



National Treasury Employees Union Legislative Action

111th Congress 1st Session

AGENCY FUNDING & GOVERNMENT PRIVATIZATION

One of the most critical issues facing the federal workforce is a lack of adequate resources to accomplish agency missions. While the use of outside contractors has skyrocketed, staffing in many agencies, including the IRS, DHS, and FDA has not increased or has declined in recent years. The IRS, for example, has seen a 24% overall decrease in staffing levels during the past 12 years, despite staggering increases in workload. Consolidation of immigration, customs and agriculture inspection functions at CBP, referred to as One Face at the Border, has caused logistical and institutional weaknesses resulting in a loss of expertise in critical homeland security priorities. And long waits at our ports of entry are clear evidence that more staffing is needed. The FDA also remains particularly understaffed and underfunded, thereby endangering the health and safety of consumers.

NTEU believes that significant resources for additional staffing can be found by bringing contracted work back in-house.

The FY '09 Omnibus Appropriations bill, H.R. 1105, prohibits the use of funds to begin or announce new public-private Circular A-76 competitions, so that the new Administration has the opportunity to review and develop fair contracting policies. H.R. 1105 would also prohibit the use of appropriated funds from being used for private collection agencies to collect federal taxes, which has been an inefficient and unfair program. We urge opposition to any efforts to eliminate these important provisions as the Senate considers H.R. 1105 this week.

In the 110th Congress, the House overwhelmingly approved three separate tax bills that would repeal IRS' authority to use private debt collectors to pursue tax debts. Reps. John Lewis and Chris Van Hollen have introduced new legislation (H.R. 796) in the 111th Congress that would repeal IRS' authority to outsource tax collection to private collectors and require the work to be done by trained and accountable federal employees.

NTEU urges:

- **Support for adequate budgets to ensure that federal agencies, especially IRS, CBP and FDA, have the resources necessary to perform their critical missions.**
- **Opposition to efforts that would strike provisions in the FY 2009 Omnibus Appropriations bill, H.R. 1105, that would 1) impose a one year moratorium on new A-76 studies in all federal agencies and 2) prohibit funds for PCAs.**
- **Co-sponsorship of HR 796 to repeal IRS' authority to outsource the collection of federal taxes to private collection agencies.**



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ENSURE COLLECTIVE BARGAINING RIGHTS

REPEAL DHS AUTHORITY FOR REGRESSIVE HUMAN RESOURCES MANAGEMENT SYSTEM

After five years of failed experimenting, the Department of Homeland Security (DHS) abandoned its efforts to impose an entirely new personnel management system when Congress, in the FY 2009 DHS appropriations bill, ended funding of this program. NTEU has consistently opposed Title 5, Chapter 97, the provision of the Homeland Security Act of 2002 that authorized the failed DHS human resource management experiment (formerly called MaxHR) and allowed DHS to limit collective bargaining rights for DHS employees. Without a legislative repeal of the authorization, however, DHS can resurrect MaxHR. In its FY 2008 DHS authorization bill, the House voted to repeal this provision. NTEU urges the 111th Congress to pass Title 5, Chapter 97 repeal language this year.

TRANSPORTATION SECURITY ADMINISTRATION

Congress passed the Aviation and Transportation Security Act (Pub. L. 107-71) shortly after 9/11. Section 111(d) of that Act provided the Under Secretary for Transportation Security with unfettered authority in setting up a personnel system for TSA security screeners.

Once the agency was formed, one of Under Secretary Loy's first directives implemented a determination that the screeners (now called Transportation Security Officers (TSOs)) would not be permitted to engage in collective bargaining. Federal employees cannot strike and the ability of federal employees to engage in collective bargaining has never hampered their agencies' ability to deploy them. Collective bargaining rights provide safeguards for employees and will change the tenor of an agency that has the lowest morale, the lowest wages and the highest injury rate in the federal government. TSO's deserve the same collective bargaining rights as other federal employees.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)

On November 26th, 2008 nearly 1,000 NTEU-represented employees were stripped of their right to collectively bargain by an executive order issued by former President Bush. The White House claimed that ATF employees could not continue to have collective bargaining rights due to national security concerns. For some thirty years, the provisions of the labor-management statute had been applied in a manner consistent with national security requirements and considerations, with no lapse in the ability of federal employees to enforce laws and carry out the missions of the United States. This action must be overturned.

NTEU asks you to:

- **Support the repeal of the Homeland Security Act's personnel management provisions.**
- **Support legislation providing collective bargaining rights to TSA employees.**
- **Support action to overturn the ATF executive order.**



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INCREASING ACCESS AND AFFORDABILITY OF FEHBP/ PROVIDING PAID PARENTAL LEAVE

The ever increasing costs of health care continue to confront federal employees and retirees. Once again, in 2009, the enrollee share of the premium for the Federal Employees Health Benefits Plan (FEHBP) will rise at a pace higher than many enrollees can afford. More than half of enrollees, approximately 4 million, face a 2009 premium increase of 13 percent. The overall average FEHBP premium hike is 7 percent. Yet, the program has seen benefit and coverage cutbacks, higher co-payments and the addition of new plans that undermine the integrity of the system. NTEU supports a comprehensive review of FEHBP to see how costs can be held down for the 8 million enrolled federal employees, annuitants and their families.

NTEU supports requiring the Office of Personnel Management (OPM) to apply for a subsidy available under the Medicare prescription drug law to keep premium costs down. A Government Accountability Office Report (GAO-07-141) found that had OPM received the subsidy, premiums in one year alone could have been reduced by an average of 2% and in some plans by 3.5% to 4%. Another important component in keeping costs under control is maintaining the integrity of the FEHBP risk pool of federal employees, retirees and their families. Should new groups receive eligibility to buy into FEHBP at any time in the future, NTEU supports separate risk groups for their participation. Finally, NTEU supports studying whether OPM can reduce costs by directly negotiating for drug prices as done by the Veterans Administration.

Accessibility is crucial to the success of the program. Currently, FEHBP covered dependents are dropped at age 22. Over thirty states have passed bills raising similar caps. NTEU supports raising the cap for dependents under FEHBP, preferably to age 25.

Finally, our nation's parental leave policies are lagging behind. We are the only industrialized nation that does not guarantee paid leave. Bills to provide federal employees with paid leave for the birth or adoption of a child have been introduced by Sen. James Webb (D-VA) and Rep. Carolyn Maloney (D-NY). The bills provide federal employees four weeks of paid leave for the birth or adoption of a child and allow the use of up to eight weeks of accrued paid sick time to care for a new child. NTEU supports these bills.

NTEU urges:

- **Support for requiring OPM to apply for the Medicare prescription drug subsidy.**
- **Cosponsorship of H.R. 626 and S. 354, Federal Employees Paid Parental Leave Act.**
- **Support for raising the age 22 dependent coverage cap under FEHBP.**



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REINSTATING LABOR MANAGEMENT PARTNERSHIPS

On October 1, 1993, President Clinton issued Executive Order 12871, establishing labor-management partnerships in the federal government. That executive order was rescinded by President Bush soon after he assumed office. NTEU believes it is time to re-establish labor-management partnerships in the federal government.

When labor-management partnerships were in effect during the 1990s, there was a climate of recognition that the sometimes adversarial labor-management relationships in federal agencies could be transformed into problem solving relationships. Partnerships were made up of managers, employees, and employees' representatives who had insights into designing and implementing the processes necessary to more efficiently achieve agencies' missions. Partnership councils functioned in federal agencies throughout the country and in cooperation with a National Partnership Council. The purpose of the partnerships was to identify problems and craft solutions to better serve the taxpayer, not to provide for co-management. Often, issues within federal agencies were resolved before they became major obstacles or points of contention in the labor-management arena. Through partnerships came a recognition that employees and their union representatives added value to the decision making process.

In a December 2000 report to Congress, the Office of Personnel Management (OPM) found that partnerships between labor and management "have helped cut costs, enhance productivity, and improve customer service at agencies across Government." It is time to bring the creative ideas of management and labor together again in government.

NTEU supports the reinstatement of federal labor-management partnerships in the federal government. NTEU supports a Presidential executive order, and legislation to establish a National Partnership Council to advise the President and to create local partnership councils in the field. The ultimate goal is to foster positive interaction between management and labor throughout the executive branch to resolve workplace issues and develop policies to enable agencies to better serve the public.

NTEU urges you to support the reinstatement of labor-management partnerships in the federal government.



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FEDERAL RETIREE ISSUES

Unfair Social Security Offsets

Federal employees who retire from government service can be subject to two provisions of law that reduce their income and threaten their economic well-being. The Government Pension Offset (GPO) affects tens of thousands of individuals who are entitled to receive a federal pension from their own work and who are also eligible for Social Security based on their spouse's record of work. The Windfall Elimination Provision (WEP) reduces a retiree's Social Security based on his or her *own* earnings by up to 55 percent simply because he or she receives a public pension.

Under GPO, the reduction in Social Security benefits is equal to two-thirds of the government pension. In the case of a monthly CSRS annuity of \$1,200, 2/3rds of that – or \$800 – would be used to offset a retiree's spousal benefits. If the retiree were eligible for a \$900 benefit, he or she would receive only \$100 a month after the GPO. In many cases, the spousal benefit can be entirely eliminated. The WEP penalizes federal employees when they retire by offsetting "substantial earnings" under their own Social Security earnings by using a different formula calculation. NTEU supports H.R. 235, introduced by Rep. Howard Berman (D-CA), and S. 484 by Senator Dianne Feinstein (D-CA) to eliminate these offsets.

Premium Conversion

NTEU supports passage of legislation to allow federal and military retirees to use pre-tax dollars to pay for their health insurance premiums as active federal workers already do. Health care premiums have risen by more than 50 percent in the last seven years. Since October 2000, OPM has allowed active federal employees to use pre-tax dollars to pay these premiums. Legislation, H.R. 1203, has been introduced by Representatives Chris Van Hollen (D-MD), Frank Wolf (R-VA), and Gerry Connolly (D-VA). Senator James Webb (D-VA) is expected to introduce a Senate bill.

FERS Sick Leave Credit

Under present law, FERS retirees—unlike federal workers who are covered under the Civil Service Retirement System (CSRS)—are unable to have their sick leave credited in the calculation of their FERS annuities. Both groups of dedicated federal employees deserve credit for unused sick leave. NTEU supports H.R. 958, introduced by Representatives James Moran (D-VA) and Frank Wolf (R-VA) to count unused sick leave hours towards the FERS retirement calculation.

NTEU asks: 1) cosponsorship of H.R. 235/S. 484 to eliminate the social security offsets; 2) cosponsorship of H.R. 1203 and Senator Webb's bill on retiree premium conversion; and 3) cosponsorship of H.R. 958 on FERS sick leave credit.



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PAY PARITY FOR FEDERAL EMPLOYEES

On February 26, 2009, the President sent to Congress an outline of his FY 2010 budget that recommends a 2 percent pay raise for federal employees and a 2.9 percent raise for military personnel. Unfortunately, these recommendations do not reflect the longstanding principle of pay parity between federal civilian employees and the military. Pay parity, or equal levels of pay increases for both military personnel and the federal civilian workforce, has been a tenet of federal pay policy for most of the last twenty years.

Last year the House of Representatives included bipartisan pay parity language in its Fiscal Year 2009 Budget Resolution that passed the House (H. Con. Res 312) and led to the enactment of an identical pay increase level for both groups. NTEU has long argued that both military personnel and federal civil servants work together, and often side-by-side, in defending our borders, protecting our homeland, keeping our government systems running, protecting our food safety, collecting our revenue, and safeguarding public health. Both groups deserve an equal pay raise level.

Moreover, the Federal Employees Pay Comparability Act (FEPCA), enacted in 1990 to close the gap between federal and private sector pay, has never been fully implemented, leaving a 23 percent disparity between federal employees and their private sector counterparts. Without at least pay parity, federal employees will fall even further behind the private sector. NTEU believes pay parity is a precedent too important to ignore and will work on a bipartisan basis with Congress and the Administration to reinstate the longstanding principle.

NTEU urges you to support pay parity for federal employees and military personnel.