



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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September 23, 2016

The Honorable Jon Tester
United States Senate
Washington, D.C. 20510

Dear Senator Tester:

I am writing on behalf of the more than 27,000 members of the Federal Law Enforcement Officers Association to advise you of our support for legislation you intend to introduce entitled the “Fair Return for Employees on Their Initial Retirement Earned (Fair RETIRE) Act of 2016.” We greatly appreciate your leadership on this legislation, and for your continuing strong defense and advocacy on behalf of disabled federal law enforcement officers and other federal employees.

As you know, current law provides that federal law enforcement officers, firefighters, and other public safety employees may retire after 20 years of service at age 50, or after 25 years of service at any age, and are mandatorily separated from service at age 57. This coverage—known as “6(c)” retirement—is available to these brave men and women in recognition of the strenuous and physically demanding nature of the jobs they perform to protect and defend this Nation. As a result, federal public safety officers pay a higher percentage of their pay toward an annuity under both the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). Under current law, however, a law enforcement officer is not eligible for 6(c) retirement unless they have met both the age and service requirements. An officer who suffers a disabling injury in the line of duty that prevents them from completing their service requirements in a covered law enforcement position does not have the option of retiring at the 6(c) level, but must elect to either take a disability retirement or return to work in a non-covered position to retire under the standard FERS/CSRS benefit. Suffice it to say, law enforcement officers and other federal public safety employees who suffer a disabling injury in the line of duty should not be penalized by the very retirement system that ought to be honoring their sacrifice and service.

That is why the legislation you are sponsoring is so important. Under the “Fair RETIRE Act,” a law enforcement officer who returns to federal employment after recovering from a line-of-duty injury or illness would retain their 6(c) retirement status in the same manner as if they had never been disabled. Their retirement status would be preserved, even in those cases where the nature or extent of the injury prevents an individual from returning to service in a covered law enforcement position. The bill also supports law enforcement officers who seek to return to their agency following their transition to the Federal Employees’ Compensation Program at the Department of Labor (DOL) but who are unable to continue their service as a law enforcement officer. Specifically, it includes a strong “Sense of Congress” provision that directs DOL and the Office of Personnel Management to ensure to the greatest possible extent that an individual reappointed to a non-covered position is with the same federal agency, in the same geographic location, and at a level of pay commensurate to the position the individual held immediately

prior to suffering a disabling injury or illness. In so doing, this legislation appropriately honors the sacrifices that disabled law enforcement officers have made to keep us safe while helping to protect their financial security.

On behalf of the membership of the Federal Law Enforcement Officers Association, thank you again for your strong leadership on this important issue. We look forward to continuing to work with you to ensure that the "Fair RETIRE Act" is enacted into law as quickly as possible.

Sincerely,

Nathan R. Catura

Nathan R. Catura
National President