

Answers to Questions for Ms. Jacqueline Simon
Director of Public Policy, American Federation of Government Employees
Questions from Chairman Gerald E. Connolly
June 25, 2020, Hearing: “Frontline Feds: Serving the Public During a Pandemic”

1. While your members ensured a continuity of government services, how has the Administration engaged with AFGE to ensure your members’ health and safety needs are met?

Answer: Overall, the answer is that the administration has refused to engage directly with AFGE leaders regarding health and safety needs, either for those who were deemed essential and continued working at their regular duty stations, or for those who were teleworking. The PPE situation has improved at VA hospitals and clinics, but for months no PPE was provided to the majority of VA staff in health care facilities and later many whose jobs involved direct contact with the general public and presumably non-COVID-19-infected patients were provided only one mask per week. Federal corrections officers likewise were not initially provided adequate PPE. To my knowledge, none was included in the planning processes or given the opportunity to share information about the concerns and needs of the federal workforce.

2. Have federal agencies placed enough emphasis on having adequate PPE and other resources needed to fight the spread of the virus before returning federal employees to workstations?

Answer: We do not know how much emphasis agencies are placing on having adequate PPE and other resources needed to fight the spread of the virus because AFGE representatives have been excluded from internal agency planning for the return to work. There may be some exceptions to this, but in general, despite requests for the opportunity for collaboration and information sharing, agencies have not responded to us. The OMB guidance does describe steps that agencies should take once the workforce has returned to regular duty stations that involve hygiene, social distancing, reconfiguring workspaces, and staggering shifts as a means of fighting the spread of the virus.

3. What role should federal workers have in decisions on agency plans for reopening workstations? How can we ensure workers have adequate input in these decisions?

Answer: Agencies have a duty to bargain over the impact and implementation of changes in working conditions, and any return to work prior to there being an effective vaccine available to all and/or truly effective treatment for infection from COVID-19 will involve a change of working conditions. Thus, the role of the union is first to bargain collectively over such changes. However, it is also appropriate for agencies to engage in informal dialogue with union representatives prior to formulating and implementing such plans – pre-decisional input. We have requested such opportunities at numerous agencies and at the Office of Personnel Management and the Office of Management and Budget but have received no response.

4. In cases where your members have children at home and they are required to report to their offices—and there isn’t daycare available or there isn’t school—what are they doing to get by each day? Was there anything in the federal guidance to support or assist employees who have children or other dependents?

Answer: The federal guidance does make reference to childcare considerations in the context of agencies making decisions about whether to relax “maximum telework.” Specifically, the April OMB guidance says “Before requiring employees to resume normal telework arrangements on a widespread basis, agency leaders should assess employees’ needs, such as childcare and transportation.” As far as how parents are coping, I only have anecdotal evidence of the toll the situation is taking. Many AFGE members report that they park their children in front of a computer or television screen during working hours and/or re-order their schedules so that they trade-off child-minding with other adults, work early in the morning and later in the evening and at night when the children are asleep or otherwise occupied, or try to work while being interrupted repeatedly. The Families First Coronavirus Response Act allowed federal employees to take a new kind of emergency leave to care for ill family members for two weeks at two-thirds pay.

5. Has the government communicated a contingency plan to your organization or your members should a spike in coronavirus occur?

Answer: We are not aware of any kind of contingency plans referencing a spike in coronavirus.

6. Do you think that frontline federal workers should receive hazard pay, given the risks they face from the coronavirus pandemic? If so, why?

Answer: Federal employees who are required to continue to work at their regular duty stations during the pandemic qualify for hazardous duty pay differentials and should all receive these differentials. AFGE supports the provisions of the HEROES Act which provide a hazard differential above and beyond any differentials owed by employers, public or private. Federal employees paid under the General Schedule are eligible for up to 25% hazard duty differentials; those in the skilled trades who are paid under the Federal Wage System need a new hazard standard so that they can receive the 25% as well. Currently, hourly workers are eligible for environmental differentials of roughly 8%, but the standard used to arrive at that figure does not account for the nature or lethality of COVID-19 and is thus inadequate. Transportation Security Officers who are paid under TSA’s own flawed pay system should also receive hazard duty pay. All of these workers should receive hazard differentials of 25%, retroactive to the beginning of the outbreak. Potential exposure to those infected with COVID-19 is a direct threat to the lives of those whose jobs require leaving the safety of home on a daily basis and interacting with the general public, patients, travelers, inmates, criminal suspects, and others.

7. Should there be a presumption that federal employees who have tested positive for coronavirus and who are required to report to an office or engage directly with the public, contracted the virus at work? If so, why?

Answer: There should be a presumption that federal employees who contract COVID-19 during a period when they are required to report to their regular duty stations have contracted the virus at work. Federal employees on the front lines cannot bear the burden of having to prove that they contracted the virus in the course of their work; it would be impossible to do so. The assumption that, absent the requirement to report to their duty station they would have not been exposed is a fair assumption.

8. How should agencies continue to use telework during and after this global health crisis?

Answer: The Trump administration had tried to eliminate telework in numerous agencies prior to the pandemic for no good reason. The productivity of federal employees during the pandemic has either equaled or in some cases outpaced productivity prior to the pandemic, refuting all arguments against telework that rested on the assumption that federal employees would slack off if they weren't being watched. However, there is also evidence that face-to-face interactions at work play a positive role in the coordination of work, innovation, mentoring, learning, responding to colleagues, taking initiative and other desirable work-related behaviors. Thus, while telework should continue after the pandemic, employees and agencies will benefit from at least periodic return to regular duty stations.

9. What are the remaining barriers to utilizing telework in the future? Are those barriers technological, or cultural reasons, or both?

Answer: AFGE members have communicated concerns about the employees having to bear many of the costs of telework including the use of real estate (square footage at home), internet service, electricity, phone service, heating and air conditioning workspace, and other work supplies. Technological issues seem to be the easiest to solve. If by cultural reasons you mean issues such as respect for the boundaries between work and non-work time, relationships among and between colleagues, esprit de corps, workgroup cohesiveness and opportunities to interact with a wide range of co-workers outside zoom meetings, then the cultural issues are serious shortcomings of maximum telework in the future.