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FEW Washington Legislative Update November 16-30, 2024

The House and Senate are in recess until the week of December 2, 2024

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Tier I

Military Women's Health

U.S. Rep. Terri Sewell (D-AL-7) along with U.S. Senator Tammy Duckworth (D-IL) and U.S. Rep. Andy Kim (D-NJ-3), introduced the Improving Access to Prenatal Care for Military Families Act. The legislation would create a Department of Defense (DoD) pilot program to designate pregnancy as a Qualifying Life Event under the TRICARE program, empowering dependents of service members to choose a health care plan that meets their needs during pregnancy. This legislation builds on Senator Duckworth's, Congressman Kim's, and Congresswoman Sewell's bicameral efforts to include a version of this bill in the Fiscal Year 2025 *National Defense Authorization Act*.

"Our military families take on extraordinary challenges each and every day," **said Rep. Sewell.** "Accessing quality maternal health care services should not be one of them. This legislation offers greater flexibility to our expectant military families by empowering pregnant military spouses to choose the health care plan that best meets their needs. I thank Senator Duckworth and Congressman Kim for the partnership and look forward to getting this bill passed and signed into law."

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Tier II

Federal Workforce

Senator Kirsten Gillibrand (D) is pushing the U.S. Senate to pass a bill (WEP) that would expand social security benefits for over 35,000 New York public sector retirees.

The public sector workers include state and local government employees, teachers, firefighters and police officers. The Social Securities Fairness Act passed in the House with considerable bipartisan support last week. The Senate has not voted on it yet.

“No one should be denied the Social Security benefits they have earned and deserve,” Gillibrand said Wednesday. “Passing this bill would give retiring public servants some desperately needed peace of mind and reward them for the invaluable role they’ve played in society.”

If passed, the bill would eliminate two provisions, the Windfall Elimination Provision and the Government Pension Offset, which reduces the amount in Social Security that retirees can receive. All in all, about 2.5 million Americans would see their Social Security go up. Payments would be retroactive to December 2023.

Paid Family Leave

The U.S. Department of Labor announced the release of [new research](#) it commissioned that found a national paid family and medical leave program would reduce poverty across all communities and diminish the poverty gap among workers, especially Black and Hispanic workers who experience some of the highest poverty rates.

The department’s [Women’s Bureau](#) commissioned the research from the Urban Institute, which includes a report analyzing the potential effect a universal and national paid family and medical leave policy would have on America’s workers, a literature review on the impacts of paid leave and a brief on the impact of state paid leave policies on taxes. The research also includes four state-specific reports estimating the costs and benefits of proposed paid family and medical leave policies in Maryland, Michigan, Pennsylvania and Washington.

Only 13 states and the District of Columbia currently have paid family and medical leave programs. As of March 2023, only 27 percent of civilian workers had access to paid family leave through their employer and 41 percent of civilian workers had access to short-term disability insurance through their employer. Among the lowest-wage earners, just 6 percent have access to paid leave through their employers. According to the Urban Institute, the adoption of national paid family and medical leave providing workers up to 12 weeks of paid leave to care for themselves or a loved one, similar to what was proposed in the FAMILY Act, could mean 97 percent of workers are eligible for benefits. Moreover, benefits from a universal, national policy with equitable policy design features – including broad worker coverage, low earnings requirements, progressive wage

replacement and other features modeled on recent state programs – would reduce poverty by 16 percent among people in families receiving paid leave benefits.

The Improving Access to Prenatal Care for Military Families Act is [endorsed](#) by the Military Officers Association of America (MOAA), the National Military Family Association (NMFA), the Jewish War Veterans of the United States of America (JWV), the Iraq and Afghanistan Veterans of America (IAVA), the Air & Space Forces Association, AMVETS, the Chief Warrant Officers Association of the U.S. Coast Guard (CWOA), the Tragedy Assistance Program for Survivors (TAPS), and the United States Army Warrant Officers Association (USAWOA).

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Tier III

Women as a Class

The U.S. Department of Labor (DOL) recently issued two opinion letters. One of those letters clarified which reimbursement payments may be excluded from an employee’s “regular rate” when calculating overtime pay under the Fair Labor Standards Act (FLSA). The second explained that Family and Medical Leave Act (FMLA) leave may be used for participating in a clinical trial.

Expense Reimbursement Payments

In [FLSA2024-01](#), the DOL responded to an inquiry over whether daily expense payments for tools and equipment may be excluded from an employee’s regular rate of pay. The opinion letter explained that, yes, reimbursement payments may be excluded from the regular rate if an employee incurred the expense but not under other circumstances. Employers may make reasonable approximations of expense amounts incurred, even if companies have made excessive expense payments, the opinion letter said.

A nonexempt employee must be paid overtime pay at no less than one and a half times the employee’s regular rate for time worked in excess of 40 hours in a workweek. Under the FLSA, the formula to compute the regular rate is: Total compensation in the workweek (except for statutory exclusions) divided by total hours worked in the workweek equals the regular rate for the workweek, [the DOL notes in a fact sheet](#).

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