

# NTEU Bulletin

## NTEU'S MESSAGE TO CONGRESS AND THE ADMINISTRATION:

### Don't Rush Federal Employees Back Into Offices

Decisions about when and where to reopen federal office buildings and recall employees to the workplace are a moving target. The situation largely depends on state and local conditions where federal employees live and work, such as COVID-19 infection rates, hospital capacity, testing programs and stay-at-home orders.

At NTEU-represented agencies, there are widely different approaches for determining when it is safe. While some agencies seem eager to push toward recalling employees into the work site, others are moving more cautiously.

There are life-and-death implications for these decisions, which is why NTEU still believes that maximum telework remains the safest approach.

Notably, the policy of maximum telework has picked up some powerful allies on Capitol Hill as lawmakers urge the administration to keep as many federal employees working from home as possible. Because telework has maintained — or improved — productivity, eliminated commuting costs and undoubtedly saved lives, members of Congress are joining NTEU's call to prevent agencies from recalling federal workers too soon.

"As new waves of COVID-19 cases continue to hit areas across the country, it is especially important for federal agencies to have a clear mandate that sets a positive example for employers to keep their workforces and communities safe," according to a recent letter from 22 senators to congressional leadership. "Plans to bring federal employees back into offices prematurely would threaten to erase the progress made against the coronavirus and increase community spread."

NTEU has good reason to be wary of a rush to reopen. There are many instances of federal employees contracting COVID-19 after returning to their place of work. The IRS in Austin, Texas, and Federal Law Enforcement Training Centers (FLETC) in Charleston, S.C., are two prominent examples of worksites that reopened amid spikes in local



cases, including climbing rates of infections among federal workers. Far too many federal workplaces have experienced an employee or a contractor testing positive.

NTEU representatives at the local and national level are closely monitoring agency reopening plans and, in many cases, objecting when management shows signs of pulling back on telework.

Telework, especially coupled with maxiflex scheduling, has proven crucial for federal employees with additional family care responsibilities at home. As long as schools and day cares remain closed and in-home care for elderly relatives is risky and sparse, telework is what allows people to take care of their fami-

lies without sacrificing their careers.

Maximum telework is in line with what many are doing in the private sector. Major corporations such as Google have announced plans to keep their employees working from home until well into 2021.

Global Workplace Analytics, a consulting firm, recently reported to Congress that a typical employee who switches to telework saves between \$2,500 and \$4,000 a year by cutting costs for commuting, dry cleaning and food and drinks.

For those with jobs that are not portable — especially at IRS and CBP — NTEU's advocacy is critical on issues like workspace cleaning and disinfecting; adequate supplies of personal protective equipment; sufficient physical distancing; and resolving issues related to leave, transit subsidies and flexible scheduling.

NTEU's original set of conditions for a safe return to the workplace, issued early in the pandemic, still stand: The lifting of all state and local stay-at-home orders; widespread COVID-19 testing for federal employees; adequate protocols for cleaning and social distancing; ample supplies of masks, gloves, sanitizers and wipes; taking employee temperatures before entering the building; and allowing high-risk employees to remain at home.

## Push for Federal Employee Provisions Continues

NTEU is working closely with our congressional allies to advance legislative provisions that would protect your health and safety, and provide you with the flexibilities you need during the pandemic. Here's a look at some of these efforts:

### The Next Coronavirus Relief Bill

NTEU is advocating for several pro-federal employee provisions in the next phase of coronavirus relief. They include providing hazard pay for public-facing employees, ensuring maximum telework throughout the pandemic and eliminating out-of-pocket expenses for coronavirus treatment under FEHBP. NTEU is urging Congress to broaden weather and safety leave to cover childcare and other dependent care responsibilities resulting from the pandemic, and to allow federal employees to carry over unused annual leave.

### Protecting Your Health and Safety

NTEU is supporting legislation introduced by Sen. Brian Schatz (D-HI) that would create labor-management task forces across government to review and provide input on policies concerning telework, leave, cleaning and training during the pandemic.

### The Push for Maximum Telework

Lawmakers have echoed NTEU's concerns about rushing federal employees back to the workplace. In early July, all four U.S. senators from Virginia and Maryland sent a letter

urging the administration to reverse plans to call back teleworking federal employees to their offices. That letter was shortly followed by another one from 22 senators to Senate leadership pressing for a provision in the next coronavirus relief bill requiring maximum telework for federal employees. Bills have also been introduced in the House by Rep. Gerry Connolly (D-VA) and in the Senate by Sen. Van Hollen (D-MD) that would push agencies to expand telework and require maximum telework throughout the coronavirus pandemic.



**Tony Reardon**  
*National President*

## Another Threat to You: Retirement Cuts

Your federal retirement is in jeopardy.

With a global health crisis and imploding economy, we've all got enough to worry about. But I cannot let this catastrophe go any further without alerting you to what very powerful people are trying to do to the government's promise that its workers have financial security in retirement.

Every year he's been in office, the president has put your pension on the chopping block. For 2021, his plan is to slash \$180 billion from federal employee retirement benefits over the next 10 years.

Is there just one proposal? One cut? One plan? No, and that is what makes this such an insidious threat. The president's ideas, on paper, are made to look like a series of small tweaks and minor reforms. Viewed individually, you'd be forgiven for thinking the impact on you and your family would be minimal. But taken together, they will significantly shrink every future paycheck and every future retirement check you receive.

Bottom line: You would pay more and get fewer benefits.

The cruel details are all laid out in the White House's own budget.

Probably the worst is his desire to increase how much of your paycheck goes to retirement. Every year for six years, the government would take an extra 1 percent and send it to the Federal Employee Retirement System. Six consecutive 1 percent cuts to your pay is not an imperceptible adjustment. From 2021-2030, the White House predicts this would siphon more than \$87 billion away from employees' take-home pay, with no increase in retirement benefits.

Another idea is to eliminate cost-of-living increases for FERS retirees and reduce cost-of-living increases by 0.5 percent for those on the Civil Service Retirement System. Over 10 years, that means retirees lose \$53.6 billion in benefits. More bluntly, it means your federal retirement is frozen in time and never able to keep up with inflation.

Another \$8 billion in benefits would be lost if the government bases retirement benefits on the average of your last five years of salary, instead of three years. It doesn't sound that threatening, but assuming your paycheck increases slightly every year, the high-5 formula lowers your average and cheats you out of hundreds of dollars a year, for as long as you live.

In case you thought your Thrift Savings Plan was immune to the president's cuts, there's also the plan to reduce the interest rate on the TSP's G Fund, meaning your investments would not go as far as they should. Through 2030, this would deprive TSP plan holders of \$10.5 billion in gains.

Finally, and this one is especially alarming for our CBP members, the president has asked Congress to eliminate the FERS supplement for those retiring before age 62. If you work in federal law enforcement and have a mandatory retirement age, like CBP, the FERS supplement is a financial bridge to get you to Social Security eligibility. The president's budget disrespectfully refers to this supplement as an "extra" benefit that should be eliminated. Over 10 years, it deprives retirees of nearly \$20 billion.

So far, NTEU and our legislative allies have killed these harmful administration proposals when they reach Capitol Hill. There are plenty of ways to reduce the federal deficit and I'll never understand why a president chooses to hurt the government's own civil servants — especially in retirement — to do so.

This is not a time to make it harder for middle-class Americans to save for their retirement. And for those who have dedicated their careers to public service, it would be even more shameful to default on the promises our country made to them.



### **NTEU MISSION**

To organize federal  
employees to work  
together to ensure that  
every federal employee  
is treated with dignity  
and respect.

## **NTEU**Bulletin

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# Harmful Executive Orders Permeate Bargaining Tables

The three anti-employee executive orders (EOs) released in May 2018 are detailed and complex, with multiple provisions designed to weaken the rights of federal unions and union members.

To some federal employees, the EOs can seem abstract but they have very real — and very chilling implications at the bargaining table. Critical workplace rights and programs that employees value and rely on are under unprecedented attack. Benefits that NTEU negotiated and built upon over decades could be unilaterally erased.

“It’s no exaggeration to say we are seeing these EOs at every turn at bargaining tables,” said National President Tony Reardon. “We are fighting one harmful proposal at a time and litigating cases where agencies are seeking to impose the EOs in new contracts.”

NTEU-represented employees at the Department of Health and Human Services (HHS) continue to face the brunt of the orders. Management refused to bargain in good faith over a new contract and then declared impasse so the agency could impose a one-sided edict. Since January, NTEU has won a spate of grievance victories citing HHS for bad faith bargaining that should ultimately force the agency to return to the bargaining table to renegotiate over the provisions that were the product of illegal bargaining.

The Federal Communications Commission took a page out of HHS’ playbook. After five short weeks of bargaining, management declared impasse in order to force through its regressive proposals, including restrictions on telework.

“In this all-too-familiar tactic, management rushes its proposals to impasse so they can

be imposed by the administration-appointed members of the Federal Service Impasses Panel,” Reardon said.

“Agencies have a choice—they can either bargain in good faith or bargain pursuant to the executive orders.”

—NATIONAL PRESIDENT TONY REARDON

At the Federal Deposit Insurance Corporation, management proposed eliminating an employee’s right to file grievances over the performance and appraisal system, bonuses and award, based on the May 2018 EOs. The FDIC is also seeking to eliminate entire steps of the grievance procedure and wipe away NTEU’s right to enforce the rights of many employees at one time, instead of wasting resources filing multiple individual grievances over the same issue. These types of grievances allow NTEU to challenge discrimination in the distribution of performance ratings and associated pay and bonuses.

“Without these grievance rights, managers have unfettered discretion and no accountability for these decisions,” said Reardon. “There is no way to prevent unfairness or favoritism.”

Management at the Consumer Financial Protection Bureau also proposed EO-based language when reopening articles on grievances and official time. NTEU stewards and chapter leaders use official time to assist

employees with workplace problems, enforce employees’ rights and report workplace issues such as harassment, discrimination and unsafe working conditions.

Some agencies haven’t waited until term bargaining to impose the harmful EOs — they started when bargaining the rules for conducting term negotiations.

At the Environmental Protection Agency, management refused to negotiate over NTEU’s proposal on travel costs for bargaining team members to participate in negotiations, invoking an EO provision.

At the Patent and Trademark Management Office, Trademark negotiators threatened to charge members of the NTEU bargaining team with AWOL if they exceeded a set amount of time in bargaining. The agency also indicated it intends to enforce the EO prohibition against bargaining over the number and types of employees assigned to certain projects, or technology used to perform work, all legally sanctioned topics for negotiation.

NTEU and the Nuclear Regulatory Commission are before the FSIP over ground rules after the agency, relying on the EOs, refused to bargain over proposals submitted by NTEU. NRC is trying to implement parts of the EOs that arbitrarily restrict the timeline for bargaining.

“Agencies have a choice — they can either bargain in good faith or bargain pursuant to the EOs,” said Reardon. “They cannot do both.” Employees at other NTEU-represented agencies are not immune to the harm of the president’s EOs. Contract negotiations are slated to begin this fall at several other NTEU-represented agencies, including Customs and Border Protection.

## Have You Checked Your Beneficiary Information Recently?

Several federal benefit programs provide for death benefits, but if you’re a longtime federal employee, these forms may have been filed and forgotten.

Naming beneficiaries ensures your money will go where you want if something happens to you. It’s important to remember that a will or other estate document generally does not override the designations made on federal benefit designation forms. This means your benefits could go to someone you listed on a designation form years ago — including a divorced spouse — rather than a person you want to receive that money.

That’s why it’s good practice to periodically review your beneficiary designations, particularly after any major life change, such as a marriage, divorce, birth of a child or death of a spouse. This simple act can save your loved ones time — and money.

If you don’t name a beneficiary, your benefits would be paid in the following “default” way:

1. To your spouse
2. To your child or children equally, with the share due to any deceased child divided equally among that child’s descendants
3. To your parents equally or to your surviving parent

### Key forms you’ll need to file a designation:

- ▶ SF 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee
- ▶ SF 2808, Designation of Beneficiary, Civil Service Retirement System (CSRS)
- ▶ SF 2823, Designation of Beneficiary, Federal Employees’ Group Life Insurance (FEGLI)
- ▶ SF 3102, Designation of Beneficiary, Federal Employees Retirement System (FERS)
- ▶ TSP 3, Designation of Beneficiary-TSP

You can find these forms at [opm.gov/forms](https://opm.gov/forms) and [www.tsp.gov/forms/index.html](https://www.tsp.gov/forms/index.html)

4. To the appointed executor or administrator of your estate
  5. To your next of kin who is entitled to your estate under the laws of the state in which you resided at the time of your death.
- If this order is suitable, you don’t need to submit a new, revised form.

## NTEU Death and Dismemberment Policy

All NTEU members are automatically covered by a \$1,000 Accidental Death and Dismemberment Policy. There is no premium to be paid; the only requirement is you remain an NTEU member in good standing. Basic policy information and a form to designate a beneficiary is available at [NTEU.org/benefits/insurance](https://NTEU.org/benefits/insurance).

# Labor Recognition Week

Thank You!

## September 14-18

We celebrate your contributions as a federal employee and union member. Your work keeps our country running and moving forward during this difficult time.

[NTEU.org/LRW](http://NTEU.org/LRW)

## ShopTALK

### HHS Employees Receive Overtime Settlement Checks



Checks totaling around \$1.7 million were mailed to employees at the Department of Health and Human Services (HHS) covered under a favorable overtime settlement negotiated by NTEU. These payments are the culmination of a 2012 NTEU grievance alleging that 17 different HHS positions were wrongly classified as exempt from (that is, not covered by) the Fair Labor Standards Act

(FLSA), which is the federal overtime statute. Around \$2 million in back pay was previously distributed to HHS employees under multiple NTEU-won settlements and arbitration awards. Moving forward, approximately 2,225 HHS employees have been properly reclassified as FLSA nonexempt, entitling them to the full protections of the overtime law.

### NTEU Opposes Recommendations on Hiring, Benefits

In a statement to a Senate subcommittee, NTEU voiced strong opposition to recommendations by a federal advisory commission to reform federal hiring and benefits. The National Commission on Military, National and Public Service released a report in March that includes several proposals that could erode employee benefits and make it easier to violate merit system principles in hiring. National President Tony Reardon took issue with recommendations to develop a new personnel system, as well as a pilot program to replace current retirement and health benefit plans with a “cafeteria plan” that employees elect to participate in. Currently, these are only recommendations, but NTEU will oppose any legislation that would undermine federal employee benefits or the merit-based civil service.

### Chief Counsel Electronic Legal Files Pilot Expanded

The Office of Chief Counsel Legal Files (ELF) Pilot Program has been expanded to additional cities in the field under an agreement reached by NTEU. This expansion comes after the conclusion of an initial one-year pilot that allows Finance & Management employees to use existing systems to fully process cases electronically. According to an NTEU member survey, most Chief Counsel employees overwhelmingly supported expanding the ELF pilot and many requested that it be brought to additional cities not covered by the expansion notice. Some employees expressed concerns about workload, training and equipment that NTEU addressed under a 2019 agreement reached over the pilot program, which also applies to this new expansion.

### NTEU Urges OPM to Establish Emergency Leave Transfer Program

NTEU is urging the Office of Personnel Management (OPM) to establish an Emergency Leave Transfer Program (ELTP) for employees affected by the pandemic and to give agencies the authority to establish their own programs. As many working parents face school and day care closures, the program would allow federal employees to donate annual leave to their colleagues who need additional paid time off from work. “Many

### CBP Employees Holiday Back Pay

Customs and Border Protection (CBP) employees who worked holiday shifts but did not get full holiday pay have received the back pay and interest they were due. The payments stem from a grievance NTEU filed two years ago after learning that CBP had wrongly capped at eight hours the amount of holiday pay officers covered by the Customs Officer Pay Reform Act overtime system received when they worked shifts longer than eight hours which straddled a holiday and a non-holiday. In siding with NTEU, an arbitrator ordered CBP to provide holiday premium pay for the full shift, not just eight hours.

### Reardon Testifies on COVID-19 Safety

National President Tony Reardon recently pressed for adequate safety measures for federal employees at two congressional hearings. At a virtual hearing on safety issues at Customs and Border Protection, Reardon told a House subcommittee that CBP employees at ports of entry need onsite COVID-19 testing, reliable contact tracing and emergency funding due to a steep decline in user fees. He called for increased cleaning of work areas and terminals, ample personal protective equipment, physical distancing and other protective measures. The NTEU leader also submitted a statement to the House Government Operations Subcommittee for a hearing to examine federal guidelines for reopening government workplaces. Reardon called for agencies to improve workplace cleaning and safety, and provide personal protective equipment and plexiglass barriers for public-facing workers. He also pressed for maintaining maximum telework and flexible work arrangements throughout the pandemic.



federal employees represented by NTEU are experiencing extreme difficulty managing childcare and other family care responsibilities during this pandemic,” National President Tony Reardon wrote in a July 15 letter to OPM. The president has declared COVID-19 a national emergency, and OPM has previously exercised its authority to authorize ELTPs during other declared national emergencies, including hurricanes.