



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Eric Bunn Sr.
National Secretary-Treasurer

Dr. Everett B. Kelley
National President

Jeremy A. Lannan
NVP for Women & Fair Practices

May 12, 2020

Dear Senator:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia employees in approximately 70 agencies, I write to urge your support for enhanced workplace protections and benefits for federal employees. Our members are working on the frontlines to protect and serve the American public during the COVID-19 pandemic. As you develop additional coronavirus response legislation ensuring the health and safety of the federal workforce is vital to protecting the American public.

AFGE represents many 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 also represent employees at the Food Safety Inspection Service (FSIS) who inspect our meat and poultry to make sure it is safe for the American public, and numerous others throughout DoD, VA, and the Department of Homeland Security. 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 and certainly continue to be at risk.

The next stimulus package must address economic recovery and preparation for the very likely continued spread and possible resurgence of this virus or similar illnesses in the coming months or even years. Ensuring the safety of the federal workforce should be recognized as an essential leading part of America's recovery.

AFGE urges you to include the following provisions in the next coronavirus legislation to protect and equip federal workers to continue providing vital public services during this crisis:

Hazardous Duty Pay: AFGE urges Congress to provide hazardous duty pay or a pay differential and environmental differential pay to federal employees who are required to report to work and risk exposure to COVID-19 through the performance of their duties. Because federal employees are in immediate danger of exposure, and current protocols provide no guarantee of protection, employees who are required to work in facilities such as hospitals, prisons, airports, military depots and arsenals and other federal campuses should all be guaranteed hazardous duty pay.

Presumption of Workplace Illness: AFGE urges Congress to amend the Federal Employees Compensation Act (FECA), the law that governs workers' compensation for federal employees,

to provide an automatic presumption of workplace illness for employees who contract COVID-19 through the performance of their duties. Many federal employees still do not have adequate personal protective equipment, or training, and they lack clear, consistent guidance from agencies regarding preventive measures. As a result, the number of federal employees who must be quarantined or who have been diagnosed with COVID-19 is increasing every day. If employees are required to interact with the public, individuals who are quarantined, or who have been diagnosed with COVID-19 during the performance of their duties, there should be a presumption that the employee contracted the virus at work. A workplace presumption of illness will allow federal employees who have contracted the virus in the performance of their duties to make a FECA claim without facing a potentially lengthy denial and appeals process and help these workers receive the care and services they need.

Adequate Personal Protective Equipment: AFGE urges Congress to enact a stronger statutory framework to ensure that personal protective equipment (PPE) and other equipment and supplies needed to fight COVID-19 are provided in adequate quantities and procured and distributed through an efficient and transparent process. Every federal and private sector worker who needs PPE should receive the highest-quality equipment to ensure safety in the workplace. This includes health care workers, first responders, mission critical workers, and workers performing essential functions including retail, distribution, manufacturing, farm work, and food inspection.

AFGE asks Congress to urge the President to fully utilize his authority under the Defense Production Act, establish clear manufacturing and distribution targets, and create stronger PPE reporting requirements. Specifically, we urge Congress to include language to facilitate emergency production of medical equipment and supplies and ensure accountability through annual Comptroller General reports assessing the strategic national stockpile.

Universal Testing 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 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. For testing and exposure tracing to be effective, it must be universal and nationwide. We ask that Congress 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.

Weather and Safety Leave: AFGE urges Congress to provide weather and safety leave to all employees who are not able to perform their duties remotely and who cannot travel to their duty station because of health and safety risks as a result of the coronavirus crisis. The use of weather and safety leave will help prevent the spread of COVID-19 and ensure that federal employees are not reporting for duty and risking exposure to the virus or exposing other federal workers or the public.

Telework: AFGE urges Congress to require all agencies to expand telework to all employees who can perform their duties remotely to minimize the spread of COVID-19. If employees are not able to perform their duties remotely and they are not required to report to work, they should

be placed on weather and safety leave. Congress should require agencies to assess equipment and technology deficits related but not limited to hardware, software, and providing adequate internet access, and work to address them so more employees are able to telework during the COVID-19 pandemic and in the future.

Labor-Management Relations: AFGE urges Congress 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.

Federal Employees Health Benefits Program (FEHBP) Enrollment Opportunity: AFGE urges Congress 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.

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 Congress to include this critical bill in future legislation. As Congress 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. We must ensure parity for all federal employees instead of continuing separate and unequal personnel management systems. Further, the more than 500 TSOs confirmed to have contracted COVID-19, and six deaths among TSA staff raises concerns about the efficacy of this dual management system.

Stop Transfer of Federal Prisoners During the Pandemic: We urge Congress 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, their families, their communities and the federal prison population.

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.

Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard: With the coronavirus pandemic plaguing the nation, protecting federal workers, both those on the front lines fighting this virus and those exposed due to the nature of their duties, is of paramount importance to keeping government functions operational. AFGE urges Congress to include in the next coronavirus package legislation that would require the Secretary of Labor to provide an emergency temporary standard for all workers, and especially health care workers, first responders, and other workers with elevated risk fighting the Coronavirus Pandemic. AFGE also supports the inclusion of legislative language that prohibits employers from retaliating against employees for reporting COVID related issues to their employer and from using higher level PPE not provided by their employer.

AFGE thanks you for your continued support of federal employees during this critical time. The federal workforce is bravely working to ensure that the American public continues to receive important services and benefits during the COVID-19 crisis. We ask that you please urge your Leadership to include the above worker safety provisions in future COVID-19 response legislation.

For additional information or questions, please contact Fiona Kohrman, fiona.kohrman@afge.org.

Sincerely,



Alethea Predeoux
Director, Legislative Department

