



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM and Federal Workforce Legislation - 118<sup>th</sup> Congress

**Position:** The foundation of a modern Democracy relies on a fair, effective, efficient, transparent, and apolitical civilian federal government workforce. To maintain and improve upon a modern federal civilian workforce, NFFE-IAM requests that the following legislation be passed to provide for a stable federal workforce that is ready to accept future challenges without fear of reprisal or improper political influence.

**Locality Pay Equity Act** - To align the locality pay areas under the antiquated Wage Grade System pay areas to match the General Service System pay areas.

**Equal COLA Act (H.R. 866)** - To achieve parity between the cost-of-living adjustment with respect to an annuity under the Federal Employees Retirement System and an annuity under the Civil Service Retirement System.

**Honoring Civil Servants Killed in the Line of Duty Act** - To raises the death gratuity to \$100,000 and the funeral allowance to \$8,800 from the current \$10,000 payment for survivors of fallen federal workers (updated in 1997) and \$800 funeral allowance (updated in 1966).

**LEO Equity Act (H.R. 1322)** - To provide federal Law Enforcement Officer (LEO) status to uniformed law enforcement personnel of the federal government who serve as a first responder to protect government employees and assets, but do not have the same coverage as other federal law enforcement officers.

**Protecting our Democracy Act** - To strengthen the guardrails that help prevent the abuses of executive power and corruption, to make the presidency more transparent and effective, and to establish that no president is above the law. **NOTE:** This bill **passed the 117<sup>th</sup> Congress in the House on a bipartisan vote** of 220 to 208.

**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.

**Protect Federal Employee Annuities** - The current pension calculation for most FERS pension participants is the average of highest three consecutive years of base salary, multiplied by the number of years of service, multiplied by 1% under 20 years of service or 1.1% above. 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, NFFE-IAM believes that an increase in the accrual rate from 1.1% to as much as 1.7% is long overdue.

**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, frustrating both employees and managers at federal agencies who seek to better manage its workforce through attrition.



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### NFFE-IAM Supports the Federal Adjustment of Income Rates (FAIR) Act (H.R. 536 / S. 124)

**Position:** Federal employees have sacrificed a tremendous amount in the name of deficit reduction in the last decade. They were forced to accept several years of pay freezes, and paltry increases in other years. Federal employee wages continue to lag far behind private sector wage increases in the same time period. Years of substandard pay adjustments has led to federal workers making an average of 22.5% less than private sector workers performing the same jobs, according to the Federal Salary Council. This is unsustainable. The Federal Adjustment of Income Rates (FAIR) Act (H.R. 536 / S. 124), introduced in 2023 would provide federal workers with a much needed 7.7% average pay adjustment and 1% increase to locality pay in 2024. Since 2011, federal employees have sacrificed over \$200 billion in the name of deficit reduction. Federal workers deserve an adequate pay adjustment especially considering rising inflation and costs of living. NFFE strongly *supports* the FAIR Act.

The country witnessed firsthand the panic and desperation of hundreds of thousands of federal workers as they struggled to pay for rents, mortgages, medications, heating, childcare, and food. While some in Congress mischaracterize federal workers as over-paid, the truth becomes obvious through the federal government's struggle to recruit and retain workers across the board. The 22.5% pay gap that favors the private sector is factual, and any disruption in pay or annuities to federal families is devastating. Public servants deserve better. At minimum, they deserve fair pay.

After years of pay freezes and followed by meager annual adjustments, federal workers have seen their incomes decrease by more than 15% with respect to inflation over the past decade. Based on the data collected by the Bureau of Labor Statistics reported by the Office of Personnel Management, private sector workers continue to have a significant salary advantage over federal employees. This advantage has grown significantly in the last decade. This ballooning pay gap not only frustrates the federal workers at many of our critical government agencies, but it also discourages younger jobseekers from looking towards the federal government for stable, competitive employment.

In 2005, the President's Pay Agent reported that the public-private pay gap was just 13%. Today, the federal pay gap stands at 22.5%. So, federal workers have lost nearly 10% of pay relative to the private sector since 2005, and the methodology to calculate these gaps has been virtually unchanged. To keep our country on a sustainable path forward, federal agencies and departments must be able to recruit and retain a qualified and talented workforce. Providing inadequate pay adjustments year after year makes this difficult, if not impossible, to accomplish. As a result of the squeeze on federal workers' pay, morale in the federal workforce has fallen dramatically, and critical services to the American people are suffering.

Federal employees have made significant financial sacrifices in the name of deficit reduction - nearly \$100,000 per federal employee - which is hurting communities where federal employees reside across the country. This affects every congressional district and state. **Support an 8.7% pay increase in 2023** consistent with the Federal Adjustment of Income Rates [FAIR] Act, sponsored by Rep. Connolly in the House and Sen. Schatz in the Senate.



## NATIONAL FEDERATION OF FEDERAL EMPLOYEES, IAMAW, AFL-CIO



### NFFE-IAM Supports the Federal Retirement Fairness Act

**Position:** Democrats and Republicans agree that the ‘buy-back’ bill should pass to restore the option to buy-back temporary and seasonal time to count toward retirement. Many Americans answer the call to serve on behalf of their country by working in the federal government as a civil servant. Because the needs of the government change very quickly, it is in the regular course of duty that many workers are hired for seasonal or temporary terms of employment. These seasonal or temporary employees include wildland firefighters during fire season, park rangers during tourist season, civilian personnel to assist the military during special operations, surge programs, agency transitions, and so on.

Often these workers become permanent full-time federal employees, many with years of seasonal or temporary experience to their name, but they have no way of counting that time toward retirement. Under the Federal Retirement Fairness Act, these workers have the option to ‘buy-back’ their time as a seasonal or temporary employee, paying the normal retirement contributions plus interest back to the government. Because the employee is paying (plus interest) for this time to count toward retirement, the burden to the taxpayer is no more than any other federal employee. NFFE strongly *supports* the bipartisan Federal Retirement Fairness Act.

Over the years, the federal government has used temporary hiring authority to quickly increase the size of its workforce and adapt to fluctuating or short-term requirements in areas such as acquisition and ship maintenance. Many of these dedicated temporary workers ultimately become permanent federal employees and contribute their life’s work to federal service.

Federal employees that began their career as temporary employees are not able to contribute the requisite number of years to draw full retirement benefits after 30 years of service. These dedicated workers then face a choice: leave the federal service without full retirement benefits or work longer than their peers to obtain their full retirement benefits. In places like the Puget Sound Naval Shipyard, where people work with their hands, this is a choice between two bad options: Retire without the security you thought you had or put your health at risk by working years longer than the rest of your peers in a physically demanding job.

Until 1989, federal employees with temporary or seasonal time had the option buy back years of retirement contributions to allow for an “on-time” retirement. Unfortunately, that authority expired, leaving folks with no option to obtain full retirement benefits for the years they worked other than continuing to work past their conventional retirement date. Democrats and Republicans agree, it is time to allow this option again.

This problem can be solved with minimal burden to the taxpayer. The Retirement Fairness Act would provide federal employees with the ability to retire on time. Specifically, it would allow interested and eligible employees to make catch-up contributions to their retirement to compensate for the years they worked as temporary employees. It is important that all federal employees have the freedom of choice to retire on time after their years of service. This bill simply ensures that all employees, regardless of their initial hiring status, are granted the same opportunity for the same amount of work as they once could.



NATIONAL FEDERATION OF FEDERAL EMPLOYEES,  
IAMAW, AFL-CIO



NFFE-IAM Urges Congress to Stop a Pay Cliff that will Cripple the Federal  
Wildland Firefighter Workforce and its Incident Response Capabilities

**Position:** 15,000 Federal Wildland Firefighters (WFF) from the U.S. Forest Service (USDA) and Bureau of Land Management (DOI) endure longer, and more dangerous wildfire seasons each year with the loss of life and property increasing at a phenomenal rate. For a fraction of what the government pays annually for wildfire disaster relief to devastated communities and in losses of permanently scorched lands, the government can end this recruitment, retention, and response crisis. Smart investments can save lives, property, and disaster relief funding while supporting professional and highly trained federal WFFs.

NFFE-IAM urgently requests that the **FY 2024 budget proposal pass before September 30, 2023**, to prevent temporary pay increases from sunsetting to stop a mass exodus of federal wildland firefighters to state and local agencies or other employment:

- Increase of \$647M to USFS for the management of wildfires and fuels. Of which:
  - \$509M increase for WFF suppression and related pay reforms
  - \$50M increase for personnel accommodations maintenance
  - \$10M increase for vital health and wellbeing assistance
- Increase to budget of \$233M to Interior for the management of wildfires and fuels.

NFFE-IAM requests Congress to pass the **Tim Hart Wildland Firefighter Classification and Pay Parity Act**, also known as “Tim’s Act.” If passed, this bill would deliver necessary sweeping reforms of pay, working conditions, physical and mental wellness, and the recruitment and retention of WFFs.

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**Background:** *Due to decades of neglect, federal wildland firefighting programs have fallen behind state and local fire programs. As the scale of wildfires continues to increase, the systematic neglect became more visible. Now the country faces a crisis seemingly without end unless Congress acts to address past failings and provide a path forward for future success. Therefore, NFFE-IAM requests:*

**Modernized Compensation.** Federal wildland firefighting job series are decades out of date and no longer recognize modern job markets and cost-of-living realities. Annual applicant rates are 50% lower than historic levels, and attrition is at a historic high as personnel leave for local firefighting jobs.

- **Base Pay.** Starting base pay for WFFs is woefully low at \$11.86 per hour. The ascent up the GS scale is very slow. The rise to Captain (GS-8) takes at least 7 years (often with relocation) to achieve pay at \$20.00 per hour. Instead, a starting minimum of \$20.00 per hour is critical, and should be supported by additional, ample opportunities to supplement pay via certifications and promotions. The increase in starting pay must be reflected and adjusted throughout the grades.
- **Fair Pay for Long Hours and Dangerous Work.** WFFs are deployed for weeks or months at a time in remote areas. They endure hostile conditions and 18-hour workdays, and they need time to rest each day and between deployments. They deserve pay for every hour deployed or on assignment and Hazard Pay for other hazardous work like fuels management, prescribed burns, or suppression support. Specialized training and certifications should be reflected in their pay. Seasonal work should count toward retirement because seasonal work is no less dangerous, and it helps with retention.

*(Continues on reverse...)*

### **Improved Health and Wellness**

- Access and Services for Mental Health. WFFs are 12 times more likely to commit suicide than the national average. It is a major issue among wildland firefighters, especially for seasonal firefighters who lose their connection to support mechanisms off-season. WFFs need support with mental and physical trauma endured after months of fighting fires and other catastrophes. WFFs need better mental health access, awareness, and treatment programs.
- Wellness Tracking and Preventative Medicine. Exposure to chemicals and hazardous environments leads to injury and illness over time. WFFs need access to preventative medicine to identify and track injuries and exposure-related disease. Seasonal WFFs also need better access to mental health care and physical wellness and tracking during the off-season.

### **Better Working Conditions and Opportunities**

- Reasonable Living Conditions. WFFs deserve adequate facilities for lodging during assignments to limit the need to sleep in cars or on the ground except for emergency situations. WFFs often endure substandard housing with infestations, water damage, and electrical problems. Not only are these living quarters unhealthy, but they also crush morale and self-esteem which leads to burnout and depression.
- Career Mobility and Training. WFFs are siloed into careers which expedites burnout and limits human capital expertise. WFFs need 1) cross-discipline mobility and opportunities during their careers to grow as professionals and during WFF careers, 2) improved access to training to limit WFFs paying out of pocket for expensive training to advance their careers, 3) automatic conversion from seasonal to permanent employee within the first three seasons.

**Modified Retirement Incentives.** Essential to effective retention and recruitment efforts, seasonal WFFs need an incentive to return each year, and permanent firefighters need incentives to stay. High attrition rates offset any marginal gains in hiring. As a result, federal assets (fire engines, half crews, Hotshot operations) remain shuttered in federal firehouses as the government increasingly relies on exhausted state and local fire departments to fill gaps in fire response.

- Creditable Service. Before FERS, seasonal and temporary work counted toward retirement. This must return to keep both temporary and permanent WFFs from leaving.
- Enhanced Annuities. Premium pay must count toward otherwise paltry retirement annuities.



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### NFFE-IAM and the FY 2024 National Defense Authorization Act

**Position:** **The National Defense Authorization Act (NDAA) provides the annual budget and related expenditures for the U.S. Department of Defense. The Act also provides guidance on many important policy changes to federal operations and the workforce. As the 118<sup>th</sup> Congress continues to debate the NDAA for FY 2024, NFFE-IAM urgently requests the following inclusions:**

Do Not Stop Hiring to Shrink the DoD Civilian Workforce – For no legitimate reason, uninformed advocates on Capitol Hill wish to reduce the size of the DoD civilian workforce through delayed hiring of replacements as personnel leave or retire. The size of the civilian federal workforce has changed little since the major downsizing after WWII. **The raw number of DoD civilian employees is smaller than it was in 1947.** Yet, the country is more than twice as populated than it was in the 1940s and U.S. global engagements today last longer and are more plentiful in number and in geographic locations. In addition, outsourcing jobs cannot replace the institutional knowledge and public trust placed in federal employees to oversee mission and accountability.

Include the Federal Firefighter Pay Equity Act – This bipartisan legislation ensures federal firefighters are eligible for the same retirement benefits as other federal first responders, and it adjusts working hours to reflect common non-federal firefighter industry practices. Especially at the Department of Defense, recruitment and retention is growing increasingly difficult. Because of the special training required for firefighters who work on military bases and defense installations, they cannot be quickly replaced.

Block Efforts to Implement a New Round of Base Realignment and Closures (BRAC) – A BRAC would lead to the loss of tens of thousands of good jobs and devastate communities across the U.S. NFFE-IAM believes it is premature to approve another round of BRAC until there is a comprehensive and strategic cost-benefit analysis. 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). NFFE-IAM urges Congress to deny BRAC authority until the proper cost-benefit analysis is fully completed.

Repeal and/or Defund Flawed and Discriminatory “Performance-based” Reductions-in-Force (RIF) – We are encouraged by language in the FY2022 NDAA that gives the Secretary of Defense the flexibility to consider Veterans Preference and seniority in RIFs. NFFE-IAM continues to request the full repeal of Section 1101 of the FY2016 NDAA which diminished the DoD’s RIF rules for both Veterans Preference and seniority in favor of flawed and biased performance ratings.

Modify Section 5305(h) of Title 5 to provide Locality Pay for Alaska and Hawaii – Because of the unique geographic and cost-of-living challenges that federal employees face while stationed in Alaska and Hawaii, many employees operate under a Special Pay Authority to maintain recruitment and retention levels in those areas. While it is the common practice of most agencies to provide locality pay in addition to the base pay special rate pay, this practice is not solidified in law. This is a minor if not technical change to the law to prevent a recruitment and retention crisis in the future in either state.

Maintain the A-76 Moratorium – This 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 taxpayers. The A-76 outsourcing cost comparison process has been proven to be flawed, frequently producing inaccurate cost comparisons by double-counting government-performed work. NFFE-IAM asks that the moratorium remain until an honest, full cost-savings analysis is provided to the House and Senate Armed Services Committees.



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### NFFE-IAM and the Department of Veterans Affairs – 118<sup>th</sup> Congress

**Position:** Department of Veterans Affairs (VA) employees endure deteriorating working conditions, worsening pay, and political activists attempting to privatize VA care through lies and retaliation. It is critically important that the Congress act quickly to preserve one of the world's best medical and healthcare systems, per 2023 third-party medical studies. Congress itself is responsible for much of the consternation within the VA. Laws were passed that destroyed legitimate transparency and broke processes that protected care providers and veterans from mismanagement, corruption, and inferior outsourced care. Congress must restore a system of checks and balances at the VA to protect veteran care.

**VA Employee Fairness Act** – Passed in the 117<sup>th</sup> House, this bill: 1) Restores peer reviews that give VA clinicians and patients a louder voice regarding care, 2) Allows negotiations regarding workplace practices that affect patient safety, working conditions, competitive pay for retention and recruitment, and 3) Improves transparency and accountability by preventing retaliation against VA staff who report problems.

- It restores systematic protections against corruption and management malfeasance by removing 38 USC 7422 created by the failed VA W&A Act of 2017 (as cited by an I.G. report).
- It holds managers and political appointees accountable for VA operations and veteran care.
- It helps to prevent retaliation, discrimination, and false disciplinary claims against VA staff.
- It restores full collective bargaining, official time, and impartial appeals to Title 38 employees.
- It improves the overall transparency, effectiveness, and efficiency of VA care for veterans.

#### **Improve VA & VHA Patient Care and Workforce Efficiencies, Effectiveness, and Competitiveness.**

Recently, several poorly written laws have failed veterans by substituting solid health and medical policy for false political soundbites meant to increase outsourcing of veterans' care, even if that care is inferior. The politicians passing these laws see veterans as dollar signs instead of a promise to keep. It is time to reverse that.

- Permanently dismantle a corrupt internal VA board for disciplinary review headed by political appointees. As cited in VA OIG report #18-04968-249, this office improperly blocked third-party review of appeals via MSPB, and broke transparency of veteran care at every level, especially private care providers. In other words, it retaliated against VA staff for speaking up and ignored bad care by private providers—which is what the office was designed to do (*Corruptio optimi pessima*).
- Reform Doctor/Clinician Pay. Like most performance pay, the VA is fraught with farcical metrics, pay inconsistencies, and missing payouts. Instead, Congress should boost base pay complemented by meaningful market pay, specialty pay, and automatic annual COLAs.
- Fill vacancies before more mandates. Fill thousands of VA vacancies with qualified federal employees.
- Fortify Psychologists. Veteran suicide and depression are at record highs. It's time to help psychologists and stop burn out by untying “book-ability” to performance, allow bargaining over working conditions and pay rules, enhance career development, and reform compensation.
- Pass the VA CPE Modernization Act. This bill modernizes continuing education programs in the VA by expanding the types of clinicians who are eligible to receive reimbursement for continuing education and increase the amounts they can receive. Current continuing education allowances were set more than 30 years ago and no longer reflect the requirements of modern medicine.

**VA Medical Security Report Act of 2023** – To authorize a study on the growing safety and security crisis at VA facilities and recognize areas for improvement to help VA police officers properly staff, identify, and manage the unique challenges of providing a safe environment for veterans to receive care.



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### The Fight for American Democracy:

### Dispelling Popular Lies and Myths about the Federal Workforce

**Position:** **Most Americans are unaware of the true size and nature of the Federal government. Many would be shocked to hear that the number of Federal employees has grown little since the late 1940's and currently stands at its smallest per capita. Unfortunately, some on Capitol Hill tell false tales about the Federal workforce on behalf of others for reasons of political gain or personal enrichment. Sadly, they seek to cloud our open Democracy and its foundational tools by obstructing laws and regulations that benefit the American people, blocking accountability and transparency of leadership, and hindering the Executive Branch from enforcing the law and reporting political corruption.**

#### **The Federal workforce has not grown since 1947 and is its smallest ever per capita.**

In raw numbers, the Federal civilian workforce is the same size now (approximately 2 million) as it was in 1952 after the WWII downsizing from 2.6 million employees. Per capita, Federal employees are at the lowest number ever (.597%) when compared to the population of the U.S. from a record high in the late 1940s (1.85%). By contrast, the contractor workforce has expanded to more than 4 million workers<sup>i</sup>. Nearly 40% of all discretionary tax dollars now goes to private entities totaling more than \$600 billion annually. Per CBO, the entire Federal workforce costs less than a third of contract costs. Plus, Federal employees pay their taxes, so Federal wages go back to the Treasury instead of corporate coffers.

#### **10,000 Federal employees are terminated for cause each year.**

A common falsehood often told by some on Capitol Hill is that Federal employees are “impossible” to fire. Each year, approximately 10,000 Federal employees are terminated for cause (conduct or poor performance)<sup>ii</sup>. This equates to approximately 40 involuntary terminations for cause per workday.

#### **The Federal employee termination rate for cause is the same as the private sector.**

The involuntary separations (terminations) rate in the private sector is 1% annually<sup>iii</sup>. Of that 1%, about one-third are terminations for cause and two-thirds are layoffs<sup>iv</sup>. This means that the termination rate for cause in the private sector is .3%. The Federal government's termination rate for cause is also .3%.<sup>v</sup> Detractors claim that Merit System Principles hinder the firing of poor performers. They claim Federal unions do the same. Clearly this is false. Merit System Principles buttress accountability throughout the government by deterring political overreach, corruption, poor management, and unfair practices.

#### **The truth behind the MSPB and the FLRA, and the foolish effort to eliminate both.**

Federal employees prevail only 18% of the time at the MSPB and only 3% of the time upon appeal to the full board. Management prevails 60% of the time against unions at the FLRA. Some in Congress argue these agencies favor employees. That claim is a lie. They block funding and qualified nominees to weaken these agencies to limit Federal case law that protects the Executive Branch from full political control and corruption (e.g., political bias, Schedule F “loyalty” employment, the Spoils system, etc.).

#### **Why the war by some in Congress against Federal employee unions?**

Federal employees do not have to pay union dues, they cannot strike or bargain for pay or benefits, they put their duty before politics, their personal politics extend to both parties, most Federal unions get along with management, ...so why the war on Federal unions from some in Congress? Federal union members serve as the eyes and ears within government providing transparency while enforcing accountability. For those who wish to corrupt government only to treat it like a political prize to be won to serve an autocratic victor, Federal unions are a vibrant pro-Democracy force that they need gone.





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<sup>i</sup> Federation of American scientists. Federation of American Scientists. (2022, June 28). <https://sgp.fas.org/crs/misc/R43590.pdf>

<sup>ii</sup> Office, U. S. G. A. (n.d.). *Federal employee misconduct: Actions needed to ensure agencies have tools to effectively address misconduct*. Federal Employee Misconduct: Actions Needed to Ensure Agencies Have Tools to Effectively Address Misconduct | U.S. GAO. <https://www.gao.gov/products/gao-18-48>

<sup>iii</sup> U.S. Bureau of Labor Statistics. (2023, May 31). *Table 5. layoffs and discharges levels and rates by industry and region, seasonally adjusted - 2023 M04 results*. U.S. Bureau of Labor Statistics. <https://www.bls.gov/news.release/jolts.t05.htm>

<sup>iiiiii</sup> Trevor, C., & Piyanontalee, R. (n.d.). *Discharges, poor-performer quits, and layoffs as valued exits: Is it ...* Annual Reviews. <https://www.annualreviews.org/doi/10.1146/annurev-orgpsych-012119-045343>