



2022

LEGISLATIVE  
ADVOCACY  
CONFERENCE

February 28, 2022

# REVIEW OF 2021 ENACTED LEGISLATION

1. **National Defense Authorization Act for FY2022, signed into law on 12/27/21**
  - Restores one-year probationary period for DOD workers, reversing the FY 2016 NDAA's two-year probationary period.
  - Overtime pay requirements to Navy employees working on vessels outside the continental United States.
  - DOD Office of Inspector General study on Navy shipyard employees impacted by brief Accelerated Promotion Program suspension in 2016.
2. **American Rescue Plan Act, signed into law on 3/11/21**
  - \$3 billion to support jobs in the domestic aircraft manufacturing supply chain
  - 100% COBRA premium subsidy to 9/30/21
  - \$350 billion in flexible State and Local Fiscal Recovery Funds
3. **Infrastructure Investment and Jobs Act, signed into law on 11/15/21**
  - \$17 billion for USACE civil works, with \$4 million for inland waterways operations and maintenance over three years, \$2.5 billion for construction projects

# IFPTE 2022 CONGRESSIONAL ISSUES

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1. Support Federal Investments in State and Local Governments, Infrastructure, Local Economies, and Public Services
2. Creating a Trade Framework that Works for All Workers, Communities, the Environment, and the Public Interest
3. Congress Should Reform the H-1B program
4. Protecting Our Nation's Veterans – Honoring Our Commitment
5. Strengthen Worker Retirement Security – Pass the Social Security 2100 Act
6. Federal Employee Benefits, Compensation
7. Modernizing the FEGLI program
8. Declaring USACE Park Rangers as Inherently Governmental
9. Labor Law Reform - Needed Now More Than Ever

# SUPPORT FEDERAL INVESTMENTS IN PUBLIC SERVICES, INFRASTRUCTURE, LOCAL ECONOMIES

**Infrastructure modernization = high quality jobs, robust economic recovery, investments in communities**

- Congress and the Biden Administration are delivering direct aid to states and localities and providing historic and long overdue infrastructure investment throughout the U.S.
  - American Rescue Plan Act (ARPA) - \$350 billion in flexible federal aid for states and local governments for public services and jobs
  - Infrastructure Investment and Jobs Act (IIJA, Bipartisan Infrastructure Deal) – 5-year infrastructure reauthorizations, \$350 billion for federal-aid highway programs, \$110 billion for bridge & road projects, authorizations for transit grants, and \$32 billion of water, and \$42.5 billion for broadband
    - Increases in private activity bonds, DOT grants to states for P3 analysis, value-for-money cost comparison requirements in high-cost projects.

# SUPPORT FEDERAL INVESTMENTS IN PUBLIC SERVICES, INFRASTRUCTURE, LOCAL ECONOMIES

## 2022 IFPTE Legislative Request:

- Congress should provide ARPA oversight to make sure these funds are used to restore and strengthen public services and return public sector hiring levels to pre-pandemic levels.
- Congress should provide close oversight on IIJA provisions for DOT's technical assistance on P3s and value-for-money cost studies are fair and properly measure the value of publicly owned and delivered services.
- Congress should continue to work on the Build Back Better Act or similar legislation to provide these transformational investments in physical and social infrastructure for working families and local economies in every state and congressional district.

# SUPPORT FEDERAL INVESTMENTS IN PUBLIC SERVICES, INFRASTRUCTURE, LOCAL ECONOMIES

## Congress must commit to completing the task of providing public sector resources through the Build Back Better Act or similar legislation

- Build Back Better Act – childcare & early education, affordable housing, support investments to address climate change, tax relief for taxpayers affected by SALT deduction cap
- Pays for programs through fair taxation that requires largest corporations and the very wealthiest to pay their fair share of taxes

## Other federal issues of importance to Public Sector Workers

- **Extend USDA Waivers for Child Nutrition Programs** – Since beginning of pandemic, Congress has given Child Nutrition Programs flexibility to close the childhood hunger gap. However, the current program waivers expire June 30, 2022
- **Increase Medicaid Federal Matching** – The 6.2% federal matching increase for Medicaid is set to expire on June 30, 2022. Medicaid and Children's Health Insurance Program grew to 83.2 million Americans through June 2021, an 16.8% increase from February 2020

# CREATING A TRADE FRAMEWORK THAT WORKS FOR ALL WORKERS, COMMUNITIES, THE ENVIRONMENT, AND THE PUBLIC INTEREST

House and Senate lawmakers should reframe US trade policy to focus on rebuilding our industrial base and then designing worker-centric trade policies, which elevate workers' rights, and labor market institutions over the priorities of multi-national corporations.

- Widespread supply chain bottlenecks in the wake of the pandemic have further exposed the limitations of our domestic manufacturing capacity and the necessity for policies that rebuild resilient domestic supply chains.
- We welcome the recent rethinking of our approach to globalization, including policy changes for reindustrializing our economy and recognizing the interests of workers, communities, and the public interest.
- United States-Mexico-Canada Agreement (USMCA), July 2020 – An incremental steps to strengthen labor rights in Mexico but does not fundamentally break from the flawed NAFTA-era approach to trade and economic policy.

# FORGING NEW GLOBAL POLICIES AND BREAKING FROM THE NAFTA MODEL

- 1) Raise living standards and improve wellbeing for its citizens.
- 2) Allow nations' legitimate national interests without burdening other nations.
- 3) Prioritize public interest when setting trade policy, not private interests
  - U.S. Trade Policy Must Recognize the Legitimate Role of Public Policies that Promote a National Economic Strategy
  - National economic policies guide investments in public goods, improve quality of life.

## Resetting and Reorienting Trade and Economic Policy:

- Repair corporate taxes so tax policy is not incentivizing offshoring
- Invest in reshoring jobs, supply chains, and building a just and resilient economy
- Our trade policy should support those domestic policies and not create obstacles.
- U.S. trade, investment, migration, and development policies must effectively integrate and promote labor rights as a key objective



# CONGRESS SHOULD REFORM THE H-1B PROGRAM, NOT EXPAND IT

## Fallacy of the High-Skills Labor Shortage

- Justification for the H-1B visa program – that a purported shortage of skilled high-tech workers that has persisted for 30 years, harming innovation and competitiveness – is highly dubious.
  - We need independent and continually updated verifiable data on on labor market and assessments on future labor flows
- Design flaws of H-1B program have shifted bargaining power to employers at the expense of both workers in the U.S and H-1B workers.
- EPI Report showed how one firm, HCL, saved \$95 million in labor costs in 2016 by knowingly hiring H-1B workers instead of workers permanently in the U.S.
- Local 1937's fight to save members jobs shows us how outsourcing firms are using the H-1B visa program
  - Part of a model to outsource, offshore, privatize jobs
  - Knowledge transfer with soon-to-be displaced workers training replacements
  - Workers with lower wages, but high profits for IT firms
- The offshore-outsourcing model has resulted in fissured workplaces in STEM fields and offshoring of work out of the U.S., while discouraging Americans from pursuing STEM careers.

# CONGRESS SHOULD REFORM THE H-1B PROGRAM, NOT EXPAND IT

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## Legislation to Enact Meaningful Reform has Existed in Congress for Years

*The H-1B and L-1 Visa Reform Act* or Durbin-Grassley-Pascrell (H.R.6993, S.3770 in 116<sup>th</sup> Congress)

- Prioritizes awarding H-1B visas to employers seeking workers at the highest salaries
- Limits outsourcing firms from dominating H-1B hiring & closes loophole on replacing U.S. workers
- Employers must attest to recruiting qualified U.S. workers + DOL random audits
- Adds key provisions missing from the L-1 visa program
- Administrative actions can make significant reforms, but reform legislation is still needed

## 2022 IFPTE Legislative Request:

- Reform H-1B visa program to require employers to recruit workers already in the U.S., remove incentives to hire vulnerable guestworkers and below market wages, protect all workers from a race-to-the-bottom
- Improve labor market tracking and assess and manage future labor flows based on labor market shortages supported by data
- Create equitable opportunities in STEM education and STEM careers for all Americans, develops STEM talent within the U.S., anticipates the workforce needs of our economy, and provides workers with the skills that our economy needs.

# PROTECTING OUR NATION'S VETERANS

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## Protecting the Interests of Our Veterans Should Be a Bipartisan Priority for Congress.

From providing quality health care through the Veterans Health Administration, to protecting the benefits that come with the GI bill, to ensuring that Veterans Preference hiring, and retention protections stay in place in the federal government, policies that impact the lives of veterans should be addressed fairly and without partisanship.

- Protect VA hospitals and other vital Veterans services from privatization and further expansion of the so-called Choice program
- Protect veterans preference
- Support legislation to close loopholes in the law that deny earned pension and healthcare benefits to Veterans
- Provide veterans exposed to burn pits and toxins with the care and benefits they need

# PROTECTING OUR NATION'S VETERANS

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- **Pass the bipartisan Retired Pay Restoration Act (H.R. 303)** – Permit retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the VA for their disability and retirement pay for their military service or combat-related special compensation.
- **Pass the bipartisan “Honoring Our Promise to Address Comprehensive Toxins Act” (Honoring Our PACT Act), H.R. 3967** – Comprehensive legislation that establishes presumption of service connection for 23 illnesses/disabilities due to airborne toxins and burn pits, presumption of exposure to radiation, expands presumption for Agent Orange exposure, streamlines access and eligibility to VA benefits for affected veterans, requires VA to implement standardized training on presumption of airborne toxic exposure and conduct outreach.
- **Provide retirement equity to graduates of the United States Merchant Marine Academy** - Title XI, Section 1115 (P.L. 110-181) of the 2008 NDAA correctly included language that allows for federal employee retirement service credit for service as a cadet or midshipman at the nation's other four service academies. However, **USMMA graduates were not included.**
- **Close the TRICARE loophole that unfairly limits veterans' health savings options.** Introduce and pass legislation, similar to the Veterans TRICARE Choice Act (H.R. 5458 in 114<sup>th</sup> Congress), to close the TRICARE loophole which prevents veterans from concurrently participating in TRICARE and health savings accounts.
- **Repeal S. 2372, VA MISSION Act**, passed and signed into law in 2018. MISSION Act privatizes veterans healthcare services by expanding the VA Choice program, shifting resources from VHA facilities to private health facilities at enormous cost, without accountability and without providing better services. A 2021 VA Inspector General report found a 500% increase in payments to private-sector providers and notes that in 2020, at least 37,900 out of a community of 218,000 care providers have engaged in overbilling.

# STRENGTHEN WORKER RETIREMENT SECURITY – PASS THE SOCIAL SECURITY 2100 ACT

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## The Social Security 2100 Act Expands Social Security benefits for retirees

- Strengthens for the system's solvency beyond 2088, both of which this bill achieves;
- Expands benefits for all current and future Social Security recipients;
- Puts in place a more realistic cost of living increase that is directly linked to the inflation experienced by seniors;
- Protects seniors from living in poverty by guaranteeing that the floor for the minimum benefit is 25% above the poverty line.
- Includes a progressive pay-for by pay-for by extending the payroll tax on earnings over \$400,000 of income, while maintaining the payroll tax up to the current level of \$128,400 of earnings.

## 2022 IFPTE Legislative Request:

- 1) Congress should pass and President Biden should sign into law The Social Security 2100 Act.
- 2) Oppose any efforts to apply the Chained-CPI – an inaccurate inflation measure in determining COLA increases for Social Security recipients.
- 3) Oppose any cuts to Medicare, including turning into a voucher system, and Medicaid, including turning it into a block grant program to the States.

# FEDERAL EMPLOYEE BENEFITS AND COMPENSATION

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Over the last decade, federal employees have sacrificed over \$200 billion for our nation

- Through years of pay freezes and pension cuts that went towards deficit reduction;
- To offset the 2012 extensions of the payroll tax cut and Unemployment Insurance (UI), as well as to help pay the bill to avoid sequestration through FY15;
- Government employees have also experienced furlough days and job insecurity due to the 2013 government shutdown, threats of other shutdowns, and sequestration;
- In 2019, federal employees endured the longest federal government shutdown in U.S. history.
- Despite these huge sacrifices, several legislative proposals in the last Congress, and within the President's budgets, continue to target federal employees.

# FEDERAL EMPLOYEE BENEFITS, COMPENSATION, AND CIVIL SERVICE PROTECTIONS

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- As a floor, support a fiscally responsible 5.1% pay raise in FY2023, consistent with Federal Employees Pay Comparability Act of 1990 (FEPCA) and as provided for in the Federal Adjustment of Income Rates (FAIR) Act, H.R. 6398, S. 3518.
- Bust the Salary Cap. GS, ALJ and IJ pay systems are capped at executive schedule levels. The cap should be raised so that all step increases become meaningful again for highly experienced and high-skilled federal employees.
- Protect federal employee pensions – oppose proposals to use FERS as a pay-for:
  - Raiding the G Fund,
  - Replacing the High 3 with the High 5
  - Doubling health benefits premiums
  - Eliminating the FERS annuity supplement
- Remove the unfair FERS tiers that penalizes federal employees hired after 2013 and 2014, with higher contributions for the same benefit.
- Maximize and provide resources for telework. Congress should introduce and pass legislation to require federal agencies to evaluate telework eligibility, forbid agencies from creating barriers to telework, and report cost savings and increased productivity
- Prohibit executive branch from moving competitive service positions to excepted service (aka Schedule F), “Preventing a Patronage System Act” (PPSA), H.R. 302.

# FEDERAL EMPLOYEES & THE NATIONAL DEFENSE AUTHORIZATION ACT (NDAA)

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## IFPTE 2022 Legislative Requests

1. Block efforts to implement a new round of Base Realignment and Closures (BRAC)
2. Declare Defense POW/MIA Accounting Agency (DPAA) jobs inherently governmental – Work that should be performed by federal government employed Historians, Anthropologists, Geographers, and Archaeologists at the DPAA
3. Repeal DOD's flawed performance-based Reduction-in-Force (RIF) procedure: IFPTE continues to request the full repeal of Section 1101 of the FY16 NDAA, which diminished the DoD's RIF rules for both Veterans Preference and seniority in favor of flawed and biased performance ratings. FY22 NDAA gave the Secretary of Defense flexibility to consider Veterans Preference and seniority, but we call for a full repeal of the FY16 provision.
4. Maintain the A-76 moratorium: FPTE's asks that the moratorium remain until a full cost-savings analysis is provided to the House and Senate Armed Services Committees.
5. Include the bipartisan ALJ Competitive Service Restoration Act (HR 2429, S 2348 during the 116<sup>th</sup> Congress)



# FEDERAL SECTOR DEFUND REQUESTS

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## I. Labor, Health and Human Services, Education and Related (Labor-HHS)

### Appropriations bill:

- Defund SSA rule (AC Rule) to strip disability determination cases from independent Administrative Law Judges (ALJs) who are the custodians of due process for Americans and the only independent level of Appeal at Social Security. Included in House Labor-HHS Approps for FY22 (Sec. 525 in H.R. 4502).

## II. Financial Services and General Government (FSGG) and Labor-HHS

### Appropriations bills:

- Defund Executive Order 13843 that politicizes the hiring of federal Administrative Law Judges (ALJs) and return that function to OPM.

## III . Defense Appropriations bill:

- Defund contracting out at Defense POW/MIA Accounting Agency (DPAA), lift the cap on government employees so that contract employees can be hired as federal employees, designate historians, archeologists, anthropologists, geographers, and data analysts at inherently governmental

# USACE PARK RANGERS ARE INHERENTLY GOVERNMENTAL

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- Unfortunately, United States Army Corps of Engineers (USACE) Park Rangers have been potential targets for privatization in the recent past.
- As a union representing Park Rangers throughout the nation, the International Federation of Professional and Technical Engineers (IFPTE) believes it would not only be a disservice to the taxpayer to privatize these jobs, it would be in violation of the FAIR Act.

**IFPTE 2022 Legislative Request:** Pass legislation designating USACE Park Ranger functions as inherently governmental.

# LABOR LAW REFORM NEEDED NOW MORE THAN EVER

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## United States labor law governed by the National Labor Relations Act is broken

Restore the original intent of the National Labor Relations Act of 1935 (NLRA) - the current law governing the rights of workers to form unions and collectively bargain is broken.

### Wages, Obstacles to Organizing, Economic Benefits of Unions

- From 1979 to 2020, U.S. economic productivity increased almost 62% while hourly pay increased 17.5% after adjusting for inflation.
- Economic inequality linked to erosion of the bargaining power of low- and middle-wage workers.
- In 2021, Gallup reported that 68% of Americans approve of labor unions, the highest it has been since 1965. A 2017 survey of nonunion workers showed that 48% would vote to form a union immediately if they could.
- EPI, 2022: “Private-sector employers spend nearly \$340 million per year hiring union avoidance advisers” and that “Employers are charged with violating federal law in 41.5% of all union election campaigns and one out of five union election campaigns involve a charge that a worker was illegally fired for union activity.”
- Higher unionization rates produce positive outcomes for local economies, “higher state and local minimum wages, better health benefits, easier access to unemployment insurance, access to paid sick leave, access to paid family and medical leave, and unrestricted voting opportunities.”

# LABOR LAW REFORM NEEDED NOW MORE THAN EVER

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## PRO Act – Repairing the broken NLRB election process

- Employers use delaying tactics, creating more opportunity for unfair labor practices and more time for anti-union campaign, captive audience meetings
- Post-election, employers can sabotage first contract negotiations by stalling, weakening support for union.
- PRO Act's remedies include:
  - Streamlines and modernizing the election procedures with reasonable timeframes.
  - NLRB authority to award backpay, front pay, and additional damages to workers due to ULP
  - Temporary injunctive relief for ULPs involving a firing or interference with workers' rights
  - Union certification by authorization card when illegal employer interference causes union to lose.
  - Closes loopholes that allow employers to misclassify employees as supervisors.
  - Prohibits captive audience meetings and reinstates the persuader rule.
  - Includes mediation and arbitration for the first contact so employer cannot intentionally delay.
  - Requires union represented workers who opt out of union membership to pay "fair share" fees.

# LABOR LAW REFORM NEEDED NOW MORE THAN EVER

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- The Public Service Freedom to Negotiate Act (H.R. 5727) – Empowers the federal government to step in on behalf of workers by enabling the Federal Labor Relations Authority (FLRA) to intervene and determine if public sector employers infringed on the rights of their employees.
  - Overturning the “free rider” Janus decision
  - Establishing an impartial process for resolving impasses between the union and the employer.
  - Providing a private right of action to force compliance in the federal courts
  - Preventing mandated and/or employer forced recertification elections.
- **Secure and Fair Elections for (SAFE) Workers Act (H.R. 308)** – Allows for NLRB electronic voting system. This bill also corrects the NLRB’s June 2020 decision to return to in-person elections during the pandemic, a decision that harms workers rights and public health.

## IFPTE 2020 Legislative Request

- Urge Congress to pass the Richard Trumka PRO Act, the Public Service Freedom to Negotiate Act, and SAFE Workers Act.
- Any effort to pass budget reconciliation bill must include increased penalties for employers and liability for executives who violate the National Labor Relations Act.

# ADDITIONAL IFPTE LEGISLATIVE ISSUES

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- Confirm FLRA Nominees: Susan Grundmann for FLRA Member, Ernest DuBester for FLRA Member, Kurt Rumsfeld for FLRA General Counsel
- Confirm MSPB Nominees: Cathy Harris for MSPB Chair, Tristian Leavitt for MSPB Member, Raymond Limon for MSPB Member
- Protecting and maintaining the fundamental right to vote is critical our democracy -- Freedom to Vote: John R. Lewis Act, H.R. 5746
- Resolution “Calling on the President of the United States to take executive action to broadly cancel Federal student loan debt” (H.Res 100, S.Res.46) and Student Loan Debt Relief Act (H.R. 3887, S. 2235 in 116<sup>th</sup> Congress), and other legislative and administrative student debt relief options
- Support development and implementation of new zero-carbon emission nuclear energy and hydroelectric technologies as a pathway to carbon neutrality



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