



Statement of

Colleen M. Kelley
National President

National Treasury Employees Union

Before the

Subcommittee on Oversight of Government Management
U. S. Senate

May 4th, 2010

On

*Work-life Programs: Attracting, Retaining and Empowering the
Federal Workforce*

Mr. Chairman, Ranking Member Voinovich, and other Members, I am Colleen Kelley, National President of NTEU, representing over 150,000 federal employees in 31 different agencies. Thank you for holding this hearing today. The federal government is the nation's largest employer. For years, the federal government served as a model for other employers. Today, the federal government is losing ground in areas important in attracting, retaining and empowering its workforce. We welcome this opportunity, Mr. Chairman, to discuss how we can bring back a leadership role to the federal government and make it the employer of choice in the U. S.

A model employer makes it easy for its employees to concentrate on their jobs. It provides opportunities for a healthy work-life balance, it provides protection when disclosures of fraud, waste or abuse are made, it provides affordable health care, it provides the opportunity for representation through collective bargaining, and it provides a system of pay and promotion that is fair, credible and transparent.

WORK-LIFE BALANCE

Dramatic changes in the workforce in the last 40 years have created what Workplace Flexibility 2010 calls a "work-family mismatch and conflict". As noted at the White House Work-life Forum this past March, in 1968, 48 percent of children were raised in households where the father worked full-time, the mother was not in the labor force, and the parents were married; by 2008, only 20 percent of children lived in such households. Among families with very young children (less than 6 years old), well over half of parents are now both working. In families with children between the ages of 6 and 17, two-thirds of them have two working parents.

We need to rethink the way we work. Employers who follow dated policies and practices that limit workplace flexibility do not serve the interests of either the employer or the employee. When that employer is the federal government, it does not serve the interests of its citizens, either. As we move to an economic recovery, it makes sense to put in place policies that will not suffer from the same "structural mismatch" as the old one.

Flexible work arrangements can alter the time and/or the place where one works on a regular basis. Ideally, it is worked out on a mutually satisfactory basis between employer and employee. Increasing the access and use of flexible work arrangements will change the nature of the workplace, allowing us to be competitive far into the future. NTEU is enthusiastic about the endorsement of flexible work arrangements by the Director of OPM and by the White House. We believe that joint ventures between management and employee representatives will result in a more flexible workplace that will prove to be a tremendous advantage to a well-functioning government. We would like to see flexible work arrangements as the "standard operating procedure" in the federal government.

PAID PARENTAL LEAVE

There is no getting around the point that the federal government lags behind the private sector in parental leave. It doesn't provide any paid parental leave at all. When the 1993 Family and Medical Leave Act was passed, it was viewed as an important step in helping Americans balance family needs and work needs. But it was also just a first step. Finally, it would be possible to stay with your newborn child or newly adopted child, care for a sick child or seek medical attention for yourself without the added stress of losing your job. Since that time, however, it has become clear that many who would take advantage of time off for family and medical leave reasons have not done so because they were unable to forgo their income. We have to ask ourselves the question – Is it fair to have a benefit that many federal employees cannot take advantage of?

It is time for the federal government, as the largest employer in this country, to step up and make family leave real, not a mirage that few can afford to use. Being able to substitute any leave without pay under FMLA with four weeks of paid leave in addition to any leave accrued or accumulated will make a significant difference in the lives of both parent and child. This is an opportunity to provide federal workers with a benefit that not only helps them, but helps society in general, by offering a chance for a mother or a father to bond with the child. It allows employees time to adjust to their role as parents and to recover from childbirth and/or find child care for when they go back to work.

I want to share with you what one of my members wrote, “It takes a woman over 3 years to save enough sick leave to cover the period of incapacitation after a pregnancy (6-8 weeks)—that’s without taking a SINGLE day of sick leave during those 3 years. With about 14 doctor’s appointments during a healthy pregnancy, not taking any sick leave is no easy task. Not to mention the sick leave to care for any other children you may have. This means women are never taking sick leave when they themselves are ill. This is both a public health issue (and threat to the government in the face of swine flu or other epidemics) and a moral issue. Many federal workers have been affected by the economy. Our spouses have lost jobs, our houses have had to be refinanced with equity plowed in, and our savings have been decimated as we have tried to make up for lost income. Making sacrifices to take unpaid leave to care for a newborn is no longer possible for many of us.”

According to Columbia University’s Clearinghouse on International Developments in Child, Youth and Family Policies, “Some 128 countries currently provide paid and job-protected leave each year. The average paid leave is for 16 weeks, which includes pre- and post-birth time off.” (Issue Brief, spring 2002.) In addition, in 2008, the Joint Economic Committee surveyed Fortune 100 companies and found that 74 percent of the responding companies offered a specific paid parental leave program to new mothers. The median length of leave being offered was six to eight weeks. Finally, a report by the Institute for Women’s Policy Research in October 2009, states, “Younger workers demand greater work-life flexibility, and while many private sector companies are leading the way with paid parental leave packages, the current federal benefits do not meet younger workers’ needs.” IWPR calculates that the federal government could prevent 2,650 departures per year among female employees by offering paid parental leave, preventing

\$50 million per year in turnover costs. With your leadership, Mr. Chairman, we would like to see your committee work with Senator Webb to pass S. 354 this summer.

TELEWORK

NTEU strongly believes in the need to expand telework programs. The benefits of telework were clear during the government shutdown due to snow earlier this year.

Experience has shown us that telework has many advantages. We have found that where agencies have good telework programs, employees feel they can handle work-life issues much better than in agencies resistant to such programs.

Telework can bring about increased productivity due to uninterrupted time for employees to plan work, reduce tension levels by eliminating difficult commutes and improve quality of life due to time saved not commuting. The benefits are not just to the employee and the employer. There is a social dimension as well. Telework saves energy, improves air quality, reduces congestion and stress on roads and bridges, and enhances the quality of family life.

NTEU strongly believes that the success of several agencies in implementing telework programs proves that the merits and effectiveness of telework are real. We believe that honest and meaningful collaboration with employee representatives can resolve any reservations about telework. What is needed is leadership, openness and a sense of innovation from managers and agencies. Where that does not exist, Congress must use its authority to see it is created.

Legislation is needed to hold agencies accountable. Such legislation should require each agency head to review the entire agency workforce and determine which employees are eligible for telework and establish a written policy under which eligible employees may elect to telework. Congress should require that all agencies have a telework training program for both teleworking employees and the managers who supervise them. It is also essential that Congress require all but the smallest agencies to have a full time telework managing officer to advise agency managers and to be a resource for employees. Finally, Congress must maintain oversight and evaluation of the progress agencies are achieving. The Office of Personnel Management (OPM) should be required to prepare an annual report to Congress addressing the telework program of each agency. Such a report needs to include detailed information on each agency's telework policy, the degree of participation and the percentage of employees eligible to telework. Also, OPM should be required to grade each agency on their compliance, partial compliance or failure to implement the telework requirements Congress directs. The common red/amber/green light method might be the best approach.

Many of the legislative recommendations we mention above are included in **S. 707, the Telework Enhancement Act of 2009**, introduced by you, Chairman Akaka. This legislation has been approved by the full committee and is now awaiting floor action. During the last session of Congress, the Senate passed similar legislation without opposition. Given the convincing merits

of the Akaka Telework bill and the few remaining months in this session of Congress, we believe that it is very important that the Senate acts swiftly to pass this important bill.

DOMESTIC PARTNER COVERAGE

Another proposal that would help a number of federal employees with balancing work and family obligations is the **Domestic Partner Benefits and Obligations Act**. This legislation, S. 1102, has already been considered and approved by the full committee and is awaiting floor action. Under this bi-partisan legislation, NTEU members and all federal workers with domestic partners will be able to participate in employee benefit programs similar to the options allowed for married couples and will be subject to the same employment related obligations and duties that are imposed on married employees and their spouses and the same ethics requirements, such as anti-nepotism rules and financial disclosure requirements. Programs included are the Federal Employees Health Benefits Program (FEHBP), retirement and disability plans, family, medical and emergency leave, Federal Group Life Insurance (FGLI), long term care insurance, Workers Compensation, death and disability benefits, and relocation, travel and related expenses. The legislation would further allow counting both partners' income for means tested, contractually negotiated child care subsidies offered by federal agencies.

Mr. Chairman, I want to emphasize this point. This legislation proposes both benefits and obligations. The integrity of the civil service system demands not only that there be fairness in benefits but that nepotism and other abuses not be permitted because of an exemption of domestic partners.

We do not believe that federal workers can be optimally productive when they are worried about the health insurance coverage of other members of their own household. While the full committee's favorable action is appreciated, it is imperative that the Senate move to floor consideration and passage during this session of Congress. Too many federal workers have waited too long for this family benefit.

RESULTS-ORIENTED WORK ENVIRONMENTS (ROWE)

ROWE is a management philosophy based on the premise that giving employees complete control over their time is the best way to increase productivity and boost morale in the workplace. Started by two Best Buy HR managers, departments that use ROWE report average productivity increases of 35 percent. ROWE is the next step beyond flextime. There are no mandatory meetings. You work where and when you want to. Obviously, it works best in situations where there are measurable results. The literature indicates that for a ROWE to be effective, there must be a seasoned, goal-oriented manager in charge. ROWEs force managers to figure out what they want done, and some will live up to that challenge better than others. Providing training and support for managers is key to the success of ROWE.

NTEU is pleased that Director Berry has wholeheartedly endorsed the idea with two pilot programs started at OPM. NTEU looks forward to the results of these pilots.

HEALTH AND WELLNESS PROGRAMS

OPM Director Berry has set two goals for his Healthy People 2010 program: 75% of worksites offer a comprehensive worksite wellness program, and 75% of employees participate in the program. Many of the agencies where NTEU members work take advantage of such programs as smoking cessation classes, walking groups, and screening programs and we have been successful in advocating for such programs. Wellness programs contribute positively to the work-life balance.

Sometimes, even the best of intentions are not enough, however. In 1996, NTEU negotiated a one year pilot agreement with the Department of Treasury and Customs whereby employees would be granted up to three hours of administrative leave per week, workload permitting, to participate in physical fitness activities. Customs delayed the implementation of the pilot and then refused to extend it after its one year term. Customs' resistance to the pilot has been continued by CBP, which has rejected a similar proposal presented by NTEU during term bargaining. That experience is in direct contrast to a program being implemented this year, where CBP and NTEU are working together to support CBP employees mentally, physically and emotionally. With a commitment on both sides to the CBP wellness program, we expect to see real change.

The federal Employees Health Benefits Program Call Letter contains several proposals by OPM to provide wellness programs for federal employees. They are encouraging programs to stop childhood obesity and to promote consumer awareness about healthy lifestyles. OPM instructs the carriers that it expects to see comprehensive smoking cessation benefits, including multiple quit attempts. In addition, OPM informs the carriers that coverage of dependents has been extended to age 26 by the recently passed health care law, and that the effective date is January 1, 2011. This last item, one of NTEU's initiatives, will provide a much-needed safety net for those dependents just starting out in their careers – often without health insurance.

NTEU has worked with some agencies in the government to offer programs similar to smoking cessation and fitness activities at work sites. We believe it is in everyone's best interest to make it as easy as possible to be healthy.

WHISTLEBLOWER PROTECTION

Under your able leadership, S. 372, the Whistleblower Protection Enhancement Act, is ready for floor action. S. 372 represents years of work in addressing gaps in whistleblower protection as a result of imprudent and unfair decisions, and for the first time, will extend statutory whistleblower protection to Transportation Security Officers at the Transportation Security Administration. NTEU stands ready to assist in whatever way necessary to see this bill successfully passed in the Senate.

COLLECTIVE BARGAINING

NTEU believes that the best way to achieve an optimal work-life balance is for an organization to involve its employees in the planning of programs to recruit and retain workers. Employees who have a voice in their workplace feel invested in the success of that organization. If the workers can have a collective voice, the effect is stronger. In agencies where NTEU is an equal partner in the management of workplace issues, everyone wins. Sadly, this is not the case at TSA. TSA employees labor under a system that has almost completely demoralized them. Poor workforce management has led to one of the highest attrition rate in the government, and astronomically high on-the-job injuries. Concerns have been voiced about increased costs and potential security gaps in our aviation systems because of the turnover and job dissatisfaction. We can strengthen TSA by providing its workers with a pay and performance system that is fair, credible and transparent, and with a voice in the development of workplace quality standards that will make all the traveling public even safer. We would like to see a Senate version of Rep. Nita Lowey's bill, HR 1881, introduced. While we wait for a new Administrator to be named, we ask your help in persuading the Department of Homeland Security to grant collective bargaining rights through a directive now.

In conclusion, Mr. Chairman, NTEU stands ready to participate in a meaningful dialogue with the federal government to make it possible for all our workers to lead healthier, well-balanced lives. We want the federal government to be a leader in this movement, and we pledge to bring all our resources to bear to promote the programs passed by Congress and endorsed by the administration that further our members' ability to balance the demands of their job with the demands of their families, and have a little energy left over to look after their own health.