



# NATIONAL FRATERNAL ORDER OF POLICE

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## **H.R. 1322/S. 1658, the “Law Enforcement Officers’ Equity Act” *Legislation Providing Law Enforcement Retirement Benefits to All Federal Law Enforcement Officers***

The FOP strongly supports the **“Law Enforcement Officers’ Equity Act.”** This legislation would expand the definition of “law enforcement officers (LEO)” for retirement benefits to include *all* Federal law enforcement.

Nearly 30,000 Federal law enforcement officers do not receive the same retirement benefits as their other Federal law enforcement colleagues. This legislation would provide *all* law enforcement with 6(c) retirement benefits and the ability to retire after twenty (20) years of service at the age of fifty (50) or after twenty-five (25) years of service at any age. This same benefit is currently received by most Federal law enforcement officers. This bill will also provide for savings in training costs, improve recruitment and retention of qualified officers, and enhance public safety.

Officers classified as “0083s” in agencies like the Department of Defense and Armed Services, Veterans Affairs, FBI Police, U.S. Postal Police, Federal Protective Service, National Institute of Health, U.S. Mint, and the Bureau of Engraving and Printing are among those Federal officers who do not receive these specific benefits. Yet these GS-0083 officers attend the Federal Law Enforcement Training Center (FLETC) and are just as highly trained as those Federal law enforcement officers who do receive the 6(c) retirement benefit. Their job is no less dangerous, and these officers who do not receive 6(c) benefits are asked to face the same hazards as their State and local counterparts. They have been seriously injured and killed in the line of duty and their sacrifices are no less or different than any other Federal officer.

Through regulatory authority, the Office of Personnel Management (OPM) has promulgated that the definition of “law enforcement officer” does NOT include “an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting violations of the law, or investigating persons who are suspect or convicted of offenses against the criminal laws of the United States.” These officers may achieve LEO status by appealing to the Merit Systems Protection Board (MSPB) or the OPM, but since 2000, the OPM and the MSPB, with the backing of the U.S. Court of Appeals for the Federal Circuit, have made it extremely difficult for these officers to gain LEO status through judicial review. It is for this reason the FOP seeks this legislative change.

In addition to granting these law enforcement officers the retirement benefits they deserve, the legislation will also save taxpayers money. The increased cost would be more than offset by the savings in training, because recruitment and retention are problems Federal law enforcement agencies face today. This is especially true for agencies whose officers do not have LEO status. We believe extending these benefits would help increase recruitment and retention rates.

Most importantly, an investment in these officers will pay unquantifiable dividends in national security and public safety; for the value of highly trained and experienced law enforcement is immeasurable.

## Comparison between LEO and Non-LEO Benefits

A Federal Law Enforcement Officer (LEO) who retires at age fifty (50) with twenty (20) years of covered service, whose “high 3” is \$65,000 would get \$22,100 a year in retirement, plus the option of continued health and life insurance.

A GS-0083 officer without LEO status who retires today at age fifty (50) with twenty (20) years of service whose “high 3” is \$65,000 would get just \$13,000 a year in retirement (until age 56). He only gets an immediate annuity and continued health and life insurance if he was RIFed or the agency had voluntary early retirement authority. The officer with LEO status gets almost twice as much as the GS-0083 Officer with the same salary, age and service.

A LEO who retires at age fifty-five (55) with twenty-five (25) years of covered service whose “high 3” is \$70,000 would get \$40,900 a year in retirement, plus the option of continued health and life insurance.

A GS-0083 officer without LEO status who retires today at age fifty-five (55) with twenty-five (25) years of service whose “high 3” is \$70,000 might not be eligible for any immediate annuity at all. Again, he is only eligible if his retirement was the result of a RIF, downsizing, or agency early-out program. If he were retiring at his own discretion, he would not qualify for any annuity at all until he reached age fifty-seven (57), and then the annuity would be reduced by 25% for being five (5) years younger than sixty-two (62). So at age fifty-seven (57) he could start getting \$17,500 a year, but he would not be eligible for continued health or life insurance. The officer with LEO status in this case also gets more than 2 ½ times what the GS-0083 officer gets with the same salary, age and service.

