

Congress of the United States
Washington, DC 20515

April 27, 2020

Dear Speaker Pelosi and Leader McCarthy:

As you continue negotiations to craft further legislation to respond to the impacts of the COVID-19 pandemic, we ask that you include language supporting federal workers on the frontlines who bear a significant share of the burden in responding to this crisis. These include:

- health care providers and support personnel at the Department of Veterans Affairs (VA), the Department of Defense (DoD) and the Bureau of Prisons (BoP);
- frontline emergency responders including employees at the Federal Emergency Management Agency (FEMA);
- employees whose jobs require regular contact with the public, such as Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA), staff work in Social Security Administration (SSA) field offices, and VA Regional Offices;
- inspectors at the Food Safety Inspection Food Safety Inspection Service who keep our meat and poultry safe;
- and dedicated public servants elsewhere in DoD, VA, and the Department of Homeland Security.

Based on preliminary numbers, thousands of workers – federal and non-federal – have already been confirmed to have contracted the virus, most of which are likely due to workplace exposure. This is why it is so important that future legislation include language which would require the Occupational Safety and Health Administration to issue an Emergency Temporary Standard to protect all workers from exposure to COVID-19 in the workplace.

Further, as federal workers continue to ensure that critical operations continue during this pandemic, many have already contracted COVID-19, some have died, and thousands more remain at risk for infection. This is why it is critical that any new legislation to respond to this pandemic include provisions to protect and support federal workers. We respectfully request inclusion of the following language to protect federal workers:

- 1) **Hazardous Duty Pay:** Further legislation responding to COVID-19 must provide hazardous duty pay differentials and environmental differential pay to federal employees who are required to continue to report to work and risk exposure to COVID-19 to perform

of their duties. Federal employees required to report to duty are in immediate danger of exposure, and current protocols unfortunately provide no guarantee of protection. We must protect employees who are required to work in facilities such as hospitals, prisons, airports, military depots and arsenals, as well as other federal campuses.

- 2) **Presumption of Workplace Illness:** It is essential that future legislation aimed at helping Americans respond to COVID-19 provide an automatic presumption of workplace illness for employees who contract COVID-19 through the performance of their duties. Many federal employees continue to interact with members of the public to perform their duties. But they do this without adequate personal protective equipment, training, and guidance. As a result, the number of federal employees who must be quarantined or who have been diagnosed with COVID-19 is increasing rapidly every day. A workplace presumption of illness would allow federal employees who have contracted the virus through the performance of their duties to make a claim without facing a potentially lengthy process that is further complicated by the science of this virus.
- 3) **Weather and Safety Leave:** While many federal employees continue to report to their duty stations, some cannot. This is why further legislation must provide weather and safety leave to all employees who are not able to perform their duties remotely and who cannot travel to their duty station because of health and safety risks as a result of the coronavirus pandemic. The use of weather and safety leave will help prevent the spread of COVID-19 and ensure that federal employees are not reporting for duty and risking exposure to the virus, or exposing other federal workers or the public.
- 4) **Telework:** We also request that further legislation include language expanding telework to all federal employees who can still perform their duties remotely to minimize the spread of COVID-19. However, if employees are not able to perform their duties remotely and they are not required to report to work they should be placed on weather and safety leave.
- 5) **Labor-Management Relations:** While Congress continues to enact COVID-19 relief legislation with directives to federal agencies, executive orders issued in May 2018 governing federal workforce personnel continue to serve as barriers to labor-management collaboration. In the face of this pandemic, it is important to restore labor-management relations and communication as agencies work to quickly implement new policies and workplace procedures. The unique role labor representatives play means it is critical that they have the opportunity to communicate regularly with management to discuss the needs and concerns of employees as they respond to the COVID-19 crisis.
- 6) **Federal Employees Health Benefits Program (FEHBP) Enrollment Opportunity:** Agencies such as TSA, DOD, and FEMA rely on the flexibilities of having a large segment of their workforces on part-time schedules. For complex reasons, including the fact that the employee-share of FEHBP premiums for career part-time federal employees is much higher than for full-time employees, many career part-time federal employees are not enrolled in FEHBP. In the face of this pandemic, contracting COVID-19 ought to be

considered as a “qualifying life event,” giving federal employees who are not currently enrolled in a FEHBP health plan the opportunity to purchase health care coverage. Future legislation opening FEHBP enrollment for COVID-19 positive workers is the least Congress can do to eliminate artificial barriers to medical treatment for federal employees during this crisis.

- 7) **Equal Rights for the Federal Workforce.** In March 2020, the House passed H.R. 1140, the Rights for Transportation Security Officers Act, with a strong bipartisan vote; we request that this critical language be included in future legislation. As Congress works to equip the federal workforce and keep employees healthy to fight COVID-19, federal employees who do not fall under title 5 of the U.S. Code have been inadvertently overlooked. We must ensure parity for all federal employees instead of continuing separate and unequal personnel management systems. Further, the more than 400 TSOs confirmed to have contracted COVID-19, and four deaths among TSA staff raises concerns about the efficacy of this dual management system.

In closing, we thank you for your leadership during this critical time. As Congress works to prepare the country to re-open, the federal workforce is bravely working to ensure that the American public continues to receive essential services and benefits during the COVID-19 pandemic. This is why we request that you include the above worker safety provisions in future COVID-19 response legislation.

Sincerely,



Bonnie Watson Coleman
Member of Congress



Mark Pocan
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Salud Carbajal
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