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Attrition strikes federal police

By Michael S. Gerber

Clyde Bartz, a corporal on the National Institutes of Health (NIH) Police force, hopes that it doesn't take an attack on NIH for Congress to give him and his fellow officers a pay raise and better retirement benefits.

"With all the types of materials right here," Bartz said, referring to the nuclear matter and biological agents used for research, "we're very vulnerable."

Those in charge of security at the 322-acre, 67-building Bethesda, Md., campus say they'd like to increase the department to 108 officers. But the department can barely hold on to its current force of 61. Bartz knows at least four who are looking to join the border patrol or air marshals this month, where they'll find greater pay and benefits.

Attrition has plagued many of the dozens of federal law enforcement agencies that provide security for government buildings in the Washington area and across the country. Federal police make ideal candidates for the air marshals and border patrol as they make efforts to recruit thousands of new officers to prevent future terrorist attacks.

But even smaller federal departments have benefited from the discrepancies between federal law enforcement agencies. The Supreme Court Police have at least two new officers who merely crossed East Capitol Street from the Library of Congress Police force, according to Library Officer Tyrone Bryant.

Bryant said the two officers left because they receive better benefits in the Supreme Court's department. At the Library, police officers do not qualify for the federal law enforcement retirement plan, which enables some federal police officers to retire at an earlier age than other federal employees.

"The Supreme Court has a smaller unit and they have those privileges," said Bryant, chairman of the Library's police union. The Library is authorized to have a force of about 150 officers, while the Supreme Court can have 121.

The Capitol Police, Park Police and Secret Service also get law enforcement benefits, while officers at the Government Printing Office, U.S.

Mint, Pentagon and other smaller Washington-area agencies do not.

"We attend the same [training center] in Georgia" as the Capitol Police and Supreme Court Police, Bryant said.

NIH officers also attend the Federal Law Enforcement Training Center, often in the same class as Capitol Police. But when they return to Washington, NIH officers get a starting salary of \$27,800, almost \$10,000 less than their classmates who work on Capitol Hill.

Before Sept. 11, members of the Pentagon's Defense Protective Services shared the NIH's pay scale and benefits. Since then, Congress gave the Pentagon officers a pay raise, but they still do not qualify for the law enforcement retirement plan. And officers at the other agencies wonder if it will take a plane crashing into their building for Congress to intervene.

Even before the terrorist attacks, federal police agencies were lobbying Congress to remove some of the inconsistencies that were driving officers to leave certain departments and join others.

Rep. Bob Filner (D-Calif.) proposed the Law Enforcement Officers Equity Act (H.R. 1841) almost a year ago. His bill would give law enforcement retirement benefits to all federal employees whose duties include the apprehension and investigation of individuals and who are authorized to carry a gun.

"They are all trained just like any police officer," Filner said. "If they're killed, they're names go on the [National Law Enforcement Officers Memorial]. They're not considered law enforcement when they're alive, only when they're dead."

With the help of the American Federation of Government Employees (AFGE) and Fraternal Order of Police (FOP), which have lobbied on behalf of his bill, Filner has convinced 161 of his colleagues to cosponsor the legislation. But after being referred to the Civil Service and Agency Organization Subcommittee last summer, even a renewed interest in the bill caused by Sept. 11 has not led to any committee action.

“You do get some open ears and minds because of 9/11,” said Wayne Marion, a Department of Veterans’ Affairs police officer who heads the AFGE’s Federal Police Officers Steering Committee. But the terrorist attacks have already lost some of the political impact they held six months ago, Marion feels. “Unfortunately, it’s gotten to the point now where Sept 11 is only in the back of people’s minds.”

“I know [former Chairman Joe] Scarborough [R-Fla.] was sympathetic,” Filner said. But when Scarborough retired last fall, efforts to move the bill through committee were delayed. Filner said he had not discussed the act with the subcommittee’s new chairman, Rep. Dave Weldon (R-Fla.).

Less than 30 of the bill’s cosponsors are Republicans, which Filner attributes to a fear of escalating costs.

“The problem for Republicans is that it costs money,” Filner said, “although we argue that it saves money.” If they are convinced federal officers would stay at their jobs longer, Filner suggests, money on training could be saved and the morale of the officers would be improved.

The FOP has made Filner’s bill one of their top priorities, organizing both a grassroots effort and meeting with members on the Hill.

“We’re obviously trying to increase the debate on this issue, trying to highlight disparities that exist,” said the FOP’s Chris Granberg. “It takes a while to fully comprehend who gets the coverage and who does not.”

Sen. Barbara Mikulski (D-Md.) has proposed legislation similar to Filner’s, although her bill, S. 1935, is more narrow. Mikulski’s legislation would extend law enforcement retirement benefits to inspectors at the Immigration and Naturalization Service and U.S. Customs Service, as well as revenue officers at the Internal Revenue Service.

“We do not support that bill because she decided to only take [a few] agencies at this time,” Marion said. But he added that Mikulski’s office has

indicated that the bill might be expanded to include more agencies.

At NIH, Bartz and other police officials have been meeting with members of Congress and trying to meet with officials in the Department of Health and Human Services. While Filner’s legislation would likely cover his department, Bartz fears that the cost of the bill will prevent Congress from acting.

“The real problem when you lump all of us together is that the price tag grows and that deters some congressmen and congresswomen from voting for it,” Bartz said. “I thought that would have changed after Sept. 11, but I don’t believe that it has.”

So the NIH police have drafted their own legislation, and they’re lobbying Congress with the hopes that a smaller price tag will encourage action.

“There’s a really good chance that some agencies will gain the retirement because of lobbying efforts,” said Lou Cannon, president of the FOP’s D.C. branch and also an officer with the U.S. Mint Police.

After meeting with Rep. Connie Morella (R-Md.), whose district includes the NIH campus, Bartz was told that the Government Accounting Office (GAO) would investigate the pay and benefits discrepancies among federal agencies.

Meanwhile, the Library of Congress and Printing Office police are waiting for another GAO study, which is currently investigating the feasibility of combining those two forces with the much larger Capitol Police force. The merger would make the Library of Congress and Printing Office divisions of the Capitol Police force, and thus extend the federal law enforcement benefits that Capitol officers receive to police at the other legislative agencies.

But officers in all these departments say that waiting for the GAO to conduct a review only prolongs a process that needs to be accomplished before someone takes advantage of the overworked, under-staffed federal law enforcement agencies, something Filner recognizes as well.

“We ought to be able to force something on this,” Filner said.