



# LEGISLATIVE CONFERENCE

**Our Union. Our Voice. Our Power.**

## INCREASING FEDERAL EMPLOYEE PAY

Over the years, federal pay increases have not kept up with inflation and the average pay disparity between the federal government and the private sector, according to the last report by the Federal Salary Council, grew to 24.09 percent. This amount is far greater than the 5 percent goal set by the Federal Employee Pay Comparability Act of 1990 (FEPCA), which governs annual white-collar federal employee pay adjustments and sets those adjustments based on changes in the Employment Cost Index (ECI), i.e., changes in private sector wages and salaries.

Competitive pay helps ensure a professional, skilled workforce is on board administering our nation's laws and programs. Federal employees — who live and work in every state and congressional district across the country — serve as scientists, accountants, customer service representatives, park rangers and law enforcement officers, providing critical services for our nation and the American people. The federal government must provide competitive pay and benefits to recruit and retain talented employees.

However, lagging federal pay rates have taken a toll on federal employees and their families over the last few years, with their pay raises trailing increases to private sector wages. Like all American workers and middle-class taxpayers, federal employees face ever-increasing utility, health care, food, and college bills, as well as rent and mortgage obligations. But unlike many in the private sector, federal employees have seen pay freezes or below market pay increases in recent years due, in part, to deficit reduction efforts.

For 2024, Rep. Gerry Connolly (D-VA) and Sen. Brian Schatz (D-HI) have introduced the Federal Adjustment of Income Rates (FAIR) Act (H.R. 536 and S. 124) calling for an average 8.7 percent pay adjustment for federal workers, consisting of a 4.7 percent across-the-board increase plus an average 4.0 percent for locality pay, which is in line with the adjustment called for under FEPCA. Providing federal workers an average 8.7 percent pay raise in 2024 would begin to address the shortfall in pay in the past and help make the federal government a more competitive employer, especially in higher cost areas of the country given the low unemployment numbers. In addition, the average 8.7 percent increase, which is equal to the cost-of-living adjustment (COLA) to Social Security benefits as well as the amount to Civil Service Retirement System annuities for 2023, will help employees retain their purchasing power given the increases in inflation.

For federal agencies to meet their missions, they need to recruit and retain talented employees, all of whom, regardless of pay system or occupation, deserve an adequate pay raise that is comparable to increases for their private sector counterparts.

### **NTEU urges:**

- **Support for the FAIR Act — H.R. 536 and S. 124 — that provides an average 8.7 percent pay adjustment for federal employees in 2024.**
- **Opposition to efforts to freeze or cut employee pay for deficit reduction efforts.**
- **Support for a fair and transparent pay system that provides adequate and equitable pay raises.**



# LEGISLATIVE CONFERENCE

**Our Union. Our Voice. Our Power.**

## ENSURING AGENCY FUNDING

In recent years, Congress has worked to restore critical funding to federal agencies after years of staffing shortages and budget cuts. However, efforts to claw back these critical investments in federal services and cut the federal workforce and agency budgets have already started. Congress must reject these spending cut proposals and raise or suspend the debt limit to ensure that agencies have the staff and resources necessary to keep America running.

At the IRS, funding reductions in recent years have resulted in the loss of 15,000 employees, including front-line customer service and enforcement personnel, leaving the overall workforce the same size it was in 1970. These cuts diminished IRS' capacity to answer taxpayer calls, promptly process returns, combat identity theft and reduce the deficit. Recognizing the adverse impact of these funding cuts on the IRS' ability to administer the tax code and service American taxpayers effectively, Congress provided the agency with critical, long-term funding in the Inflation Reduction Act of 2022 (IRA). Unfortunately, there have already been efforts in the 118th Congress to rescind the critical, long-term investment in the IRS which CBO says will generate \$180 billion in new revenue - and threats to further reduce funding for FY 2024 that would prevent the IRS from improving taxpayer service, modernizing outdated technological infrastructure, and increasing equity in the tax system. Congress must reject attempts to rescind the critical funding provided to the IRS under the IRA or reduce the funding for FY 2024 that the IRS needs to strengthen customer service programs and ensure equitable enforcement of the tax code.

For years, NTEU has led the effort to address Customs and Border Protection (CBP) staffing shortages at the ports of entry. As trade and travel volumes increase as pandemic restrictions are lifted, adequate staffing at ports of entry is critical. For example, according to CBP, the Gross Domestic Product (GDP) increases \$2 billion for every 1,000 CBP officers hired. Furthermore, understaffed ports lead to long delays in commercial lanes as cargo waits to enter U.S. commerce and create a significant hardship for CBP employees. The FY 2023 omnibus provided CBP with \$16.7 billion in total funding, \$1.8 billion above the FY 2022 enacted level, including \$60 million for 125 new CBP officers, 250 technicians, and 250 support staff. Unfortunately, this level of funding does not meet the need as reported in CBP's most recent Workload Staffing Model (WSM), which shows CBP staffing shortages at the ports of entry across the board—most notably, shortages of 1,757 CBP Officers and 258 Agriculture Specialists nationwide. NTEU will continue to seek FY 2024 funding for CBP new hires at the ports of entry up to levels required by the CBP's dynamic workplace staffing models for CBP Officers, Agriculture Specialists and Trade Specialists.

Agencies, including those that safeguard our health, protect the elderly, and protect the environment, have seen proposals to significantly reduce their budgets in recent years. Other agencies, such as the Food & Drug Administration (FDA), have not received increases sufficient to keep up with their increasing workload of drug approvals and food safety. In addition, there have been threats to use the appropriations process to undermine the independence of our government's banking and consumer protection agencies and to eliminate several agencies that provide critical services. NTEU supports sufficient funding for agencies to meet their missions and provide essential services for the American public.

### **NTEU urges:**

- **Opposition to efforts to rescind long-term funding provided in the Inflation Reduction Act.**
- **Support for raising or suspending the debt ceiling in addition to providing sufficient agency funding for FY 2024 to keep agencies open and ensure they can meet their missions.**
- **Support for additional FY 2024 funding for increased staffing for CBP Officers, Agriculture Specialists and Trade Specialists at the ports of entry.**
- **Opposition to measures that undermine or eliminate agencies that provide critical services.**



**NTEU**

**LEGISLATIVE CONFERENCE**

**Our Union. Our Voice. Our Power.**

## **PROMOTING AND SUPPORTING TELEWORK AND REMOTE WORK**

The pandemic has proven, once and for all, the value of a robust telework program in the federal government. During the pandemic, many agencies fully embraced telework by expanding it to more employees and investing in the technology needed to make them successful. Maximum telework policies have protected the health and safety of federal workers around the country, and their families, without sacrificing productivity, and often increasing it. In fact, a May 2022 Survey by Eagle Hill Consulting showed that 46% of government employees who telework reported their team's performance improved since 2020. Comparatively, only 35% of government employees working in-person reported team performance improvements during the same period.

NTEU has a long history of helping agencies create and maintain successful telework programs and it is a staple in many of our agency contracts. These agencies, who had existing telework programs, were best able to handle the pandemic while those who had resisted telework were unprepared.

Telework is a win for everyone – not just for employees, but for management who can compete better against the private sector and recruit workers without losing productivity, for taxpayers who save on federal building leasing costs, and for the environment, which benefits from reduced pollution from decreased commuting. For example, the NTEU-represented U.S. Patent & Trademark Office (PTO) saves taxpayers over \$12.5 million every year due to reduced leasing made possible by telework/remote work. Based on the experience of the pandemic and expanded telework, the NTEU-represented Federal Communications Commission signed a new 15-year lease with a 30% reduction in space, resulting in a savings of \$119 over the term of the lease.

Despite these clear benefits, earlier this year, without any committee hearing or data review, the House passed H.R. 139, the SHOW UP Act, which would roll back telework programs and make it harder for employees to telework. NTEU strongly opposes this legislation.

Last Congress, Representative Gerry Connolly (D-VA) introduced the Telework Metrics and Cost Savings Act, which would protect existing employee telework arrangements and encourage agencies to expand telework. The bill also would have provided a procedure that agencies must follow to justify any proposed reductions in telework and require agencies to submit a report on the cost savings they achieve from telework. NTEU looks forward to this legislation being reintroduced and passed this Congress.

### **NTEU urges:**

- **Support for the Telework Metrics and Cost Savings Act and other legislation to expand and protect telework.**
- **Opposition to legislation, such as the SHOW UP Act, that would roll back telework programs, adversely impact agency recruitment and retention efforts, and increase federal government leasing costs.**



# LEGISLATIVE CONFERENCE

**Our Union. Our Voice. Our Power.**

## PROTECTING AND ENHANCING FEDERAL BENEFITS

As Congress and the Administration look to address budgetary and spending concerns, NTEU urges Congress to oppose further erosion of federal employee benefits.

Most federal employees are covered under the Federal Employees Retirement System (FERS) for retirement. This carefully crafted retirement system is critical for successful recruitment and retention in the federal government. Unlike many state retirement systems, FERS is fully funded and financially sound with no unfunded liability. However, since 2010, Congress has twice increased employee contributions to FERS, essentially cutting take-home pay for those hired after 2012 and creating inequities among employees. Federal employees have earned their pensions, and it is part of their employment contract with the American people. NTEU supports efforts to bolster employee retirement benefits and opposes any further reductions in the value of federal retirement benefits that threaten the income security of federal retirees and make hiring and retention more challenging. To that end, NTEU supports the Equal COLA Act, H.R. 866, which provides equal cost-of-living adjustments for FERS and Civil Service Retirement Systems (CSRS) annuities.

In addition, NTEU continues to fight for passage of the U.S. Customs and Border Protection Retirement Corrections Act (S. 311) which would fix an error that impacts nearly 1,500 Customs and Border Protection Officers (CBPOs) who were recently told they were no longer eligible for a proportional annuity and subject to mandatory retirement after 20 years of law enforcement service. This bill, introduced by Sens. Gary Peters (D-MI) and Josh Hawley (R-MO), was passed out of the Senate Homeland Security and Governmental Affairs Committee (HSGAC) last year, but failed to be acted upon by the full Senate. NTEU will push for swift action on S. 311 to ensure the government keeps its promise to our CBPOs. We are also engaging in active discussion with Capitol Hill on legislation that would allow CBPOs on staff prior to 2008 to buyback that time for retirement purposes.

Federal workers also continue to face rising healthcare costs under the Federal Employees Health Benefits Program (FEHBP), which provides coverage to approximately 8.2 million federal employees, retirees and their family members. For 2023, FEHBP enrollee premiums increased an average of 8.7%. Like other Americans, federal workers and retirees continue to absorb higher out-of-pocket costs while already paying a higher share on average for premiums and higher overall deductibles than many of their private-sector counterparts in large, employer-sponsored plans. We urge Congress to strengthen federal benefits by focusing on efforts that will keep healthcare costs down for enrollees while not sacrificing vital care and services.

NTEU is also working with Congress to draft legislation to address a growing health care crisis among our CBP employees. Between 2007 and 2021, CBP lost 145 employees to suicide and in 2022, fifteen CBP employees took their lives. NTEU is leading the effort to ensure that the \$23 million appropriated by Congress to address this crisis is used to establish a comprehensive, culturally competent, Law Enforcement Mental Health and Welfare program (LEHWHP) that includes development and training of CBP frontline employees to implement an expansive peer-to-peer support program and improves existing Employee Assistant Programs, while providing confidentiality for the employee and a safe harbor from automatic Fit for Duty Examination referrals.

At the same time, there is a growing consensus across the country that paid family leave is necessary for today's families, especially as we have all struggled to care for our loved ones during the pandemic. That is why NTEU has endorsed the Comprehensive Paid Leave for Federal Employees Act, H.R. 856/S. 274, which would build on the paid parental leave program created in 2019 by providing 12 weeks of paid Family Medical Leave Act leave to care for oneself, a spouse, a parent, or a child with a serious medical condition. Few employees can go weeks without pay, and no one should be forced to choose between caring for a loved one and a paycheck. Paid family leave is a win-win for employees and employers, allowing employees time to address caregiving issues, while agencies get an employee who returns to work instead of having the expense of hiring and training a new employee.

In addition, NTEU believes that helping employees address student loan debt is critical and continues to work with the Biden Administration and Congress to improve and expand the Public Service Loan Forgiveness program. Improvements to the program instituted by the Administration have already resulted in \$9 billion of loan forgiveness for over 150,000 public servants. Further, we are asking Congress to consider supporting new and existing programs for student loan repayment benefits as a tool to recruit and retain skilled employees.

**NTEU urges:**

- **Support for equitable employee benefits, including the Equal COLA Act, H.R. 866.**
- **Opposition to any budgetary proposal which would increase federal employees' contribution to or reduce federal employee retirement and health care benefits.**
- **Support for the Comprehensive Paid Leave for Federal Employees Act, H.R. 856/ S. 274, providing 12 weeks of paid family leave for federal employees.**
- **Support for new and existing student loan repayment programs and strengthening the Public Service Loan Forgiveness Program.**
- **Support NTEU-endorsed Law Enforcement Mental Health and Welfare program (LEHWHP) authorization bill and continued funding for this CBP program.**
- **Support S. 311, legislation that ensures the government keeps its promise to nearly 1,500 CBPOs who were promised enhanced retirement benefits without being subject to the mandatory retirement age.**



**NTEU**

**LEGISLATIVE CONFERENCE**

**Our Union. Our Voice. Our Power.**

## **SAFEGUARDING WORKPLACE RIGHTS AND PROTECTIONS**

A merit-based, non-partisan civil service is the backbone of our federal government. It is imperative that career civil servants who are charged with implementing complex federal programs on behalf of the American people can continue to do their work with dedication and skill, regardless of changes in elected leadership. Proposals to eliminate or restrict collective bargaining and due process rights for these employees would return the civil service to the dysfunctional “spoils system” of the past, driven by patronage and political favoritism rather than ability and merit. NTEU supports efforts to protect employee rights to ensure a fair and transparent workplace where employees continue to have a voice and are not afraid to blow the whistle when they see waste or wrongdoing.

Over the years, individuals in the White House and in Congress have put forward proposals to erode constitutionally protected statutory employee due process rights -- increasing the chances that employees are treated unfairly -- to undermine federal employee unions and their ability to operate in federal workplaces, and to create a new Schedule F in the Excepted Service, which would strip civil service and due process protections from a large number of employees to make it easier to hire and fire them at will. There have also been initiatives to put severe restrictions on the use of official time, which is essential for ensuring unions can continue to assist federal employees with workplace issues such as retaliation, discrimination, and sexual harassment. As you know, in the federal sector, there is no requirement that an individual join and pay dues to a union. However, federal unions are required to represent every individual in a bargaining unit, whether or not they choose to pay dues.

Action is needed to ensure that future administrations cannot undermine federal employee due process and collective bargaining rights and ensure that agencies fulfill their statutorily mandated responsibilities to bargain in good faith. To do so, NTEU urges Congress to oppose legislative efforts limit employee rights and protections and to support the Saving the Civil Service Act, H.R. 1002/S. 399, which would prevent a future administration from implementing a scheme similar to the Schedule F executive order. In addition, NTEU urges the Senate to confirm President Biden’s nominees to the Federal Labor Relations Authority (FLRA), which will help ensure that conflicts in labor-management relations are heard by neutral arbitrators that adhere to the law and years of FLRA precedent. Combined, these actions will help ensure that federal employees are treated with dignity and respect.

### **NTEU urges:**

- **Support for a professional, non-partisan civil service with employee collective bargaining and due process rights to prevent politicization of the civil service and to protect whistleblowers.**
- **Support for the Saving the Civil Service Act, H.R. 1002/S. 399, which would prevent a future administration from implementing a scheme similar to the 2020 Schedule F executive order.**
- **The Senate to confirm President Biden’s nominees to the FLRA.**
- **Opposition to anti-worker proposals seeking to eliminate or weaken collective bargaining rights for federal workers or that fail to protect workers from arbitrary or unfair job actions.**