



April 14, 2020

United States Congress
Washington, DC 20515

RE: COVID-19 Issues Affecting Federal and Postal Employees and Retirees

Dear Member of Congress:

The Federal-Postal Coalition is an alliance of more than 30 national member organizations that collectively represent more than five million federal and postal workers, retirees and their survivors across the country.

The undersigned members of the coalition write to highlight challenges facing the federal and postal community related to the COVID-19 pandemic. To ensure an adequate response to this crisis by the federal government, we urge prompt action in response to the issues outlined below. Specifically, we urge you to support:

- Adequate funding for and supply of personal protective equipment (PPE) for frontline and essential federal and postal workers;
- Hazard premium pay for essential frontline and public-facing federal and postal workers;
- Presumptive workers compensation for federal employees infected with COVID-19 who are engaged in occupations with increased risk;
- Expanding “Families First” Act emergency sick leave and family leave provisions to all federal employees;
- Granting 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 crisis and to authorize the use of weather and safety leave to cover childcare and other dependent care responsibilities arising as a result of the COVID-19 pandemic;
- Expanding telework programs to help slow the spread of the coronavirus and ensure that agencies are prepared for continuation of operations in the future;
- Requiring coverage of telehealth services, where practicable, by Federal Employees Health Benefits (FEHB) plans;
- Amending current law to allow for a public health emergency such as the COVID-19 crisis to be considered as a “qualifying life event,” giving federal and postal employees who are not currently enrolled in a FEHB program health plan the opportunity for health care coverage, as well as allow for enrollment changes; and
- Emergency appropriations and debt cancellation for the United States Postal Service (USPS).

Ensuring frontline, essential and public-facing federal and postal employees have appropriate PPE, compensation, enhanced and flexible benefits will help ensure these public servants can focus their attention completely on their critical roles supporting their agencies’ missions and the needs of the American people.

Protecting, Rewarding and Taking Care of Frontline and Essential Workers

Countless federal and postal employees in frontline and public-facing positions, from Veterans ' Affairs and U.S. Public Health Service doctors and nurses and Transportation Security Administration agents to federal public health veterinarians to federal law enforcement and firefighters to mail carriers, are risking exposure to COVID-19 every day as they serve their fellow citizens. Others, like air traffic controllers, are essential employees who can only perform their jobs from their regular duty location and must risk exposure by working in close contact with shared equipment and workspaces. We urge you to honor their service by doing your best to provide financing for supplies needed to reduce the risk of infection, to reward them for their extraordinary work, and make sure we take care of them if they get sick. Without this, the risks associated with their important work will continue to mount and more workers will continue to fall ill, resulting in a federal and postal workforce that is less effective, less reliable, and less able to meet the critical needs of the American people during this crisis.

Personal Protective Equipment

Federal workers are experiencing personal protective equipment (PPE) shortages across the board. We urge you to continue to provide adequate appropriations to ensure frontline, essential and public-facing workers are provided an adequate supply of PPE. To ensure the funds appropriated result in PPE for the workers who need it most, we urge you to engage in robust and continuous oversight. Given nationwide shortages in PPE, we also encourage oversight to ensure agencies do not unnecessarily restrict workers from using their own PPE or cleaning supplies due to outdated rules. In so doing, we suggest you and the Administration place the highest priority on those facing the greatest risk of exposure, from health care professionals to first responders and others with heightened exposure to infected individuals.

Furthermore, to ensure the full quantity of PPE is available for all needs, Congress should direct the Administration to fully invoke the Defense Production Act, (e.g. support the "Medical Supply Chain Emergency Act of 2020," S. 3568/H.R. 6390); and take all necessary actions to ensure firms manufacture, allocate, and distribute the adequate quantity of needed PPE, COVID-19 testing and antibody kits, and other medical supplies to federal workers and affected Americans. The President should fully exercise his DPA powers immediately.

Hazard Premium Pay

The COVID-19 pandemic has greatly increased the risk to frontline workers, nonetheless, millions of essential public servants continue to work grueling hours on the frontlines during this crisis due to an unwavering commitment to serving the American people. We urge you to compensate them appropriately for the added risk and their unyielding dedication. As such, we urge you to provide hazard premium pay during this pandemic to reward all essential workers who continue to work at their regular duty station, ensure the retention of these workers, and aid in the recruitment of additional workers who will be needed in the months ahead.

Notably, we urge you to support the COVID-19 “Heroes Fund” to provide up to \$25,000 in hazard pay to essential workers, including all essential federal and postal workers, who, due to their job requirements, cannot telework during this pandemic. This incentive pay should be provided to all such employees, including those whose jobs already entail risk, such as firefighters, to compensate for the increased risk from COVID-19, especially amidst shortages of PPE.

We also support section 150005 of H.R. 6379, the Take Responsibility for Workers and Families Act, which would direct the Office of Personnel Management to establish hazardous duty pay differentials for employees exposed to individuals with COVID-19.

Essential and frontline workers risk their own well-being to protect ours. We owe them more than simple words of thanks – they deserve financial support, too. Such hazard pay is not without precedent. The Federal Emergency Management Agency (FEMA) is authorized to reimburse state, local and tribal governments for premium pay associated with disaster response. Additionally, civilian federal employees working overseas in dangerous locations receive “danger” pay allowances to compensate for the additional risk.

These policies are not just appreciative, they ensure the retention and recruitment of dedicated public servants at a time when our nation needs them most. Key positions on the frontlines of the COVID-19 response, such as food safety and inspection service veterinarians ensuring our food supply is safe during this time, have been suffering from severe personnel shortages. We must not wait until federal and postal employees are unable to handle the risks and burdens of their work. We must compensate them appropriately now.

Workers Compensation

The Federal Employees Compensation Act (FECA) provides benefits, including coverage of medical expenses, compensation for wage loss and payment to dependents of employees who die due to a work-related injury or disease. Frontline federal workers are putting themselves at increased risk of COVID-19 infection, and many have and will continue to contract the disease as a result. Yet each worker infected will find it difficult to prove that they contracted the disease while on-duty, as opposed to off-duty. As such, they could be denied workers compensation benefits in connection with their COVID-19 infection, even though it’s likely they contracted the disease while working.

In order to avoid that outcome, we urge you to support passage of the language of section 150006 of H.R. 6379, which would require a presumption that employees infected with COVID-19 who are in certain occupations more likely to be exposed to COVID-19 were, in fact, exposed and infected as a result of their work as federal employees.

Extension of “Families First” Act Emergency Sick Leave and Family Leave Provisions to All Federal Employees

The Families First Act Coronavirus Response Act, P.L. 116-127, provides two weeks of emergency paid sick leave for federal employees who are ill, must be quarantined, or need to

care for a quarantined or ill individual due to COVID-19, and to care for a child if school or childcare is closed due to the pandemic. Unfortunately, the law allows for agencies to exclude health care providers and emergency responders from this leave. The exclusion of health care providers and emergency responders is counterproductive to COVID-19 response efforts. These workers are at serious risk of contracting COVID-19 in the course of their work or when traveling to or from work. We urge you to ensure that health care workers and emergency responders cannot be excluded from the emergency paid sick leave benefit.

The Act also provides 10 weeks of partially paid family leave for individuals unable to work (including unable to telework) due to a need to care for their child because the school or day care has been closed or the childcare provider is unavailable due to COVID-19 related reasons. This expanded emergency family leave was provided to many private-sector employees (if working for an employer with less than 500 employees) and some federal employees (covered by Title I of the Family and Medical Leave Act, FMLA), but not to most federal employees (generally, those covered by Title 5 of the U.S. Code). We urge you to expand the emergency family leave provisions to all federal employees, who are dealing with the same childcare challenges as other Americans.

Additionally, we urge you to provide adequate appropriations to reimburse federal agencies and entities, including the United States Postal Service, for the cost of providing such additional childcare costs.

Weather and Safety Leave

We urge Congress to 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 crisis. Weather and safety leave will help prevent the spread of COVID-19 and ensure that federal and postal employees are not reporting for duty and risking exposure to the virus or exposing other federal workers or the public. In addition, we urge Congress to authorize the use of weather and safety leave to cover childcare and other dependent care responsibilities arising as a result of the COVID-19 pandemic. With policies differing by agency, congressional action would address disparate practices.

Telework

Permitting eligible federal employees to work from home and to be given the tools and resources to perform their jobs in a safe environment protects them, their families, and the public while allowing agencies to continue operations. However, many agencies were far too slow to embrace telework, especially after recent efforts to scale down the practice. It is important for Congress to include requirements for increased telework, to clarify that employees can work from home even with a child or ill family member present, to eliminate agency-wide restrictions or prohibitions on telework that leave them ill-prepared for continuity of operations, to establish telework goals and metrics, and develop plans to maximize telework in the event of a future public health emergency or similar event.

Telehealth Coverage in FEHB

In an effort to slow the spread of the coronavirus pandemic and protect themselves from infection, Americans are forgoing in-person doctor's visits where practicable. Unfortunately, these telehealth services, from diagnosis of colds and flus to providing prescriptions to tele-counseling, may not always be covered. This shifts costs to patients seeking to use telehealth services and maintains incentives to seek in-person care rather than protect themselves and others from exposure to COVID-19.

Although the CARES Act took steps to increase telehealth services in Medicare and Medicaid, it did not cover the Federal Employees Health Benefits (FEHB) program, which provides coverage for more than 8 million participants – federal employees and retirees, and their survivors and dependents. Furthermore, the Office of Personnel Management (OPM) has put out guidance encouraging FEHB plans to expand telehealth services. But it has not required expanded coverage, and it may not be able to in the middle of a plan year.

In order to incentivize telehealth to the benefit of community health and ensure costs for practical telehealth services are not shifted to patients, we urge you to require all FEHB plans to cover telehealth services where such services provide a practical and effective alternative to in-person visits.

FEHB Program Open Enrollment

We urge Congress to amend current law to allow for a public health emergency such as the COVID-19 crisis to be considered as a “qualifying life event,” giving federal and postal employees who are not currently enrolled in a FEHB program health plan the opportunity for health care coverage, as well as allow for enrollment changes. The employee share of FEHB program premiums for career part-time federal employees is much higher than the premium for full-time federal and postal employees. Agencies such as the Transportation Security Administration, the National Park Service and the Federal Emergency Management Agency utilize the flexibilities of a large part-time workforce. Prior to COVID-19, many of these employees opted out of the FEHB program to save money. Providing the opportunity for career part-time employees to enroll in FEHB program will eliminate artificial barriers to medical treatment during this crisis.

Financial Relief for the U.S. Postal Service

The USPS is facing a dramatic decline in revenues as a result of the coronavirus pandemic. It needs much more than conditional borrowing authority provided by the Coronavirus Aid, Relief and Economic Security (CARES) Act. It needs immediate, emergency assistance and continuing assistance as the response to the pandemic continues.

Specifically, we call on Congress to enact provisions in the next stimulus bill that would provide: an immediate "public service" appropriation to the USPS of at least \$25 billion; quarterly emergency “public service” appropriations during Fiscal Year 2021 to cover the difference between postage revenues and total USPS expenses; treatment of the USPS as a covered

employer in the program funding the cost of COVID-19-related sick leave and family medical leave that was enacted in the Families First legislation; and equal treatment for postal employees in legislation that authorizes and funds hazard pay for frontline workers in this crisis. In addition, we request removal of the Federal Finance Bank's (FFB) discretion to impose operational changes and policy conditions on any of the Postal Service's existing borrowing authorities as well as the elimination of the annual limit on these authorities.

Conclusion

The current pandemic is testing not only the capacity of this nation, but the resolve of its citizens to meet the challenges before us. Our nation's essential and frontline federal and postal employees are answering the call and showing the nation what public service means. We thank you for your service and the service of your staff during these difficult times as well. As you address the challenges posed by the COVID-19 pandemic, we urge you to protect, reward and take care of those who are putting the well-being of their fellow citizens above their own.

Should you require any further information, please contact the Federal-Postal Coalition Chair, Kori Keller at kbkeller@nalc.org, or Vice-Chair, John Hatton, at jhatton@narfe.org.

Sincerely,

American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Foreign Service Association (AFSA)
American Postal Workers Union (APWU)
FAA Managers Association (FAAMA)
Federal Managers Association (FMA)
International Association of Fire Fighters (IAFF)
International Federation of Professional and Technical Engineers (IFPTE)
Laborers International Union of North America (LIUNA)
National Active and Retired Federal Employees Association (NARFE)
National Air Traffic Controllers Association (NATCA)
National Association of Assistant United States Attorneys (NAAUSA)
National Association of Government Employees (NAGE)
National Association of Federal Veterinarians (NAFV)
National Association of Letter Carriers (NALC)
National Association of Postal Supervisors (NAPS)
National Council of Social Security Management Associations (NCSSMA)
National Federation of Federal Employees (NFFE)
National Postal Mail Handlers Union (NPMHU)
National Rural Letter Carriers Association (NRLCA)
National Treasury Employees Union (NTEU)
National Weather Service Employees Organization (NWSEO)
Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA)
Patent Office Professional Association (POPA)
Professional Aviation Safety Specialists (PASS)

Professional Managers Association (PMA)
Senior Executives Association (SEA)
United Postmasters and Managers of America (UPMA)