

FEDERAL EMPLOYEES NEWS DIGEST

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VHA: Union rights bill advances

By Nathan Abse

THE DEPARTMENT OF Veterans Affairs (VA) is home to well over 350,000 civil service professionals available to serve the needs of the nation's nearly 20 million veterans. And the Veterans Health Administration (VHA) unit of the department comprises most of these employees, implementing and providing healthcare services.

A core component of VHA—the tens of thousands of VHA doctors, nurses and other healthcare providers—though unionized in name, are not allowed to collectively bargain even to the limited extent permitted most federal employees.

This month, a bill that would change this unequal situation—the VA Employee Fairness Act of 2021—has cleared the House Veterans Affairs Committee, and could get a vote in the full House of Representatives.

Why don't VHA employees already have proper bargaining rights? Because instead of being hired under authority of U.S.C. Title 5, like most feds, these crucial personnel are hired and governed in the workplace under Title 38. This latter authority allows large exclusions—in practice, removing VHA healthcare workers in total—from having any bargainable employment issues open to them.

"I think it's a good idea," Kenneth Warren, professor of political science and administrative law at Saint Louis University, told FEND. "Anything that brings management and labor together to discuss working conditions and so forth, that's a good



idea. Collective bargaining is a good idea. Voicing grievances, and having them heard and considered, is a good idea."

"Most people would agree, usually, that passing this would be a good idea," Warren continued. "That workers—healthcare employees, here—could discuss properly working conditions, at the very least. But we live in a crazy, politicized country right now—where even things that normally have made total common sense are being rejected."

"Of course, in the Senate there right now there is no room for error," Warren added, when asked if it had any possibility of passage. He noted the scarcity of bipartisanship in Congress.

The lack of forum for airing grievances—like collective bargaining—only worsened at VHA in recent years. In 2018, for example, former VA secretary Robert Wilkie actually cut already weak employee rights. He barred union use of "official time"—that

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INSIGHT

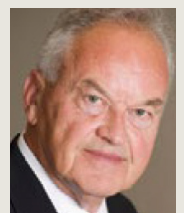
BY MIKE CAUSEY

My neighbor, the hard-working fed

THE HEAD OF a major corporate lobbying group, and former top official of the OMB, recently recommended drastic changes for the government's 8,000 members of the Senior Executive Service. Cut to the chase he says it should be reduced by 60 percent and survivors' salaries should be tripled!

All of the above got me to thinking. And triggered some old, but still current in their way, memories. They go like this:

Many, many moons ago, a very young and junior reporter for The Washington Post got a chance at a Page One story. That would be me. But first, a little about the Post newsroom in those days. Newspapers were a very big deal. They set the tone for radio and TV news which was primarily a clip-and-read operation. Nearly all the editors and senior reporters were vets of WW2. Or Korea. In some cases, both. Many of the relatively few women were too. Even most of us young guys had military service, were in the reserves or were awaiting the draft. This was before All The President's Men made journalism a sought-after job. Most of the bosses (and reporters) were Irish, Italian or Jewish. From big cities. Many still



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is, the use of even a sliver of the agency's overall work hours to handle employee grievances or other union business.

Not surprisingly, then, unions and advocates have put their weight behind the bill.

"The VA is a world-class health care provider, but because of [existing] law, it's hard for the department to recruit and retain Title 38 medical professionals crucial to maintaining such a first-rate institution," the American Federation of Government Employees (AFGE), representing more than 60,000 VHA employees, said in a [statement](#). "These medical professionals, for example, are not allowed to raise grievances about things like staffing shortages that undermine patient care."

"Or in situations where the VA fails to provide promotion and advancement opportunities that will attract health care workers to the VA," AFGE continues. "They're also not allowed to challenge management violations of pay laws or the VA's own policies."

"Specifically, the bill would make the VA a better place to work by giving employees a say in their work and working conditions through collective bargaining," AFGE concludes.

Warren agreed with the union's take, telling FEND that the bill would not only enhance fairness for employees, but also actually improve the functioning and efficiency—saving money—for federal entities. But, citing what he sees as growing political rifts in the U.S., Warren openly questioned the value of a the bill, long haul—especially if labor and management at the agency hit situations of "real deadlock" inflection points that workers often eventually come to, even federal employees.

"The bill doesn't include the right to strike, does it?" Warren noted of the bill, and the overall law governing feds generally. Federal employees last hit a hard deadlock, Warren recalled, back in the early 1980s when federal air traffic controllers, under the aegis of their union, went on an illegal strike. The government broke the strike, replacing unionized workers. Warren is increasingly concerned, he told FEND, about federal courts rendering judg-

ments that work against employee rights.

Still, Warren circled back to his original statement about this legislation, with its promise of some collective bargaining: "For many problems, having the right to discuss grievances and have some form of collective bargaining is clearly a very good thing," Warren said.

AFGE's observations on the current situation also reflect a sense of that value—some good effects the VA Employee Fairness Act could have at the agency, in the union's view.

"If enacted, it would give tens of thousands of VA employees including doctors and nurses full collective bargaining rights to negotiate for better working conditions and make the VA a better place to work," the union said.

The proposed legislation is H.R. 1948 in the House, with a companion bill S. 771 in the Senate.

New COVID regs for feds in healthcare

By Nathan Abse

COVID, OVER THE course of the pandemic, has sickened or killed thousands of feds—and endangered hundreds of thousands more. Who got hit hardest? Frontline essential workers—transportation, food procurement and service, infrastructure maintenance and, of course, first responders and especially healthcare.

Now, a year and a half into the health emergency, the Occupational Health and Safety Administration (OSHA) finally has issued [minimum protections](#) for health workers in the federal civil service and other sectors. OSHA's Emergency Temporary Standard (ETS), issued June 10, covers health professionals in everything from home health care and nursing homes, to emergency services and hospitals.

The ETS demands that each workplace develop—with input from employees, their unions and experts—appropriate plans to better protect workers, as well as designate responsible safety coordinators

who monitor in-house compliance.

Part of these ETS-mandated workplace plans must include certain minimal requirements, such as "to limit and monitor points of entry," "to screen and triage patients" and all who enter; to provide face masks and higher-level PPE where appropriate; to follow Centers for Disease Control (CDC) and other guidelines on cleaning, ventilation and vaccination; and to have in place proper COVID training and record keeping. Although many of these procedures seem obvious and long-since necessary, they have not been in place in all health care workplaces—but they will be required going forward, under penalty of workplace safety law.

Some employee unions, who long have pushed for such federal regulations, are praising the change—with concerns they may not apply broadly enough.

"We welcome the OSHA ETS for health care and health care support workers. They have been at the forefront, putting their lives on the line since the beginning of the pandemic, when [our union] began calling on OSHA to issue an ETS to cover all workers," Milly Rodriguez, Health and Safety Specialist for the American Federation of Government Employees (AFGE) said in a statement. "However, we are disappointed that OSHA issued guidance and not an enforceable standard to protect all other workers."

Rodriguez said the union was concerned that many "impacted by COVID-19, corrections workers at the Bureau of Prisons and food service inspectors at the USDA FSIS, for example," remained "at high risk."

The union, in its reaction to the news, clearly wanted to communicate its view that the OSHA standard was both a necessity and a very real achievement—especially wanting to dispel a misconception that such safety measures were already in place.

"AFGE members were told by their employing agencies that they were following CDC guidance, but, in reality, that was not always the case," the AFGE statement notes. "We filed several OSHA complaints, especially those at the Department of Veterans Affairs, but OSHA couldn't do much without having something to cite. With this new standard, that could change." ■

2021

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NEWS BRIEFS

JUNETEENTH BECOMES FEDERAL HOLIDAY

IN THE DEPTHS of the Civil War, President Lincoln declared slavery illegal in the Confederacy. But it took two more years, until after war's end, to free the last enslaved persons in the South—they had continued to live as prisoners and labor uncompensated, in Galveston, Texas.

June 19, 1865 was the day it happened—a crucial moment in the liberation of African Americans. Annual celebrations followed, in the years and decades after, gaining the name “Juneteenth.” But it took more than another 200 years—until June 16 this year—for Congress to mark it as a federal holiday. Federal employees and advocacy organizations immediately joined in on applauding this step toward recognizing the difficult truths of the nation's past, while honoring the progress made since.

“On June 19, we commemorate the emancipation of the last enslaved Black people in the United States,” the National Federation of Federal Employees said, in a statement. The National Treasury Employees Union also endorsed the move. “Part of NTEU's collective work to advance diversity, equity and inclusion in the federal workplace involves continually expanding our understanding of the roots of inequity. Honoring Juneteenth as a national holiday is a reminder of a painful past, a celebration of a vital milestone, and an opportunity to understand and work toward an equitable future.”

“NTEU hopes members observe this important day with family and friends, celebrate African American culture and heritage, or join in a volunteer activity to advance the ongoing fight for racial justice,” it concluded.

The American Federation of State, County and Municipal Employees—which also represents federal employees—offered its strong support of the move.

“We applaud the Senate and House

of Representatives for voting to recognize Juneteenth as a national holiday, an important bipartisan statement of our values that recognizes how far we have come, but also how far we have yet to go in the struggle for equality,” AFSCME President Lee Saunders said in a release.

“As we continue to reckon with our nation's history of discrimination and violence against African Americans, it is past time that we honor the struggle of African Americans who successfully freed themselves from the bonds of slavery and their descendants who continue to fight for



equal rights and freedoms for everyone.”

“We must now work, on Juneteenth and every other day, to educate our communities about the difficult truths of our past,” Saunders said. “Only then can we successfully mobilize to combat the deep-seated racism and indifference that persists today.”

The American Federation of Government Employees—the largest federal employee union—also expressed its endorsement.

“Juneteenth is a day of profound meaning to Black workers, as it should be to all working people who enjoy and defend the freedom to live our own lives, speak with our own voices and enjoy the fruits of our labor,” AFGE stated on Twitter.

I.G. VACANCIES RAISE CONCERNS

FEDERAL EMPLOYEES AND the public rely on oversight from Office of Inspector General examiners attached to most federal agencies and departments—to deter

and investigate waste, fraud and abuse.

Yet, as a new watchdog report spotlights, in recent times many IG positions stay vacant for months and even years at a time. The situation breeds agency inefficiency and, in some cases, corruption.

To draw attention to this continuing problem, the Project on Government Oversight (POGO) placed a report along with an [OIG Vacancy Tracker on its website](#). Currently, as listed on the site, at least 16 of the 74 permanent IG positions have remained vacant for anywhere from two months to several years straight.

“Congress and the public rely on OIG reports to hold agencies and individuals accountable for wrongdoing, identify a need for legislation, and evaluate the effectiveness of government programs and policies,” the POGO piece states. “Unfortunately, many OIGs across the government do not have permanent leadership.”

OIGs “conduct audits and investigations that identify wasteful government practices, fraud by individuals and government contractors, and other sorts of government misconduct, even including torture,” POGO emphasized.

Under the Constitution, Congress is tasked with both passing the laws that define and fund executive-branch departments, as well as providing oversight of those departments. Two hundred years later, in more recent decades, OIGs were created as an additive measure to help address the more complex needs of contemporary government. Indeed, most federal OIGs are a relatively new development, created by legislation in the late 1970s. Since that time, OIG testimony and reports have become a regular and crucial part of the data that informs and buttresses the legislative branch's oversight work, ultimately helping curb inefficiency and corruption in government.

Yet nowadays, according to POGO, this system is endangered by increasingly long lapses in leadership in many OIG offices—a situation that needs to be rectified.

NATCA URGES WORKPLACE UPDATES
COMMERCIAL FLYING CONTINUES to get safer, with fewer accidents and deaths each decade. And one key reason is the excellence of the nation's 14,000-plus civil service air traffic controllers.

Yet no matter how safe the system has become, federal controllers are calling on Congress and the White House to update aging workplaces and outdated technology they suffer with.

"We now have an historic opportunity to invest in our nation's aviation system, both its physical infrastructure and technology, to ensure the NAS remains the gold standard around the world," National Air Traffic Controllers Association (NATCA) President Paul Rinaldi [testified](#) before Congress this month. "Upgrading our aging air traffic control facility infrastructure is a top priority for NATCA."

Rinaldi acknowledged that a portion of the deficiencies—approximately one-third—present only "minor or no concerns."

Rinaldi testified before the Senate Commerce, Science, and Transportation Subcommittee on Aviation Safety, Operations, and Innovation. He listed a long list of obsolete workplaces and tools hampering the Federal Aviation Administration's mission.

"The FAA's Air Route Traffic Control Centers (ARTCC) are almost 60 years old—and many of the towers and Terminal Radar Approach Control facilities (TRACONS) are in desperate need of repair or replacement," Rinaldi stated. "Many of these facilities have exceeded their life expectancy, while others need replacement of critical physical infrastructure systems including roofs, win-

dows, HVAC systems, elevators, and plumbing."

The NATCA chief noted that the FAA runs more than 300 air traffic control facilities across the country, pointedly noting they are of "varying ages and conditions." For example, the 20 Air Route Air Traffic Control Centers in the contiguous 48 states were developed in the 1960s. The TRACONS have seen, on average, a quarter-century of service. Additional combined TRACON-towers are even older.

Rinaldi warns the result is a combination of safety and efficiency issues that affect employees, and some that potentially bear on air safety for everyone. These problems need prompt and adequate attention, he urged.

Rinaldi acknowledged that a portion of the deficiencies—approximately one-third—present only "minor or no concerns."

But with many of the issues causing substantial problems, Rinaldi urged Congress to "support a robust funding authorization for air traffic control infrastructure."

"Although the FAA has begun the process of addressing its aging infrastructure through a combination of realignments, sustaining and maintaining some facilities, and replacing a handful of others," Rinaldi stated, "that process has been slow and hampered by the stop-and-go funding stream."

FULLY VACCINATED? YOU'RE GOOD TO GO

ARE YOU FULLY vaccinated? If so—and you've completed the two-week waiting period for the vaccine to be effective—you are now cleared for official travel.

That's according to the White House COVID Response Team, successor to the last administration's White House Task Force, which has just issued [new guidance](#).

"There are no government-wide limits on official travel for Federal employees who are fully vaccinated," the new advisory FAQ states.

However, at some posts and agencies,



some restrictions may remain in place: "Employees should follow their agency's travel policy. Agencies may have collective bargaining obligations regarding implementation of any changes to official travel policies that have been in place for bargaining unit employees," the FAQ notes.

On the other hand, if you are not fully vaccinated against COVID, restrictions on travel remain in place. "[Official] domestic travel for federal employees who are not fully vaccinated is limited to mission critical trips," the FAQ states. The international travel restriction is even tighter. For unvaccinated feds, all international travel is "to be avoided" unless it is mission-critical.

The COVID Response Team is counseling all feds, even those who are fully vaccinated, to continue to follow CDC COVID safety guidance during many parts of your travel—which means, in many situations, continuing to wear a mask.

"All travelers, including federal employees who are fully vaccinated, should continue to take health and safety precautions," the FAQ states. "All travelers are required to wear a mask over their nose and mouth on all planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and while indoors in U.S. transportation hubs such as airports and indoor train stations."

Some good news, applicable to everyone: the CDC advises that all travelers no longer need to wear masks "in outdoor areas of a conveyance," such as the deck of a ferry, an outdoor train platform or the like. ■

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doing night school.

Our bosses, the editors and senior reporters, were like us. Mostly lower middle-class guys who had gone to college on the GI bill and migrated to newspapers. There was no retirement plan because nobody retired. Generally speaking you worked until you found a better (-paying) job. Or depended on a profit-sharing plan for your retirement income. Assuming, that is, there were profits.

At any rate, the bosses were generally terrific. Real men, if you will. Grew up during the Depression. Drafted into a world war. Given educations they otherwise would never have had. The Greatest Generation for sure. No doubt.

These men, and women, were unflappable. One of my otherwise mild-mannered bosses, Dick Malloy, was a gentle a mentor as possible. I learned much, much later he had been awarded the Silver Star at the Battle of the Bulge. So a riot on Pennsylvania Avenue or a bridge blockage on the Potomac didn't send him into hysterics. He'd seen worse. Been there, done that. Most were like that.

One of my favorites was an ancient (probably about 45 years old) editor named Brady. He took me under his wing. Learned so much. Such a nice guy. The father, corny as it sounds, I never had. But true.

So my big chance came when Congress passed, and the president was about to sign, a federal pay raise. Big news. Especially in D.C. For obvious reasons.

And I got to write it because the regular congressional reporter was on vacation. And I had worked as a leg man (not what you think!) for the reporter who wrote something called the Federal Diary column.

Fate stepped in.

Do it Ace, Brady said. He called all of us Ace.

So I did it. Then turned it in (on carbon paper) to Brady.

He read. And read. And read. Normally he was calm, peaceful and nice. I would say sweet, but he'd hate it. But he was.

This time, not so much. He blew up when he came to the pay tables showing what workers would be making in the coming year. In those days there were 18 G.S. grades. The salaries at the top caused him to (almost) have a stroke.

"They make this?" he said, pointing to the new GS 18 scale.

I checked the copy, fearing I had made a mistake that was making him go ballistic. Nope. The numbers were right, as in correct.

Yes sir, I said, all the numbers are accurate.

He sat there. Stunned. He couldn't believe they made that much money when, he said, "None of them do any work. They are all slackers." None of them did any real work.

Except for his neighbor in Arlington, Va. Now HE was different. He worked for the Budget Bureau (now the OMB) and worked all the time. No vacations. No holidays. Weekends were work. No time to watch the kids play ball. He was good. He was a government worker worth the new pay scale.

I started to say something. Then I realized it would be rude, stupid and probably cost me my job. But in my head I thought that if I COULD have said something, I would say how lucky Mr. Brady was. Lucky because:

- He was in the best branch of the service. In his case, Navy (and in mine, Army).
- He went to the best college in the world. Notre Dame, on the GI bill.
- He worked for the best newspaper in America.
- He was a member of the one true religion.
- He married the only virgin in his state (here I'm guessing).
- And last but not least, he lived next to the ONLY civil servant in America who did a damn thing.

Lucky guy, right?

Still, to this day, I'm glad I didn't say anything! ■

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