



# INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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## 2022 IFPTE Issue Brief

117<sup>th</sup> Congress

### Key Issues for Federal Employees in 2022

Over the last decade, federal employees have sacrificed nearly \$200 billion through pay freezes and pension cuts that went primarily towards deficit reduction. They have also experienced furlough days and serious economic suffering due to the government shutdowns in FY2013 and FY2019 and face continuing threats of future shutdowns and furloughs.

**IFPTE requests that Congress and the Biden Administration consider the following legislative items to protect federal employee compensation, retirement, and health care to preserve the government's ability to recruit and retain the best talent America has to offer:**

1. Increase federal pay in FY23 consistent with FEPCA – Federal workers have seen their incomes eroded by nearly 11% with respect to inflation over the past decade. The 1.5% federal pay increase in 2021 and a 2.7% federal pay increase in 2022 is insufficient to make up for lost earnings and the pay disparity with private sector pay. Thus, IFPTE urges Congress to fully implement the Federal Employees Pay Comparability Act of 1990 (FEPCA) for 2023 average pay increase of 5.1%, based on the Employment Cost Index calculation. The 5.1% increase for 2023 is also included in the IFPTE-endorsed Federal Adjustment of Income Rates Act (FAIR Act) sponsored in Virginia Congressman Gerald Connolly and Hawaii Senator Brian Schatz.
2. Bust the GS salary cap – Senior high-skilled federal workers continue to experience the demoralizing frustration of the GS salary cap that prevents them even from receiving their annual pay increases in high-cost localities. Impacted IFPTE members include administrative law judges and immigration judges, engineers and scientists at NASA, DOD employees, and many other federal employees with coveted skills and knowledge at the GS-15 level. IFPTE urges the cap be raised so that all step increases become meaningful again for highly experienced and high-skilled federal employees.
3. Protect federal employee pensions – The federal workforce is subject to an unfair four-tiered pension – with CSRS and three different FERS tiers. Within FERS, employees hired in 2013 are paying 2.3% more and those hired after 2014 are paying 3.6% more with no benefit increase. IFPTE urges Congress and the Biden Administration to block any further erosion of federal pension (i.e., replacing the FERS high-three with a high-five pension computation, elimination of FERS COLAs) and calls for legislation similar to the *Federal Employee Pension Fairness Act*, sponsored by Rep. Anthony Brown in the 115<sup>th</sup> Congress, to set FERS contributions back to pre-2012 levels for all employees.
4. FERS pension equity for federal workers – The current pension calculation for most FERS pension participants is the average of your highest three consecutive years of base salary, multiplied by the number of years of service, multiplied by 1.1% at 20 years of service (anything under 20 years of service is accrued at a 1% rate). Given that federal pensions have not seen any improvements since passage of the Federal Employees' Retirement System Act of 1986, coupled with the erosion of federal pensions for those hired since 2013, IFPTE believes that an increase in the accrual rate from 1.1% to as much as 1.7% is long overdue. Any such an increase will help federal agencies better retain and recruit the best and brightest applicants to choose the federal government as their preferred employer.

5. Protect the FERS annuity supplement – In recent years, Members of Congress have proposed taking away the possibility for many federal workers to retire before the age of 62 and frustrate the ability of federal government to better manage its workforce through attrition. IFPTE urges Congress to reject any such proposals.
6. Maximize Telework and Provide Resources for Remote Work – Many federal workers have been teleworking throughout the pandemic and have proven it is an effective approach to accomplishing the federal government’s work without harming productivity. However, some agencies have failed to maximize telework for some workers, even though their job functions allow it. Congress should pass legislation to require federal agencies to evaluate telework eligibility, forbid agencies from prohibiting or creating barriers to telework, and report annual cost savings and increased productivity due to telework.

**IFPTE positions on provision that could be considered as a part of the FY23 NDAA:**

1. Block efforts to implement a new round of Base Realignment and Closures (BRAC) – IFPTE believes it is premature to approve any BRAC until there is a comprehensive and strategic cost-benefit analysis of our overseas bases. A Government Accountability Office (GAO) report showed that the total cost for implementing the 2005 round of BRAC ballooned from the original estimate of \$21 billion to \$35.1 billion (GAO-12-709R). IFPTE urges Congress to deny BRAC authority until the proper cost-benefit analysis is fully completed.
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 is unlawfully being handed over to private sector contractors and non-profit organizations. DPAA management has done this without pursuing an A-76 study to determine if that work is contractable, or if it is cost efficient to do so. IFPTE believes that these OPM professional series job titles are inherently governmental or ‘closely associate’ inherently government jobs and are therefore not subject to privatization. We therefore request that defense authorizers in both the Senate and House include language in the FY23 NDAA declaring these DPAA functions as inherently governmental.
3. Repeal DOD’s flawed performance-based Reduction-in-Force (RIF) procedure: While we are encouraged by language in the FY2022 NDAA that gives the secretary of Defense the flexibility to consider Veterans Preference and seniority, 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. Before enactment of this law, the order of retention was: (1) tenure of employment, (2) Veteran’s Preference, (3) length of service, and (4) performance ratings. After enactment, the order of retention became: (1) Rating of Record (performance ratings), (2) Tenure Group, (3) Average Score, (4) Veteran’s Preference, and (5) DoD SCD RIF (length of service). Given that many DoD performance rating systems have been proven to be discriminatory, particularly against women, older employees, and workers of color, IFPTE continues to call for this law to be reversed to ensure protections for all workers in a RIF.
4. Maintain the A-76 moratorium – The A-76 moratorium was put in place after GAO and the DoD Inspector General determined that the DoD could not prove that contracting out provided any cost savings to the taxpayer. A-76 outsourcing cost comparison process has proven to be flawed in many respects and frequently resulted in inaccurate cost comparisons by double-counting government-performed work. IFPTE 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 (H.R. 4448) – This bipartisan legislation will repeal the hiring policy created by President Trump’s Executive Order 13843, which opens the door for politically appointed leaders of agencies to hire Administrative Law Judges based on political leanings. IFPTE urges defense authorizers to include this provision in the final FY23 NDAA.