the needs and concerns of employees as they respond to the COVID-19 crisis. Labor representatives can provide important ideas and feedback as agencies work to adapt to this new environment and respond to the needs of the public.

We stand ready to work with the Committee on all the steps needed to protect essential workers in the federal workforce as the nation continues to battle COVID-19.

Thank you for your consideration.