

THE GOVERNMENT STANDARD May/June 2019

For current and retired government workers and their families since 1933 • American Federation of Government Employees, AFL-CIO

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# How Trump's Budget Affects You Attacks on Your Rights, Pay, and Benefits Could Leave You With Crumbs

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#### A Message from AFGE's National President J. David Cox Sr.

Brothers and sisters,

The cornerstones of winning and protecting your rights at work are collective action and collective bargaining. They're the mechanisms we use to deliberate with management over the terms and conditions of employment – and they're how we hold management accountable if and when they break the rules.

More than 40 years ago, through the Civil Service Reform Act of 1978, Congress established that collective bargaining is in the public interest and made it an obligation for both employers and employees. The law codified various executive orders that had extended collective bargaining rights to federal employees over the years, beginning with President Kennedy's January 1962 executive order that first gave federal workers the right to engage in collective bargaining through their unions.

Collective bargaining isn't something that's just smart to do – it's something that both employees and employers are required to do.

Every right that federal employees have that isn't already established by law is earned at the negotiating table through collective bargaining. Policies around telework and compressed work schedules, office space, awards programs, and filing grievances all are determined through collective bargaining.

So when an agency refuses to bargain in good faith, as many have done under this administration, it has enormous consequences – not only for our members, but for the agencies we work for and the people we have sworn an oath to serve.

Even though the three executive orders issued in May 2018 were largely struck down by a U.S. District Court judge a few months later, many agencies are still trying to implement the orders through sham bargaining.

We aren't taking these attacks lying down. Our union is fighting every effort to take away your collective bargaining rights and the rights we've won at the negotiating table.

#### Collective bargaining cannot exist without collective action. When we each stand up and speak with one voice, we win.

Your contract is not only a right but an obligation under the law – one that we must hold our leaders accountable for preserving.

In Solidarity,

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#### AFGE—THE GOVERNMENT STANDARD

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#### Lawmakers Show Love for AFGE During Appreciation Week



Rep. Kathleen Clark with AFGE Local 3258 in Boston

wo months after the longest shutdown in U.S. history crippled the government and left 800,000 federal workers without a paycheck for 35 days, members of Congress took part in our union's Federal and D.C. Worker Appreciation Week by visiting federal worksites across the country to show their appreciation for federal and D.C. government employees and their contributions to the nation.

More than 50 AFGE locals participated in the Worker Appreciation Week, which took place March 18-22.

They invited their local members of Congress to tour their federal facilities and learn more about the work our members do on behalf of the public.

Our union thanks all of the members of Congress who took time to show appreciation for the vital work our federal and D.C. government workers perform for the American public every day. Whether through a visit to a facility or sharing a message of support on social media, actions like these show how much our work matters.

#### 16 Ways Trump is Targeting Your Rights, Pay & Benefits in 2020 Budget

#### Massive Cuts Proposed in Trump's 2020 Budget

Department/Agency	Proposed Cut*
EPA	-31%
State	-24%
DOT	-19%
HUD	-16%
USDA	-15%
Interior	-14%
Education	-12%
HHS	-12%
Energy	-11%
Labor	-10%
SSA	-3.5%
Justice	-2.0%
Treasury	-2.0%
NASA	-2.0%
BOP	-1.6%

espite the devastating effects of the longest government shutdown in history, which 800,000 federal workers are still recovering from, the Trump administration is once again attacking federal employees.

Its detailed plan to gut your workplace rights and bust your union was released March 18, but is buried deep within the General Services Administration (GSA) and Office of Personnel Management's (OPM's) joint budget request for 2020. The proposal is the administration's most anti-democracy, anti-worker proposal yet. It represents a full-frontal attack on our right to fight unlawful conduct and illegal practices in the federal workplace. The proposed budget also cuts or eliminates \$48.8 billion in programs and services across nearly all non-Defense agencies – which would mean job cuts and fewer services for the American people.

Taken together with the administration's illegal, union-busting executive orders and White Housesupported anti-worker legislation, it's clear this administration is bent on sabotaging our government, its workforce, and democracy itself.

\*Compared to FY2019 approved budget

#### How the President's Budget Targets Your Pay and Benefits

Freezes federal workers' wages next year, widening their pay gap with the private sector.

**Requires workers to pay 1% more every year toward their pension** until the annual contribution reaches 7% of salary, which would reduce workers' income by nearly \$79 billion over 10 years.

**2 Lowers the monthly annuity employees receive when they retire** by averaging the highest five years of salary instead of the highest three, which would reduce retirees' annuities by \$7 billion over 10 years and at least another \$1.1 billion annually thereafter. **Ends cost-of-living adjustments for current and future retirees** in the Federal Employees Retirement System (FERS) and reduces the COLA for Civil Service Retirement System (CSRS) retirees by 0.5%, which would cut retirees' income by \$56 billion over 10 years.

**Eliminates the FERS supplement** for law enforcement officers and other employees who retire before Social Security kicks in at age 62, which would take \$18.6 billion out of their wallets over 10 years.

6 Shifts costs for health insurance plans onto enrollees based on which plans the government

determines are low performing, disproportionally affecting older and less healthy workers.

**Reduces the interest rate of the Thrift Savings Plan's safest and most popular investment choice**, the G-Fund, which would make it harder for federal employees to save enough money for retirement.

**Eliminates pensions for term employees** and shifts them entirely to a less-generous, stock-based retirement plan.

#### How Trump's Budget Targets Your Rights

**Violates employees' due process rights** by shortening the time for employees to respond to proposed disciplinary actions.

**Prevents employees from trying to resolve workplace disputes** using the negotiated grievance process and instead forces them to go through the Merit System Protection Board's more time-consuming statutory appeals process.

**Encourages agencies to skirt the merit-based hiring process** by using temporary or term employees to fill critical hiring needs or appointing "highly qualified experts" to term positions that would serve at the will of the administration with no civil service protections.

**Gives management unfettered authority** over paying and rewarding employees in STEM occupations (Science, Technology, Engineering, and Math) by barring union grievances.

**Restricts labor unions from bargaining collectively** over management decisions regarding setting and adjusting employee pay and any special pay systems created for hard-to-fill jobs.

14 Undercuts the Federal Labor Relations Authority's ability to properly review workplace disputes by limiting employees' avenues for appeal and letting the Office of Personnel Management director intervene in cases potentially affecting civil service law.

**15 Politicizes federal personnel policies** by transferring oversight from the independent Office of Personnel Management to the White House's Office of Management and Budget.

**16 Undermines the apolitical civil service** by denying collective bargaining and due process rights to Department of Defense employees who join or are transferred into the proposed Space Force, meaning they could be fired without cause at any time.

# Don't get mad. Fight back!

These proposals are outrageous, and we need all hands on deck to fight back. Call your representative and senators and tell them:

Reject this and any proposal that cuts your pay and benefits or targets your rights.

## Senate: 1-855-910-9586 House: 1-855-860-9902

Please make sure you are not on government time or using government equipment (your work email or cell phone) when contacting your lawmaker.

If you haven't joined our union, join us now by visiting www.afge.org/JOIN.

### 2020 EPA Budget Guts Defense of Clean Air and Safe Water



President Trump's "dirty budget" for next year aims to force severe cuts at numerous agencies – with the Environmental Protection Agency staring down a 31.2 percent loss of funding. The proposal has been met with fierce opposition from environmental groups, members of Congress, and AFGE Council 238, which represents more than 8,000 EPA workers nationwide.

"President Trump's proposal for next year continues a troubling trend of gutting America's front-line defense of clean air and safe water," said AFGE Council 238 President Gary Morton. "Since his election, the president and his administration have set their sights on rolling back our life-saving work and starving us of the resources we need to succeed – and it must be stopped."

Next fiscal year's budget proposal follows prior years' plans to cut the EPA's funding by 31 and 30 percent in FY 2017 and FY 2018, respectively. It would cut \$2.7 billion from the agency and comes not long after the EPA already failed to spend down the funds appropriated in FY 2018.

Under the 2020 budget, EPA staffing would be capped at 12,415 positions – nearly 2,000 fewer than FY 2019 and a full 32 percent below the staffing levels Council 238 had recommended for 2020. Currently, staffing levels are lower than they were during President Reagan's final year in office, making monitoring and enforcement of environmental protection even harder on the agency.

"This budget proposes to slash 2,000 positions, reducing the number of environmental emergency first responders nationwide at a time they are critically needed," said Morton. "We are the people who come to disaster sites like hurricanes to monitor the safety and toxicity of the water flooding local communities, and we save lives. Congress must fully fund our budget, and should be boosting our resources – not drastically cutting them."

# Join the AFGE Shutdown Lawsuit







n December 31, 2018, AFGE and the law offices of Kalijarvi, Chuzi, Newman & Fitch (*www.KCNFDC.com*) sued the federal government on behalf of AFGE members and ALL federal employees covered by the FLSA who were forced to work without pay from 12/22/19 - 1/25/19. Our union is the only organization fighting on behalf of employees throughout the entire government who were forced to work without pay.

Visit **www.2018governmentshutdown.com** for questions or to join the suit.

### **Negotiations Over New VA Contract to Begin in June**



Shortly before midnight on April 2, AFGE's National VA Council and the Department of Veterans Affairs signed off on ground rules for negotiating a new collective bargaining agreement for the 250,000 VA workers we represent.

Negotiating with VA management on the ground rules was difficult to say the least, with the chairman of the Federal Services Impasses Panel having to facilitate discussions in March after the VA declared an impasse. Even after all of the terms had been agreed to in principle, the VA made a last-minute proposal that the union waive our right to arbitrate violations of the ground rules – something we refused to do. After another day of bargaining, both sides agreed on two separate documents that will constitute the ground rules.

Under the terms of the agreement, negotiations will begin in early June and proceed until at least Dec. 17, following a cycle of two weeks on and one week off. Our team made sure there are no limitations on the union's ability to discuss negotiations as they occur. Deliberations on a new contract come as VA employees face near-daily attacks on their workplace rights and protections. In August 2018, we scored two victories against the administration's antiunion efforts: a federal judge ruled that the Trump administration had illegally attempted to wipe out official time through executive order, upholding our lawsuit, and a federal arbitrator found that the VA had violated the law by failing to adhere to the existing labor contract and eliminating opportunities for employees to improve their performance.

Three months later, in November 2018, the VA announced it was revoking official time for 430 medical professionals who help protect the rights of more than 100,000 health care workers – prompting AFGE to file a lawsuit in federal court.

Check *www.afge.org* and follow us on social media for the latest developments on VA negotiations.

# **AFGE Wins Big Disability Bias Case Against TSA**



Our union successfully argued that TSA discriminated against the officer when it forced her to take unpaid leave for a month instead of allowing her to remain in a paid duty status, like other officers who have been proposed for removal.

As a result, TSA was ordered to modify the agency's policies to comply with the Rehabilitation Act. The ruling also prohibits TSA from treating

hanks to our union, an administrative judge has ordered the Transportation Security Administration (TSA) to change its national policy regarding medical disqualification removals following the wrongful termination of a TSA officer.

In addition to changing its national policy, TSA was also ordered to pay the officer one month of backpay and \$100,000 in compensatory damages.

The officer, who temporarily suffered from migraines due to a neck problem, was placed on paid administrative leave for seven days under TSA's Job Search Program. The program searches for jobs within TSA and DHS for medically unfit officers before deciding on their proposed removals.

After seven days of administrative leave, TSA forced the officer to take unpaid leave while they determined if they would allow her to keep her job. She was terminated a month later.

officers with alleged disabilities less favorably than officers without disabilities.

Additionally, TSA can no longer limit the amount of paid administrative leave to seven days for employees who have been proposed for removal for medical reasons. Unless the employee would pose a direct threat in a duty status, TSA may not force an employee to take leave (LWOP, annual, sick, administrative, etc.) after receiving a proposed removal due to a medical condition.

Unfortunately, our union sees cases like these involving unfair removals and suspensions far too often at TSA. AFGE has long called on the agency to rectify the disparate treatment of officers.

AFGE will continue to call on Congress and TSA to reverse this trend and promote a workplace that is free of disrespect, bullying, and poor treatment at the hands of TSA management.

Tell Congress that TSA officers deserve full workplace rights. Visit **www.afge.org/Title5** today.

## **AFGE Defends Employees' Rights in EO Lawsuit Appeal**



FGE was back in court in April defending our lawsuit against the Trump administration's May 2018 executive orders, which attempted to limit workers' collective bargaining, due process, and representational rights.

Last August, U.S. District Judge Ketanji Brown Jackson invalidated most provisions in the executive orders, ruling that their combined effect would "eviscerate the right to bargain collectively" at federal workplaces. The administration appealed the ruling to the U.S. Court of Appeals for the District of Columbia, which heard oral arguments on April 4.

Arguments mostly centered on whether the court had the jurisdiction to hear the case. The administration's attorney argued that the correct forum is the Federal Labor Relations Authority – an argument that was rejected by one of the three judges hearing the appeal and by AFGE Deputy General Counsel Andres Grajales.

The heart of our union's argument – one that Judge Jackson agreed with in her August ruling – is that these executive orders are unconstitutional on their face, also called a facial challenge, and therefore cannot go before the FLRA.

"The unions' claim is very much a facial challenge," Grajales told the appeals court. "And the administrative scheme does not provide for review of that claim." The appeals court did not indicate when they will have a ruling.



## **Don't Miss Out: Union Plus Still Issuing Furlough Grants**

hough the shutdown ended on January 25, 2019, Union Plus continues to process furlough assistance applications.

Eligible Union Plus Credit Cardholders who were furloughed can apply for the furlough grant until December 22, 2019. You must have been a Union Plus Credit Cardholder for at least three months and in good standing on December 22, 2018—the date the federal shutdown began.



Workers protest at Hart Senate Building during the shutdown

Last December, the federal government shut down over a budget dispute between Congress and the President of the United States. It was impossible to know then that it would end up being the longest such shutdown in U.S. history, but it quickly threw hundreds of thousands of federal workers into financial turmoil as they were forced to work without pay or were furloughed indefinitely.

The American Federation of Government Employees counts over 310,000 federal employees among its members. AFGE and Union Plus jumped into action immediately after the holidays to develop and roll out a new benefit as soon as possible. On January 10, 2019, the Union Plus Furlough Grant Program was introduced, providing \$300 to eligible Union Plus Credit Cardholders directly impacted by the furlough.

Since the shutdown, Union Plus has given out 79 furlough grants totaling \$23,700 to AFGE members. AFGE members who were Union Plus cardholders in good standing are still eligible to apply for the grants.

Visit www.unionplus.org/hardship to learn more.

AFGE's 2019 Diversity Week & Human Rights Training Conference

Register Now at

www.afge.org/ diversityweek



Conference Dates: August 10-17, 2019 Hilton Riverside | New Orleans, Louisiana

AFGE's 2019 Diversity Week will inspire the passion to move AFGE and the labor movement toward positive change and equal treatment for all. With the attacks on public sector workers, on women, on people of color, on low wage workers, on our communities, on our children's futures, on the labor movement...AFGE has to "stay ready" for whatever attacks come our way!

The Human Rights Training will offer favorites such as all levels of EEO, Coordinator Bootcamp, Collective Bargaining, LGBT training, Diversity training, Conflict Resolution and Workplace Bullying. We will also be adding some exciting new classes to encourage community and union activism. We're also looking forward to bringing back the very popular Y.O.U.N.G. AFGE Training Summit!

Hosted by AFGE's Women's and Fair Practice Departments



# Are You Ready for an Emergency?



rom deadly wildfires to devastating hurricanes, 2018 was a year of natural disasters. While some disasters are not predictable, the odds of your success in protecting yourself and your family from harm increase sharply if you have a disaster preparation plan in place.

FEMA's disaster preparation website at *www.ready.gov* is the best place to get started.

"Preparation is key," said Steve Reaves, president of AFGE National Local 4060, which represents FEMA employees nationwide. FEMA is the lead agency that deals with all kinds of disasters. The agency is also responsible for managing agency Continuity of Operations (COOP) plans governmentwide.

Here are some recommendations from FEMA on what you can do to get ready before disaster strikes:

 Begin preparing by building an emergency kit and making a family communications plan. A basic emergency supply kit could include the following recommended items:



Water - 1 gallon of water per person per day for at least 3 days, for drinking and sanitation.

Food - at least a 3-day supply of non-perishable food.



Flashlight, first aid kit, and extra batteries. Whistle to signal for help.



Dust mask to help filter contaminated air, plastic sheeting and duct tape to shelter-inplace.



Moist towelettes, garbage bags, and plastic ties for personal sanitation.



Wrench or pliers to turn off utilities, manual can opener for food.



Local maps, cell phone with chargers and a backup battery.



If you have pets or seniors living with you, you may want to build an emergency list for them too to meet their unique needs.

2 Get informed about what disasters could affect your area.

#### 3 Develop an emergency plan:

- Identify the community warning systems and evacuation routes.
- Learn where to seek shelter.
- Include in your plan required information from community and school plans.
- Learn what to do for specific hazards.
- Practice and maintain your plan.
- 4 Keep a NOAA Weather Radio tuned to your local emergency station; monitor TV and radio reports, and follow mobile alert and mobile warnings about severe weather in your area.

Download the FEMA app to receive weather alerts from the National Weather Service for up to five different locations anywhere in the United States.

#### Get in touch with your AFGE Local

In addition to the steps above, you may want to keep in touch with your AFGE Local just in case you need help. Our union brothers and sisters are not fair-weather friends, literally or figuratively! We are here to help any way we can!

# Welcome Home

Whether you are in the market to purchase a home or to refinance an existing mortgage, **Union Plus offers two mortgage providers** designed to help union families. And, every mortgage provides hardship assistance in case of disability, layoff, lockout or furlough.

If you or your co-borrower are a veteran of the Army, Air Force, Marines, Navy or Coast Guard, you may be eligible for a **\$1,000 Union Plus Mortgage Veteran's Grant\*** when you buy your home using the Union Plus Mortgage Program.

Visit **afge.org** to learn more about this and other great Union Plus programs.

# Learn more at afge.org

\*Terms and restrictions may apply.

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