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**REPORT OF
THE NATIONAL
ADVISORY
COMMISSION
ON LAW
ENFORCEMENT**

APRIL 1990

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Report of the National Advisory Commission on Law Enforcement

**April 1990
OCG-90-2**



**Comptroller General
of the United States**

Washington, D.C. 20548

April 25, 1990

The President of the United States
The President of the Senate
The Speaker of the House of Representatives

This report presents the findings and recommendations of the National Advisory Commission on Law Enforcement (NACLE). The Commission was established by the Anti-Drug Abuse Act of 1988. It was charged with studying pay, benefits, and other issues related to the recruitment, retention, and morale of federal law enforcement officers.

The Commission's data and analysis show that there are many critical issues that need to be addressed to assure that federal law enforcement agencies are able to attract and retain high-quality staff. What follows in this report is a series of recommendations to cover the range of critical issues that the Commission believes must be addressed over time to provide that assurance. These include the need to increase starting salaries for most federal law enforcement occupations and the need to establish some type of locality pay differentials for federal law enforcement personnel working in certain high-cost cities. Other important issues involve the need to provide a housing relocation allowance for law enforcement personnel transferred to high-cost areas, and the need to have more consistency and equity among federal agencies in their pay of overtime.

The Commission would like all of its recommendations to be implemented promptly. On the other hand, it recognizes the reality of the fiscal situation facing the federal government today. It also recognizes the possible impact of its recommendations in light of actions that may need to be taken for the entire federal workforce. The Commission is concerned that sufficient funds be available to adequately implement its recommendations.

If the realities of the federal budget situation dictate that the Administration and Congress make choices on what part of the Commission's recommendations could be funded in the near future as opposed to over time, the recommendations to increase starting salaries and deal with locality pay in high-cost cities should be funded first. Next, it is very important to adopt housing relocation allowances and to bring about more consistency and equity in the way that federal law enforcement agencies pay overtime. The Commission strongly believes that law enforcement personnel should be paid for extra hours they must work to effectively carry out their jobs. However, the data the Commission analyzed did not show that the problems of overtime pay or relocation housing allowances were as critical to the immediate well-being of our law enforcement agencies as the need to increase starting salaries and deal with locality pay increases for personnel in certain high-cost cities.

Some Commissioners had differing views on some aspects of the report. However, they all agreed with its general thrust and with its most critical finding that federal pay is generally too low for law enforcement occupations and needs to be increased at the entry level and for other levels as well in certain high-cost areas where state and local law enforcement salaries exceed those of their federal counterparts. Additional views of some Commissioners are contained in Appendix VIII.

A public hearing was held on February 20, 1990, to elicit the views of interested organizations and individuals involved in federal law enforcement on a draft of this report. These views were considered and, as appropriate, reflected in the final report. A transcript of this hearing is available upon request from the General Accounting Office.

Drew Valentine served as the Commission's staff director. Other staff members are listed in Appendix VII.



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Executive Summary

Purpose

Federal law enforcement today faces multiple challenges. Federal officers must confront (1) leading criminals in the drug war, (2) notorious figures in organized crime, (3) increasingly sophisticated white collar criminals, and (4) prisoners incarcerated in an overcrowded and overburdened federal prison system.

The quality and commitment of the people involved in federal law enforcement will largely determine success or failure. The federal government has an obligation to support these individuals by compensating them at the appropriate levels.

Recognizing this obligation, Congress created the National Advisory Commission on Law Enforcement to study the adequacy of compensation and benefits for federal law enforcement personnel. The Commission studied compensation levels and issues involving recruitment, retention, and morale in federal law enforcement. It compared rates of compensation between and among federal agencies and also with state and local governments. Other areas of study included (1) overtime practices and policies, (2) retirement and benefits policies, and (3) the extent to which administrative procedures and legislation are needed to remedy inconsistencies and pay inequities. This study presents these comparisons, describes the effects, and makes recommendations to address the major problems.

Background

The law establishing this Commission defines federal law enforcement officer widely, encompassing both traditional positions within the field and less traditional positions not generally considered part of the law enforcement community. The universe included more than 50,000 individuals in 34 federal agencies.

Of the approximately 250 occupations meeting the definition (as defined in Title 5, U.S. Code), the Commission selected 19 law enforcement occupations for special focus. These major occupations include criminal investigators, customs patrol officers, certain uniformed federal police, deputy marshals, correctional officers, and border patrol agents among others. Most of the other positions covered in the study were in the Bureau of Prisons (BOP). These were such jobs as paralegals, teachers, factory foremen, and nurses who had significant law enforcement aspects to their jobs.

Some significant changes have taken place over the past two decades that affect these occupations and the nature of their work. These

changes include (1) the increasing danger, violence, and complexity of work that faces federal law enforcement personnel, (2) the greater diversity of the federal law enforcement workforce and (3) the increasingly competitive compensation packages being offered their state and local counterparts.

A highly motivated and competent workforce in federal law enforcement is needed more today than ever before. Adequately compensating these personnel will help maintain a quality workforce. Balanced against this need, however, is the problem of the federal deficit and similar problems that affect the rest of the federal workforce.

There is a growing recognition that compensation levels for federal law enforcement personnel are inadequate. Several law enforcement agencies have attempted to address this problem. Their initiatives have included securing special salary rates, accelerated promotions, and a demonstration project involving locality pay. But a comprehensive approach to this problem has not to date been undertaken.

To study this problem and develop solutions, the Commission conducted detailed surveys of federal, state, and local law enforcement personnel. In addition, pay and benefits data were collected for a wide variety of law enforcement positions and comparisons drawn. Relevant practices, policies, and procedures were also reviewed. Pay information from 1989 is used throughout this report to ensure uniformity with the 1989 state and local pay data gathered in the course of the study.

Results in Brief

The Commission's study showed that federal pay is too low at the entry level when compared with what state and local law enforcement personnel are paid. Pay is also too low for many federal law enforcement personnel in certain high-cost cities. According to federal law enforcement personnel, lack of competitive pay deters qualified people from applying. More than half of all managers and employees surveyed feel this to be true and many law enforcement officials believe it is the main reason law enforcement personnel leave federal service.

The Commission also found differences in the premium pay and benefits offered federal law enforcement personnel versus state and local personnel. For example, state and local law enforcement organizations paid time and a half for overtime with few limitations. Only scheduled overtime for employees at GS-10 and below is paid on this basis by the federal government. State and local governments generally offered

comparable or somewhat more generous benefits or paid a higher percentage of the benefit, except for retirement, than does the federal government.

Federal officials believe that, on balance, the federal government is attracting high-quality people but emphasize that it may be more difficult to do this in the future if these compensation problems are not addressed.

Many of the compensation problems surfaced in this study apply to all federal employees. However, there are factors that differentiate many law enforcement occupations from other federal positions. These include (1) the hazards and working conditions and (2) the occupations outside the federal government to which they are comparable.

The Commission's recommendations, including the need to increase federal law enforcement starting salaries and introduce locality pay, are designed to remedy the inequalities the Commission's analysis showed to exist between federal and state and local law enforcement personnel.

Commission Analysis

Significant Pay Gaps Exist

The most serious problem the Commission identified is the significant pay gap between federal and state and local law enforcement, especially at the entry level.

Federal law enforcement entry levels for most occupations are GS-5 or GS-7, with 1989 salaries of \$15,738 or \$19,493. Even new Federal Bureau of Investigation (FBI) agents, who were hired at \$26,261 (GS-10), were lower paid than their state and local counterparts in some cities.

The average starting salary for comparable positions in state and local law enforcement is \$22,333 in the 100 largest state and local law enforcement organizations responding to our survey. In some large urban areas, starting salaries can exceed \$35,000. Over 50 percent of federal law enforcement officers are located in cities where starting pay for local uniformed officers is more than \$9,000 above the GS-5 entry pay and \$5,000 above the GS-7 entry pay. In New York City, meter maids and toll booth collectors earn more than many junior federal officers.

Compounding these pay disparities is the fact that for the state and local law enforcement positions, usually a college degree is not required to start. For federal law enforcement positions, a college degree is generally required at entry level. Moreover, most state and local law enforcement agencies do not require their employees to move for the good of the agency, as do many federal agencies.

For all occupational groups, state and local salaries varied by region, and thus so did disparities. The lowest salaries reported were in the South, Southwest, and rural areas in the Midwest. The highest reported salaries were in California, New York, Washington State, New Jersey, and Massachusetts. Shown in table 1 is a comparison of starting pay for state and local law enforcement officers versus a GS-7 federal officer.

Table 1: Entry-Level Pay

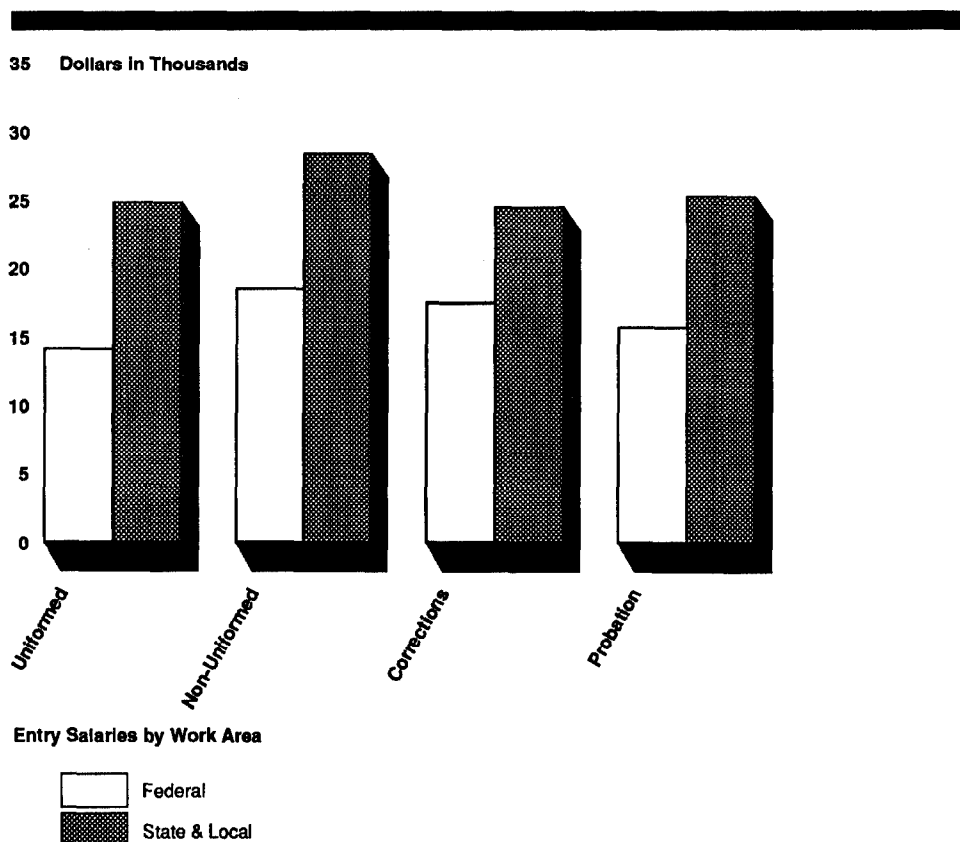
City	Federal GS-7	State/Local minimum	Difference
Los Angeles CMSA	\$19,493	\$31,627	\$12,134
Boston CMSA	19,493	31,413	11,920
Washington, DC MSA	19,493	25,996	6,503
New York CMSA	19,493	26,660	7,167

Note: CMSA = Consolidated metropolitan statistical area.

MSA = Metropolitan statistical area.

Figure 1 compares entry salaries by functional work area. The groupings shown are (1) uniformed officers, police for the most part, (2) non-uniformed officers, criminal investigators being the largest category, (3) correction officers, employed in federal and state prison systems, and (4) probation officers. The state and local law enforcement salaries are average salaries for each specific area.

Figure 1: Entry-Level Salaries—Federal vs. State and Local by Law Enforcement Occupational Grouping



Sources: Federal Pay and Benefits Survey and State and Local Survey performed by National Advisory Commission on Law Enforcement.

Table 2 shows that some federal entry-level salaries are below the state and local weighted average.

Table 2: Federal Entry-Level Salaries Below State and Local Weighted Average, 1989

Grade	1988 new hires (percent)	Salary	Percent that salary is below state and local combined average (\$22,333)
GS-3	.2	\$12,531	44
GS-5	36	15,738	29
GS-6	15	17,542	21
GS-7	19	19,493	13
Diplom. Security	.8	19,693	12

Pay disparity diminishes somewhat as experience increases, but is still significant at full performance levels in certain geographic areas. In the uniformed officer and correctional officer categories, the full performance salaries of federal officers are lower, on average, than comparable positions in state and local organizations. In the non-uniformed officer category, federal full performance salaries slightly exceed state and local salaries. The probation officer category showed a higher federal full performance salary when contrasted with comparable state and local positions.

Significant pay gaps were found in certain high-wage areas, with state and local salaries being 10 to 15 percent greater for all types of federal law enforcement.

Federal law enforcement personnel are concerned about these pay disparities and the resultant problems. In the Commission's survey of 4,600 employees, 70 percent cited low pay combined with the cost of living in their assigned area as a major problem. Fifty-two percent of these employees said that state and local law enforcement agencies paid more and 68 percent said that private sector employees were paid more for similar jobs. In most of the 29 focus groups held as part of this study, pay disparity was described as a major limitation and disadvantage of federal law enforcement work. According to many of those surveyed, pay disparity seriously detracts from the desirability of a federal law enforcement career.

Recruiting and Retention Concerns Exist

Officials from the majority of federal law enforcement agencies involved in this study said they had recruiting and retention problems.

In recruiting, the problem was seen primarily at the regional and local level as opposed to a problem of national scope. Agency officials particularly cited the high-cost areas as difficult for recruitment. When asked to identify the factors most responsible for this problem, the agencies overwhelmingly cited pay as the most important. Specifically, the inability of federal salaries to offset the cost of living and pay disparities with the state and local law enforcement employees was felt to be the most problematic. It should be noted that many of the agencies surveyed do not have sufficient data related to the number, quality, and backgrounds of applicants for law enforcement positions, or difficulty experienced in filling vacancies, such as refusal rates and quality of applicants.

The Commission interviewed 102 federal agency law enforcement officials (each of these represented a different agency or geographic location), and 69 of them said they had recruitment problems. Problems were reported to be more severe in the cities of Los Angeles; New York; Washington, DC; Boston; San Francisco; and Miami.

All agencies citing recruiting problems noted them at the entry level and some reported them at full performance levels, with the entry level situation being the most critical. Many agencies reported that they actively recruit only at the entry level.

Agencies from all of the regions studied reported problems recruiting employees in various minority groups. Officials had the most difficulty in recruiting Hispanics, Afro-Americans, and Asians.

Many agencies indicated that they needed individuals with language, computer, accounting, and legal skills, but that these individuals were difficult to recruit because they typically could earn better salaries in the private sector.

In addition to these current problems, a potential problem was cited. There was a recognition that given the drug war, expansion of the prison population, and increased retirements, demands for new law enforcement employees will increase.

Seventy of 102 officials said they had retention problems. While the overall 5-percent turnover rate for federal law enforcement is not high, certain locations, occupations, and groups of employees are affected more than others. Many officials reporting retention problems indicated that most individuals leaving the agency were not leaving law enforcement but were accepting positions in other federal, state, and local law enforcement agencies for better pay and benefits or to relocate to a lower cost of living area.

Certain agencies have particularly serious retention problems. These include the Border Patrol, which loses approximately 40 percent of its entry level employees in the first year (primarily because new agents are not able to master Spanish), and the Bureau of Prisons, which loses approximately 30 percent of its correctional officers in the first year. Factors other than pay alone may play a role in these problems.

A potential recruiting and retention problem exists because a significant number of law enforcement officers will be eligible to retire in the next 4

to 6 years: over 30 percent of Bureau of Prisons managers and 40 percent of FBI agents will be eligible by 1995, and by 1993, 35 percent of Secret Service agents will be eligible for retirement. The Commission's employee survey indicates that almost 52 percent of federal law enforcement personnel plan to retire as soon as they become eligible.

Differences Exist in the Use of Overtime

Significant differences exist in the use of overtime among federal agencies surveyed. These differences exist between and among federal agencies, and in comparison with state and local law enforcement agencies.

Currently, some federal law enforcement officers receive only Administratively Uncontrollable Overtime (AUO), while others receive AUO or Scheduled Overtime pay depending upon the circumstances. Another group receives Scheduled Overtime pay but does not receive AUO, and a few law enforcement officers do not receive any type of overtime compensation. The same type of activity may receive one treatment in a certain agency and different treatment in another.

AUO payments to federal officers cannot exceed 25 percent of their actual grade starting in October 1990. But scheduled overtime is limited to the grade 10 step 1 time-and-a-half calculation. Either type of overtime may be paid only to the extent that it does not cause the employee's pay for any pay period to exceed the maximum rate for GS-15. Most state and local organizations pay their personnel 1-1/2 times their actual hourly rate with no specific caps on the total. Even when federal and local officers are working on joint task forces or cooperative projects, they are compensated differently for many overtime activities. Specifically, 89 percent of our state and local respondents provide overtime pay. Of those providing overtime pay, 94 percent pay time and a half for all overtime hours worked. Ninety-three percent indicated there is no limit on the amount of overtime pay an employee can receive.

Housing Costs Place a Severe Burden

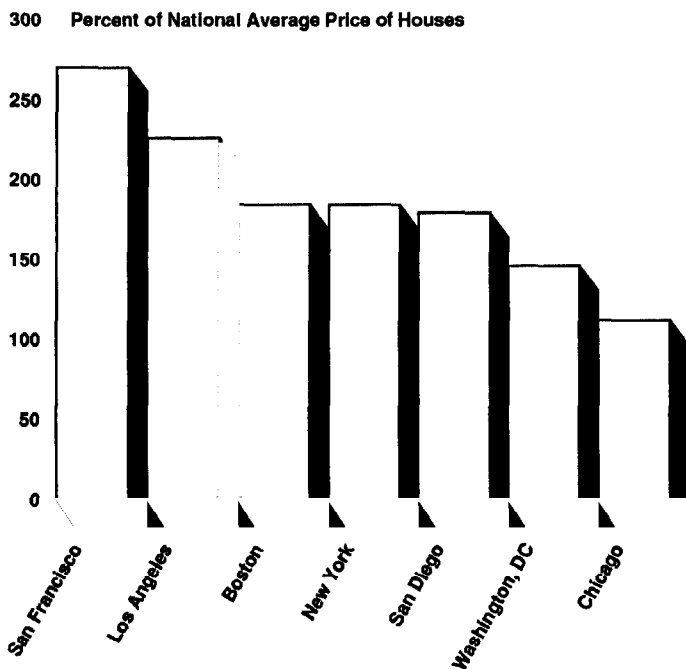
Many federal law enforcement employees, as contrasted with their state and local counterparts, are subject to directed transfers and are consequently feeling the burden of increased housing costs. Fifty-nine percent of the employees surveyed in this study have had at least one transfer.

The single greatest component in cost of living increases was housing. Whereas composite cost of living differences between high-cost areas

and a national average did not exceed 40 percent, housing cost differences between an average city and a high-cost area exceeded 100 percent in several cases.

The areas where housing costs are the highest and have had the greatest impact are New York; San Francisco; Boston; Los Angeles; San Diego; Washington, DC; and Chicago. The number of federal law enforcement personnel employed in these areas exceeds 15,000; ranging from about 800 in the Boston area to over 5,200 in Washington, DC. Figure 2 gives an overview of housing costs in high-cost areas.

Figure 2: Relocation Payments—Cost of Housing in Certain High-Cost Areas



Certain Cities Above National Average by 100%

Data represent actual prices paid for the third quarter, 1989. The average price was \$95,000.

Sources: National Association of Realtors, California Association of Realtors.

In the Commission's agency interviews, employee and organization surveys, and numerous focus groups, the majority of participants cited the many adverse effects of these high cost of living areas on federal employment. These include (1) an inability to afford adequate housing,

(2) reluctance of employees to transfer to these areas, (3) increasing commutes for federal law enforcement personnel due to an inability to afford housing, (4) the difficulty in recruiting in high-cost areas, and (5) the reluctance of employees to stay in these areas.

Significant Differences Exist in Other Areas

Other potential problems, differences, or inequities found by the surveys include the following:

- In almost all categories, federal employee benefits for law enforcement are comparable to or slightly lower than those benefits provided to their counterparts in state and local law enforcement agencies. In addition, state and local personnel receive these benefits at a lower cost to them. For example:
 - A majority of the state and local respondents pay the full cost of health insurance for individuals and pay more than 75 percent of the cost of health insurance for family coverage.
 - Approximately 80 percent of localities pay all of the premiums for life insurance, compared with the 67 percent paid by the federal government.
 - Commission surveys also found that federal law enforcement personnel view this disparity as a major problem.
- Currently, comparability of pay for federal law enforcement is based on a governmentwide comparison of salaries with the private sector instead of comparisons with state and local law enforcement. This does not present an accurate picture of law enforcement salary needs because most comparable jobs are in state and local organizations, not the private sector.
- Foreign language bonuses are provided in some federal agencies but not in others. Currently, only the FBI, the Drug Enforcement Administration (DEA), and the State Department are authorized to pay foreign language bonuses for personnel who are required to have proficiency in a foreign language. Interestingly, this requirement in the Border Patrol is a major cause of retention problems. The difficulty of mastering another language causes many entry-level employees to leave.
- Some law enforcement agencies view their lack of full statutory law enforcement authority to make arrests and carry firearms as a major inequity. In the Commission's surveys of Offices of Inspector General (OIG) and their employees and in focus groups with OIG criminal investigators, this was raised as a major issue affecting recruitment, retention, and morale.

Recommendations

The Commission recommends to the President and Congress the following actions, designed to address the federal law enforcement problem. For those recommendations for which costs could be estimated, direct costs would be in the range of \$141 million to \$180 million annually, exclusive of any benefit costs, such as retirement-related costs.

The Commission's immediate, or short-term, recommendations are the following:

- Upgrade entry-level salaries for federal law enforcement personnel. This could be accomplished by establishing a special salary scale and using advanced in-hire rates at the entry-level. The latter allows setting entry pay at a step higher than step 1 for candidates with superior qualifications. The proposed entry-level salaries are shown in Table 3. Estimated annual cost—\$60 million to \$65 million, based on 1989 federal salary levels.

Table 3: Current and Proposed Entry-Level Salaries

Current (1989)		Proposed (1989 Basis)	
GS-3/1	\$12,531	GS-3/1	\$16,293 (current GS-3/10)
GS-4/1	\$14,067	GS-4/1	\$18,288 (current GS-4/10)
GS-5/1	\$15,738	GS-5/1	\$20,463 (current GS-5/10)
GS-6/1	\$17,542	GS-6/1	\$21,637 (current GS-6/8)
GS-7/1	\$19,493	GS-7/1	\$22,743 (current GS-7/6)
GS-8/1	\$21,590	GS-8/1	\$24,470 (current GS-8/5)
GS-9/1	\$23,846	GS-9/1	\$26,231 (current GS-9/4)
GS-10/1	\$26,261	GS-10/1	\$28,011 (current GS-10/3)

- Introduce locality pay differentials (from 5 to 25 percent depending on the city) to alleviate the pay disparities facing federal officers in high-wage areas. Locality pay should be based on salary comparisons with state and local officers as well as cost of living and implemented using flat-rate differentials. Under a model to illustrate the Commission's proposal, law enforcement personnel in the following cities, at a minimum, would receive locality pay: Boston, Chicago, Denver, Fresno, Los Angeles, Minneapolis, New York, Philadelphia, Portland, San Diego, San Francisco, Seattle, and Washington, D.C. See Table 7.2 for more information on this recommendation. Estimated annual cost—\$50 million to \$75 million.

- Provide relocation payments using market-sensitive housing bonuses in high-cost areas. The bonus would be taxable and would apply to transfers for the benefit of the government, including transfers for promotions. Whereas locality pay would be paid to everyone working in a certain locality, the relocation payment would be given to only directed transfers into a city or area. Estimated annual cost—\$26 million to \$34 million.
- Develop a consistent policy for all federal law enforcement agencies regarding overtime pay. One alternative would be to tie the rate to the individual's base salary. Law enforcement personnel should be paid for extra hours they must work to effectively carry out their jobs. Estimated annual cost—\$6 million.
- Ensure that foreign language bonuses be made available for all federal law enforcement officers who are required to speak a foreign language. Such bonuses could provide an incentive for employees to learn foreign languages needed for their jobs and to reduce turnover. Estimated cost—not available.
- Have OPM and law enforcement agencies collect better and more comprehensive recruitment and retention data. This will allow these agencies and other interested parties to better assess performance in this regard. Estimated cost—not available.

Over the long term, the Commission recommends that a new pay system for federal law enforcement be studied. This system could use the current General Schedule classification system or a new job evaluation system. In either case, the system could incorporate the other recommendations previously discussed. A new pay system would allow for direct comparison of federal law enforcement pay levels with those of their state and local counterparts.

The Commission is not recommending any major changes in the benefits area. Although state and local law enforcement agencies offer enhanced benefits in some areas, in others they are comparable with federal benefits. Given the seriousness of the government's fiscal situation and the equity principle that federal benefits should be generally consistent for all employees, the Commission decided to make no major recommendations in the benefits area.

If the Commission's recommendations are to be successfully implemented, Congress and the agencies need to ensure that sufficient funds are available.

A complete discussion of the Commission's 16 recommendations is in Chapter 7.

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Abbreviations

AFA	Alternate Form of Annuity
AIDS	acquired immune deficiency syndrome
ATF	Bureau of Alcohol, Tobacco, and Firearms
AUO	administratively uncontrollable overtime
BOP	Bureau of Prisons
COLA	cost of living adjustment
CMSA	consolidated metropolitan statistical area
CPI	Consumer Price Index
CSRS	Civil Service Retirement System
DEA	Drug Enforcement Agency
FBI	Federal Bureau of Investigation
FECA	Federal Employees Compensation Act
FEGLI	Federal Employees Group Life Insurance
FHLB	Federal Home Loan Bank Board
FERS	Federal Employee Retirement System
FES	Factor Evaluation System
GS	General Schedule
ICMA	International City Managers Association
INS	Immigration and Naturalization Service
IRS	Internal Revenue Service
MSA	metropolitan statistical area
NACLE	National Advisory Commission on Law Enforcement
OIG	Office of the Inspector General
OPM	Office of Personnel Management
QES	Quantitative Evaluation System
USMS	U.S. Marshals Service

Introduction

The Anti-Drug Abuse Act of 1988 (Public Law 100-690, Sec. 6160) created the National Advisory Commission on Law Enforcement (NACLE) to study

“...the methods and rates of compensation, including salary, overtime pay, retirement policies, and other benefits of law enforcement officers in all federal agencies, as well as the methods and rates of compensation of state and local law enforcement officers in a representative number of areas where federal law enforcement officers are assigned...”

Overview of Federal Law Enforcement

The statute limited the scope of the Commission’s study to include those employees covered by the special retirement provisions for law enforcement officers. Using this definition, this study covers approximately 56,700 civilian employees in 34 federal departments and agencies and 245 occupational categories as of March 1989. The number of law enforcement employees is rapidly increasing, primarily because of the war on drugs and the resulting expansion of the prison system.

Table 1.1 shows the number of law enforcement employees by occupational category and agency. The Departments of Justice and the Treasury together account for almost 85 percent of the total federal law enforcement workforce. As of March 1989, Justice employed 35,014 law enforcement personnel doing such varied work as (1) foreign counter-intelligence (Federal Bureau of Investigation [FBI]), (2) undercover assignments to investigate major drug dealers (Drug Enforcement Administration [DEA]), (3) detection and apprehension of illegal aliens crossing the U.S. borders from Mexico and Canada (Border Patrol, Immigration and Naturalization Service [INS]), (4) the detention, control, and rehabilitation of inmates in 60 correctional institutions nationwide (Bureau of Prisons [BOP]), and (5) protection of the courts and court personnel and fugitive investigations (U.S. Marshals Service).

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Table 1.1: Number of Law Enforcement Employees by Occupation and Agency

	GS 1811	GS 007	GS 1896	Probation	Postal inspector	Treasury uniformed division
JUSTICE	15,581	5,653	4,209			
TREASURY	10,494					1,010
U. S. COURTS				2,390		
POSTAL SERVICE					1,902	
INTERIOR	176					
NAVY	1,077					
STATE	35					
AGRICULTURE	389					
DOD	309					
HHS	273					
COMMERCE	103					
LABOR	179					
GSA	105					
EPA	97					
HUD	80					
AIR FORCE	70					
VETERANS AFFAIRS	66					
TRANSPORTATION	62					
DEPT. OF EDUCATION	57					
NRC	45					
NASA	38					
SMALL BUSINESS ADMIN.	37					
ENERGY	26					
GAO	25					
INTER. DEV. COOP. AGY	25					
RAILROAD RETIREMENT BD.	15					
FEMA	10					
GPO	8					
USIA	6					
SMITHSONIAN INST.	4					
EEOC	3					
SECURITIES & EXCH. COMM.	3					
FHLBB	1					
ARMY						
Total:	29,399	5,653	4,209	2,390	1,902	1,010

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State diplomatic security	GS 006	Interior park police	GS 1802	GS 1801	GS 082	GS 2181	GS 083	GS 1884	GS 1812	Other	Total
	676		572	331	467	66				7,459 ^a	35,014
				147		297		104			12,052
											2,390
											1,902
		638					298				1,112
											1,077
805											840
											389
				1							310
											273
									90		193
											179
											105
											98
				1							80
							15				85
											66
											62
											57
											45
											38
											37
											26
											25
											25
											15
											10
											8
											6
											4
											3
											3
											1
										191 ^b	191
805	676	638	572	480	467	363	313	104	90	7,650	56,721

^aLess-traditional law enforcement positions in BOP.

^bLess-traditional law enforcement positions at Ft. Leavenworth Disciplinary Barracks.

Treasury employs over 12,000 law enforcement officers, primarily criminal investigators involved in the investigation and apprehension of individuals suspected of criminal activities such as (1) counterfeiting and credit card fraud (Secret Service), (2) criminal tax fraud and money laundering (Internal Revenue Service [IRS]), (3) smuggling of all kinds of contraband including drugs (Customs Service), and (4) violations of federal firearms, liquor, and tobacco laws (Bureau of Alcohol, Tobacco and Firearms [ATF]). Secret Service special agents and officers of the Uniformed Division of the Secret Service also protect the President and Vice President and their families, visiting heads of foreign governments and their spouses, the White House complex, and foreign diplomatic missions.

Other organizations with significant numbers of law enforcement employees include the U.S. Courts with 2,390 probation and pretrial services officers; the U.S. Postal Service with 1,902 postal inspectors (criminal investigators); the Department of the Interior with 638 employees in the Park Police, 298 members of the Bureau of Indian Affairs police force, and 176 criminal investigators; and the Naval Investigative Service with 1,077 criminal investigators. Offices of the Inspectors General in 24 agencies account for an additional 1,900 criminal investigators.

Brief History of Federal Law Enforcement

Federal law enforcement began in 1789 with the creation of the Marshals Service, the Customs Service, and the Treasury Police. Concern for the safety of the mail and currency, the need to collect import duties to finance the government, and the effort to thwart smuggling activities were “national” problems that crossed state and local boundaries. Throughout the 19th century, the Marshals and a small number of “federal agents” in the Treasury Department and Post Office dealt with a variety of crimes and subversive activities. Pay for the Marshals consisted of fees and bounty; they did not receive a salary until 1896. The Secret Service, created in 1865, paid its agents \$4 to \$6 a day.

The growth of federal law enforcement was evolutionary. New agencies appeared in response to new laws and expanding jurisdictions for federal officers. For example, the FBI was created in 1908 to be the investigative force of the Department of Justice. The IRS criminal investigators were created in 1919 in the Bureau of Internal Revenue. In 1924, the U.S. Border Patrol was officially formed from a small force of mounted guards who patrolled the Mexican border. In 1930, BOP was established.

More recently, in the 1970s, ATF, DEA, and the criminal investigators of the Offices of the Inspectors General were added.¹

Changing Nature of the Work

That fledgling group has evolved in 200 years into a highly trained and professional force of more than 50,000 career federal law enforcement officers in more than 34 federal agencies, some with worldwide operations. They comprise approximately 5 percent of the entire federal workforce today.

Early federal law enforcement concerned itself with such matters as fugitives, counterfeiting, bankruptcy fraud, and general police and corrections activity. During the “gangster” era of the 1920s and 1930s, a series of federal anticrime laws broadened the jurisdiction of federal law enforcement into such areas as kidnapping, telephone extortion, and bank robbery. The war years of the 1940s involved federal agents in investigations of espionage, sabotage, neutrality laws violations, and military procurement frauds. The 1950s and 1960s brought an enormous increase in serious crime as federal law enforcement confronted organized crime and civil unrest.

The 1970s marked the beginning of a new era for federal law enforcement with the emergence of the computer age, international terrorism, and drug cartels. The “white collar” criminal evolved, a criminal who dressed in a business suit, carried a briefcase, and was intelligent enough to strain the limits of federal law enforcement. The use of terrorism to advance political and religious causes throughout the world placed new demands and dangers on federal law enforcement. The rapid growth of worldwide illegal drug use gave rise to huge and powerful drug cartels that had influence and strength to rival some countries’ governments themselves and presented a formidable challenge to federal law enforcement.

As the 1980s come to an end, federal law enforcement officers face a mission far more demanding and far more dangerous than ever before. For the period of 1984 to 1988 alone, 3,533 federal officers were assaulted in some way, including 16 federal officers who were killed.

One of the major dangers confronting federal law enforcement today is the proliferation of criminal organizations. These range from organized

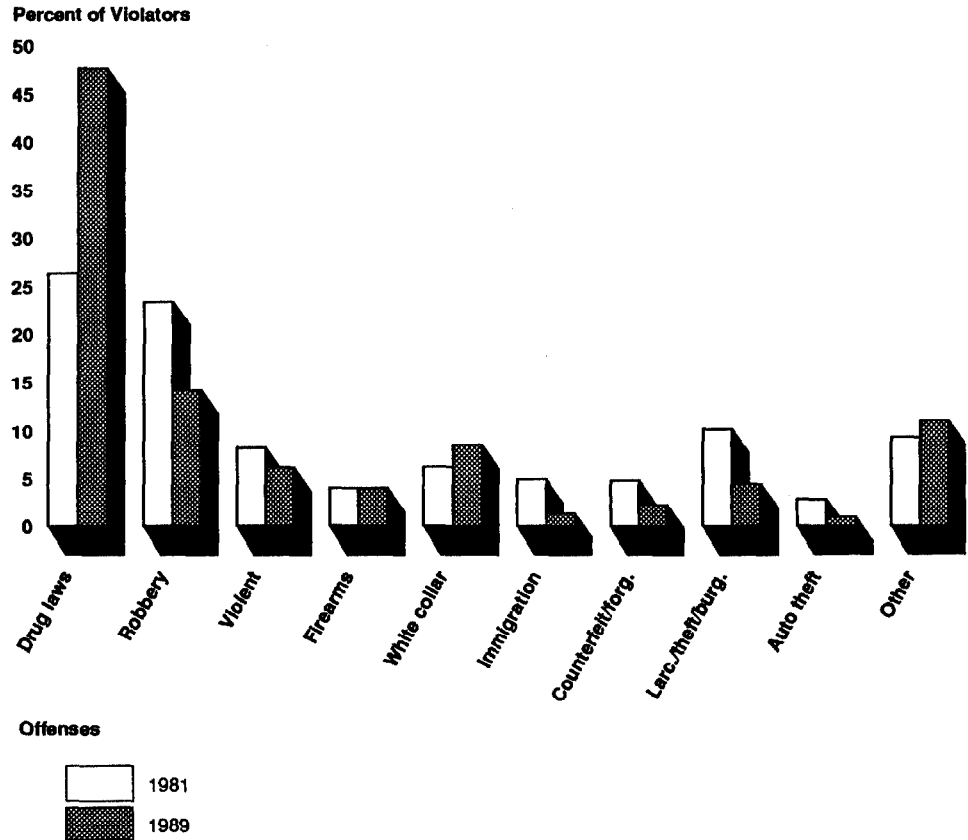
¹Appendix II contains a more detailed history of representative organizations in the federal law enforcement community.

crime to common street gangs. Organized crime has operated in the United States for the past 50 years. La Cosa Nostra is no longer the only organized crime group; instead, there is a collage of groups organized for long-term criminal purposes, and sometimes linking together in powerful criminal alliances. At other times, the groups compete for the same economic turf—particularly in the drug trade.

Over the past 10 years, U. S. law enforcement agencies have encountered gangs that traffic drugs, commit violent crimes, and travel freely from one jurisdiction to another. Changing demographics and an expansive drug market have increased gang recruitment and extended the reach of the gangs outside of their traditional neighborhoods. The quest for lucrative drug profits has also pushed these groups to expand into more sophisticated criminal activities such as money laundering, infiltration of legitimate businesses, and political corruption.

These developments are causing huge challenges for the Bureau of Prisons. The prison population is growing at the fastest rate in history (from 1980 to 1989, the federal prison population doubled), and demographics of the prisoners is changing. Like the crimes they commit, the prisoners have become increasingly sophisticated and dangerous. The dangerous environment in the prisons involves such problems as rising substance abuse and AIDS. Language barriers due to the growing illegal alien population have made day-to-day interaction with prisoners more difficult. The growing impact of the war on drugs is evident in the composition of the federal prison population. As shown in Figure 1.1, drug-related offenses accounted for 26.3 percent of the prison population in 1981 but increased to 47.5 percent in 1989.

Figure 1.1: Federal Prison System—
Offense Profiles



Source: Federal Bureau of Prisons

Statutory changes since 1981 and the increase in drug-related criminal prosecutions have broadened the scope and increased the duties of the Probation Division of the Administrative Office of the United States Courts. Federal pretrial and probation officers face technical changes and workload increases as the result of sentencing guidelines that went into effect November 1, 1987. Criminal case filings have risen by 56 percent during the 1980s. Drug-related criminal cases, typically involving multiple defendants, multiple transactions, and complicated factual issues, require more judicial time and support staff.

The Criminal Fine Enforcement Act of 1984 has made the financial investigation of offenders more demanding and complex. Probation officers must also prepare victim impact statements and may also be required to provide victims with crisis intervention counseling. Today,

17,846 offenders receive substance abuse treatment services. Federal probation and pretrial services officers have been delegated authority for first-level contract negotiation and review, which has added to the complexity of their tasks.

Objectives, Scope, and Methodology

The objectives of the study were set forth in the law that established NACLE. In satisfying requirements of the legislation, the Commission identified those occupations that were included in the scope of the study and developed methodologies to gather both quantitative and qualitative data relating to pay and benefits.²

The Commission's work had two main objectives:

- to study methods and rates of compensation for law enforcement officers in federal, state, and local agencies and
- to develop recommendations to ensure competitive compensation, enhance ability to recruit and retain qualified personnel, and ensure uniform compensation practices among federal law enforcement agencies.

The scope of the study was limited to those occupations meeting the definition of law enforcement officer in Title 5, U. S. Code, Sections 8401(17) and 8331(20).

Seven major data-gathering activities were undertaken:

- a federal pay and benefits survey (55 organizations surveyed and 54 responses);
- federal agency recruitment, retention, and morale survey (37 organizations surveyed and all responded);
- a federal employee questionnaire sent to a random sample of approximately 4,600 employees representing the federal law enforcement universe (85-percent response rate);
- federal employee focus groups (29 conducted with 269 personnel from 27 organizations);
- 102 federal agency visits in 14 cities around the country;
- state and local mail survey on pay and benefits sent to 700 organizations (82-percent response rate); and
- a job comparability study comparing selected federal law enforcement positions to selected state and local law enforcement positions.

²Appendix I contains a detailed discussion of the overall objectives, scope, and methodology of the study.

We used 1989 pay information throughout this report to ensure uniformity with the 1989 state and local pay data gathered during the course of the Commission's study.

Approximately 7,300 of the nearly 14,000 covered law enforcement employees in the Bureau of Prisons have as their primary qualifications knowledge and skills other than law enforcement, such as psychologists, physician's assistants, teachers, secretaries. These employees are covered under the special retirement provisions for law enforcement officers because they have direct and active custody and supervisory responsibilities over inmates. Time constraints made it impractical to study all the various law enforcement positions in BOP. Five BOP occupations—correctional officer, correctional institution administrator, psychologist, accountant, and physician's assistant—were included in some of the Commission's information-gathering activities. The Commission staff requested that BOP study and provide salary information on its most populous positions not included in the Commission's more intensive data gathering.³

In addition, the Commission collected information on INS inspectors and Customs Service inspectors because legislation is pending to include these occupations under the special retirement provisions that define the study universe.⁴ However, these data are not included in our final report because the legislation has not been enacted and these employees are not within the law enforcement definition used in this study.

Some information was gathered on occupations with duties closely related to those in the study but not specifically covered under the definition: Capitol police, Library of Congress police, Smithsonian police, Supreme Court police, and Zoo police.

³BOP's data are presented in Appendix V.

⁴H.R. 1083 and S. 513., 101st Cong., 1st Sess. (1989).

Compensation Practices Affecting Federal Law Enforcement Officers

History of Federal Compensation Practices

Examining the history and development of the government's pay and classification policies provides a basis for understanding the current problems with, and potential improvements to, the compensation of federal law enforcement officers.

The federal government's classification and pay policies have traditionally emphasized the need for internal alignment (the relationship of jobs within the federal government), with little consideration given to external alignment (the relationship of federal jobs to similar kinds and levels of work in the non-federal sector). More recently, external alignment has been more important, but internal alignment still predominantly determines the salaries for federal employees.

Until 1923, pay for government employees was set first at the discretion of the agency heads, and then by several systems of simple job titles, neither method showing much relationship between pay and the type and level of work. The Classification Act of 1923 first established a formal policy supporting systematic internal alignment, which was expressed in the law as "equal pay for equal work" and was based on the grouping of occupations having common characteristics, e.g., education, job values, and recruiting sources. This act provided for five broad, occupationally based services divided into grades on the basis of the importance, difficulty, responsibility, and value of the work. Occupations were further divided into classes of similar positions. Each service had its own pay plan; however, the appearance of five distinct services concealed the fact that their pay levels were drawn off the same integrated pay table, rather than being based on outside pay practices for occupations in those services. Thus, for example, the level 1 junior professional, the level 5 senior clerical, and the level 6 senior subprofessional all had the same salary.

The basic classification and salary structure remained static until World War II. From 1945 to 1961, there were nine general pay adjustments, none of which produced a sound salary schedule; instead those adjustments provided unequal percentages, with the larger increases going to the lower grades. The combined effect was to create a distorted pay structure with severe compression of intergrade pay differentials.

The Classification Act of 1949 comprehensively revised the 1923 act. It abolished the services, establishing the current General Schedule with a single 18-grade structure. However, rather than revising the grade structure to reflect nonfederal practices, the new structure force-fit the grades of the old services into a single structure based on existing pay

relationships. Thus, the three levels described above, the junior professional, the senior clerk, and the senior subprofessional, all were converted to GS-5 of the new unified schedule.

The 1949 act and subsequent legislation recognized that certain groups of employees, for a variety of reasons, were not appropriately compensated by the General Schedule and were excluded from its coverage. More than 30 groups were excluded, including the Postal Field Service; National Security Agency; Central Intelligence Agency; Foreign Service; Tennessee Valley Authority; doctors, dentists, and nurses of the Veterans Administrations's Department of Medicine and Surgery; and the Public Health Service.

The Salary Reform Act of 1962, the Federal Salary Act of 1967, and the Pay Comparability Act of 1970 established the comparability principle as the basis for fixing and adjusting federal salary schedules, provided salary increases designed to achieve "full comparability" at that point in time, and established a methodology for maintaining pay comparability with the private sector. Although these acts emphasized external alignment more, they still required a very broad comparison of a monolithic GS structure compressed into 15 (usable) grades to an overall pattern of rates, all occupations considered, on a nationwide basis. However, in most years since the Pay Comparability Act of 1970, presidents have used the "alternative plan" feature of the act to delay, reduce, or totally eliminate the increases required to achieve comparability. Many would claim that falling further and further behind comparability has exacerbated the compression problem, not only in pay but also in grade levels, by using the classification system, through grade escalation, as an alternative means to increase pay in an attempt to compete in the job market. The data in this report clearly indicate that the pay for federal law enforcement positions in most cases has not kept pace with pay for state and local law enforcement pay.

In 1977, the Civil Service Commission began implementing the Factor Evaluation System (FES), a factor-point classification methodology designed to make the classification process easier to use and understand. Although the FES introduced a different set of factors and added the use of points for each factor and conversion of total points to grades, the system was designed to replicate precisely the same grade levels that would be assigned under narrative-type standards. It has taken many years to develop new standards in the FES format, and there are still numerous occupations for which FES standards have not been prepared, including several of the law enforcement occupations.

General Pay Problems Have Been Long-Standing

The issue of pay for federal white-collar employees has been studied extensively following the enactment of the General Schedule. A variety of major studies and legislative reviews have been published, including several 1989 studies by the Office of Personnel Management (OPM), GAO, and congressionally established task forces and commissions.

The various reports and studies have focused on a number of key issues in the pay setting process. These reports confirmed the principle of comparability as an effective policy to provide a level of pay at which the federal government can compete fairly in the labor market for well qualified employees without unnecessary expenditure of the taxpayers' money. Several of the reports also suggested that the government's pay-setting process should consider the value of benefits as well as basic pay (i.e., total compensation comparability).

Various studies recommended breaking up the General Schedule into two or more schedules, e.g., one for professional and administrative occupations and the other for clerical and technical occupations. The pay-setting process would have nationally based rates for the professional/administrative schedule and locality-based rates for clerical and technical employees. Most of the studies further suggested that certain occupations or groups of occupations should not be included in the major schedules, but rather should have specialized pay systems developed for their unique needs.

Despite the many reports that have been issued, no action has been taken to resolve the major issues raised. However, at the time this report was prepared, OPM was looking at the possible implementation of a locality pay system and the effect such a change would have on pay comparability for federal white collar employees. The results of that study were not yet available.

Classification Problems Specific to Law Enforcement

It has often been suggested that the classification and pay system for the mainstream federal white-collar occupations may not be appropriate for evaluating and paying certain unique groups of employees. The protective occupations (law enforcement officers and firefighters) have often been cited for separate treatment.

There have been various reasons offered as to why the General Schedule classification system does not adequately evaluate law enforcement work, particularly:

- The factors used to evaluate typical white-collar work either do not apply to law enforcement or should be described differently to evaluate law enforcement work properly. For example, the factors that measure responsibility for white-collar work, such as the “Guidelines” and “Supervisory Controls” factors in the FES, do not take into consideration the responsibilities unique to law enforcement, i.e., determining when it is appropriate to use deadly force, considering the rights of the suspect as well as potential injury to innocent bystanders. Law enforcement officers often have guidelines that purport to cover every situation, but in an emergency, the officer must make a split-second decision, without a supervisor’s guidance, as to which, if any, of the guidelines apply. Similarly, the “Hazard” factor does not consider that law enforcement officers are virtually the only federal employees who must approach or remain in dangerous situations rather than retreat from them. Further, the existing factors do not measure the unusual demands of many law enforcement positions, such as extended and non-standard work hours, directed transfers, frequent temporary duty assignments, and long periods of undercover work in which the employee may have to assume a new identity and lead a totally different lifestyle.
- Not only are some of the factors inappropriate to law enforcement work, the weights (used to determine the numerical value of each factor) applied to some if not all of the factors (in the FES) are also not appropriate for the proper evaluation of law enforcement work. For example, the FES provides a maximum of 50 points each for the Hazards and Working Conditions factors (less than 1 percent of the total points available), which is not enough to increase the grade of a position. Yet law enforcement occupations are probably among the most dangerous in the federal service.

Studies of Law Enforcement Pay and Classification

The following section describes some of the studies on the classification and pay of federal law enforcement:

- Classification and Pay of Federal Protective and Law Enforcement Positions, May 1971, and Evaluation System for Positions in the Protective Occupations, September 1971—The Job Evaluation and Pay Review Task Force recommended that protective service occupations should be included in a separate job evaluation and pay plan rather than in a general plan covering clerical, technical, administrative, and professional workers. The proposed evaluation plan was specifically geared to the job requirements of the protective occupations and the pay was to be set on a locality basis. The FES was developed based on the work of the job

evaluation and pay review task force and was implemented for all occupations covered by the General Schedule.

- Report to the President of the President's Panel on Federal Compensation, December 1975—The President's Panel on Federal Compensation found that traditional methods and practices of the General Schedule pay system had not always proven to be an effective tool for managing certain specialized occupations. It recommended authorizing the Executive Branch to establish special occupational schedules and personnel systems when the regular systems hamper management's ability to recruit and retain a well-qualified workforce.
- A Federal Position Classification Plan for the 1980s, April 1981—The Classification Task Force recommended legislation to authorize OPM, with the concurrence of OMB, to create special occupational services for occupations that cannot be effectively handled within the General Schedule system and structure. The Task Force noted that police officers and firefighters have often been cited as examples of such occupations.
- Study of Federal Employee Locality Pay, July 1989—The Wyatt Company, contracted by OPM, recommended that the General Schedule (1) be changed to establish local salary schedules for the clerical, technical, and "other" categories (primarily protective), (2) establish a national schedule for professional and administrative occupations, and (3) establish separate salary programs for law enforcement and other "non-white-collar" occupations.
- Office of Personnel Management—Federal White-Collar Pay System - Report on a Market-Sensitive Study, July 1989—included an option to separate certain occupations from the General Pay System. However, the treatment of the occupations included in the "Other" category (primarily protective services) was deferred to the recommendations coming from the NACLE study.

Bolstering the contention that at least some kinds of law enforcement work are significantly different from white-collar work, the NACLE state and local survey showed that 53 percent of nonfederal uniformed and non-uniformed law enforcement organizations (police and criminal investigative agencies) had compensation systems separate from those for their non-law enforcement workers. On the other hand, a large percentage of correctional and probation employees are covered by the standard pay system covering non-law enforcement employees.

Comparison of Duties, Responsibilities, and Qualifications

Introduction

The Commission contracted a private firm to study the extent to which the work of federal law enforcement officers is comparable to the work of state and local law enforcement officers. In addition, federal agencies and state and local law enforcement organizations completed pay and benefits surveys to compare law enforcement pay, qualifications, and benefits. The contractor found that federal and state and local law enforcement positions are generally comparable, although some duties were found to be more complex than others. In uniformed officer, probation officer, and correctional officer positions, the jobs were essentially equivalent. Duties and responsibilities of federal non-uniformed officer positions generally exceeded state and local non-uniformed officer positions.

Analysis of the Commission survey responses revealed that federal positions have generally more stringent qualification requirements than state and local positions. Even in the occupational categories where there is comparability between federal and state and local positions, federal jobs require more education or experience.

Job Comparability Study

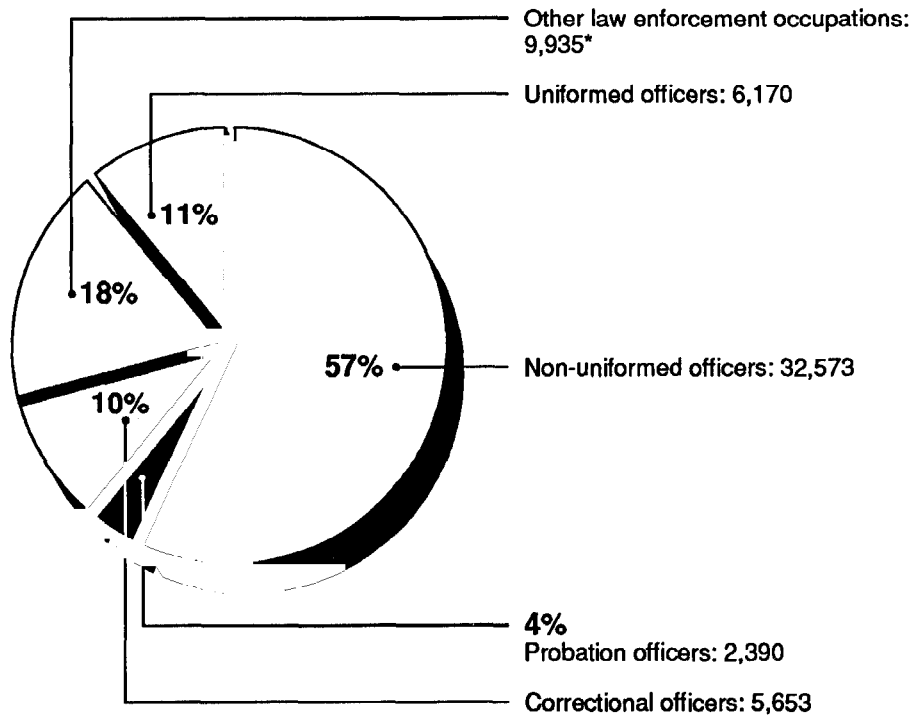
The contractor used a point factor system of job evaluation to measure position comparability. The system measured the following job factors: job knowledge, job complexity, scope of work, work controls, contacts with others, hazards, physical efforts, unusual demands, supervisory authority, and units supervised. The contractor applied the system to 196 federal positions and 83 state and local positions. The positions studied are listed at the end of this chapter. The sample was limited to journey level (full performance level) positions and some senior positions and first line supervisors of journey level work.

For the purposes of the study, four categories defined the positions that were reviewed: uniformed officers, non-uniformed officers, probation officers, and correctional officers. Some positions were not easily grouped in their assigned categories. They might have shared some characteristics of the work in the category but also did some unique or unrelated work. Border Patrol, for example, was grouped with uniformed officers but is actually unique. Foreign counterintelligence investigation in FBI involves criminal matters but also involves intelligence objectives that transcend criminal investigation. However, for the purposes of a job comparability study between federal and state and local law enforcement positions, the four categories provided a convenient basis for grouping and summarizing the results of the study. Figure 3.1

illustrates the breakdown of the federal law enforcement workforce included in these categories.

The 279 positions studied were selected to provide a sample of employees assigned a broad range of activities within their fields. Nevertheless, many other positions exist at both the federal and state and local levels that were not included in the study. Additionally, the study was necessarily restricted in its field survey to the more populous law enforcement series. The study limitations are outlined in Appendix I.

Figure 3.1: Breakdown of Federal Law Enforcement Universe as of January 1989 by Occupational Grouping



Includes Pilots, Game Law Enforcement, Custom Officers, nearly 200 Bureau of Prisons occupations with correctional responsibilities, and general investigators.

Source: Survey of 34 federal departments and agencies performed by National Advisory Commission on Law Enforcement.

Nature of Law Enforcement Work

The contractor made the following observations on the duties and responsibilities of law enforcement in the federal, state, and local sectors.

Uniformed officers have duties and working conditions that are essentially the same, whatever the jurisdiction. They patrol, arrest, cite violations, respond to complaints and reports of illegal or disruptive activities, control traffic, and attend to emergencies. They typically work rotating shifts and are armed and highly trained. There are, however, significant differences between police forces as well as differences in assignments within police forces. For example, U.S. Park Police see less of the violence and dangers of Washington, DC, than the Metropolitan Police, though the scope of their patrol and arrests involves similar issues. Police work in areas with low crime rates involves a different range of enforcement than in areas where gang wars rage. The Border Patrol, included in the uniformed officer category, apprehend illegal aliens. The apprehensions are similar to arrests involving patrol, chase-downs, high-speed chases, and grappling. On the other hand, the agent also processes such arrests and works rotating shifts. Thus, the jobs may be comparable but the working conditions and scope of enforcement differ.

Non-uniformed officers include the detectives of state and local police, state investigative agencies, and the range of federal criminal investigator positions grouped under the current GS 1811 classification series. Also included are postal inspectors, diplomatic security agents, and detectives in the U.S. Park Police. The contractor found distinctions between the nature of the work in state, local, and federal investigations but indicated that the work has similarities. Non-uniformed officer work usually involves investigating suspected violations of law with the objective of criminal prosecution. It involves electronic surveillance, collection of evidence through interviews, warrants for searches of physical evidence or documents, analysis of data and information, judgments of probative value, and development of case theories that make prosecution or further investigation possible. It further involves arrests of suspects, and sometimes violent confrontations, including forcible entries. The agent ultimately presents the case to the federal, state, or local prosecutors, may be required to redevelop the case, and assists the prosecution in many ways to bring the case to trial and obtain a conviction. The investigator may testify to grand juries to seek authority for warrants and indictments, and may testify in court to give evidence. While non-uniformed officers in federal as well as state and local law enforcement have similar duties and responsibilities, the complexity of these duties and responsibilities can vary greatly.

Probation officers include pretrial service officers and probation officers. Pretrial service officers work in district courts of the federal

system, investigating accused felons with respect to bonding so that judicial supervision decisions may be made. Investigations are similar in scope to certain background investigations done by federal criminal investigators, including field investigations of neighbors, friends, family, and employers. The depth of the investigation varies with the nature of the case. The officer works closely with the accused, assisting with medical treatment, employment, social services, and monitoring behavior of the accused before and during the trial.

Probation officers work in federal, state, and county district courts and conduct presentence investigations of convicted felons, making recommendations in accordance with guidelines for judicial decisions. If the felon is placed on probation, the officer is responsible for supervision of the case, including curfews where the offender is incarcerated nightly, house arrests where the offender is to return home nightly, and other probation. The officer makes unannounced visits to offenders' homes to confirm compliance with terms of probation and to detect illegal possession of firearms or drugs. The officer is responsible for urinalysis for appropriate offenders and must verify employment as well as drug and psychiatric treatment. Casework requires intensive records on each probationer and may comprise the critical record for violations of probation that may result in the imprisonment of the offender.

Correctional officers work in penal systems overwhelmed by the high rates of incarceration of an incorrigible and violent federal and state inmate population. The correctional officers have the conflicting responsibilities of rehabilitation and control. They detain, supervise, and counsel convicted felons. Overcrowded prisons, the threat of assault, and inmates hostile toward both each other and society result in a dangerous and stressful occupation. The emphasis of the correctional officers' work is maintaining custody of the inmates and using interpersonal communication to divert violence and ease tension. The contractor found that the corrections workforce, once noted for its physical strength and stamina, is now changing to a more college-educated group stressing intelligence and training.

Comparability of Duties

The contractor provided evaluation results for the four occupational groupings and found that, except for the Border Patrol, comparability between federal and state and local uniformed officers was essentially the same. The majority of the Border Patrol's duties is equivalent to state and local uniformed officers' duties. However, senior Border Patrol agents have investigation and prosecution duties that are more similar

to non-uniformed officer responsibilities. These responsibilities resulted in the Border Patrol positions being rated at a level higher than state and local uniformed officers, although these extra responsibilities were not performed often enough to justify the inclusion of these jobs in the non-uniformed officer category.

Non-uniformed officer work in the federal and state and local law enforcement organizations was generally comparable. However, the contractor evaluated 53 percent of the federal positions to be at a level above the state and local positions. A requirement for federal criminal investigators generally not required for state and local investigators was specialized knowledge or training in investigations. The sheer significance of federal cases, in contrast to those of state and local levels, was also a factor. Federal investigators are also often subject to unusual demands, including employment or working conditions that profoundly affect their personal lives. Many federal agencies require investigators to relocate, and the agent may be subject to long assignments in temporary duty stations.

Probation officers in federal and state and local agencies are virtually indistinguishable.

Correctional officers and first-line supervisors are nearly the same at the federal and state and local levels. However, a major distinction noted was the inmate-to-staff ratio. The federal system has the highest ratio of inmates to officers of any prison system in the country—two to three times higher than most state systems. Further, the federal correctional supervisors ranked somewhat higher when compared with the state and local positions because of the larger scope of responsibilities assigned to them. The contractor noted that some aspects of correctional officer work are very similar to police patrol work—walking a beat, preventing and resolving incidents, and gathering evidence at a crime scene.

Qualifications Requirements

Qualifications requirements for federal law enforcement new hires are more stringent than those for state and local new employees. Federal jobs require more education or experience and report maximum age requirements that are not typical in state and local jobs. The only common requirements were background investigations for security clearances and physical standards.

Most federal agencies reported that they follow standard OPM qualifications requirements in filling law enforcement positions. These requirements for the most common entry-level grades are the following:

- GS-5—a college degree or 3 years of general experience, or a combination of education and experience totaling 3 years.
- GS-7—a college degree plus 1 year of specialized experience or 1 year of graduate study, a college degree and membership in a national honorary society or a high grade point average, 3 years of general experience plus 1 year of specialized experience, or a combination of education and experience totaling 4 years.

Hires above the GS-7 level require additional education or experience beyond that required for GS-7.

Even in the occupational categories where the contractor found comparability between federal and state and local positions, qualifications requirements for new hires in state and local law enforcement organizations are less than that for federal hires. On the Commission's State and Local Pay and Benefits Survey, 95 percent of the respondents indicated that only a high school diploma or equivalent is required for new hires, 6 percent reported that a bachelor's degree is required, and 4 percent require a bachelor's degree or equivalent experience.

Most federal agencies also have minimum and maximum age requirements for new hires: 21 is the average minimum age required and 34 is the maximum age.

Ninety-two percent of the state and local respondents reported that they have a minimum age requirement, with the average minimum age reported to be 20. However, only 37 percent reported a maximum age requirement.

Conclusion

Overall, federal and state and local law enforcement positions are generally comparable. In uniformed officer, probation officer, and correctional officer positions, except for the differences noted, the jobs were found to be essentially equivalent. However, federal investigative officers' duties generally exceeded their state and local counterparts' duties. For all federal occupations, the qualification requirements were more stringent. These results would indicate that federal positions should be paid at levels at least comparable to those paid by state and local organizations for jobs in comparable and competitive categories.

Our recommendations on pay comparability are discussed in Chapter 4 and outlined in Chapter 7.

Scope of the Comparability
Study—Positions Studied

The federal group consisted of positions in the following categories:

- Uniformed officers:
 - Park Police Patrol Officer (not GS) (Supervisory and non-supervisory personnel)
 - Border Patrol Agent (GS-9)
 - Senior Border Patrol Agent (GS-11)
 - Uniformed Division of the Secret Service (not GS) (Nonsupervisory personnel only)
- Non-uniformed officers:
 - Park Police Detective (not GS) (Supervisory and non-supervisory personnel)
 - Deputy Marshal (GS-11) (Criminal Investigator)
 - FBI Special Agent (GS-13)
 - FBI Supervisory Special Agent (GS-14)
 - Secret Service Special Agent (GS-12)
 - Secret Service Senior Special Agent (GS-13)
 - Secret Service Assistant to the Special Agent-in-Charge (GS-14)
 - Drug Enforcement Agency (DEA) Special Agent (GS-12)
 - DEA Senior Special Agent (GS-13)
 - DEA Supervisor (Resident-Agent-In-Charge) (GS-14)
 - Immigration and Naturalization Service Special Agent (GS-12)
 - INS Senior Special Agent (GS-13)
 - Customs Special Agent (GS-12)
 - Customs Senior Special Agent (GS-13)
 - Alcohol, Tobacco and Firearms (ATF) Special Agent (GS-12)
 - ATF Senior Special Agent (GS-13)
 - ATF Resident-Agent-in-Charge (supervisor) (GS-14)
 - Internal Revenue Service Special Agent (GS-12)
 - Internal Revenue Service Senior Special Agent (GS-13)
 - Naval Investigative Service Special Agent (GS-12)
 - Postal Inspector (not GS) (Non-supervisory personnel only)
 - Diplomatic Security Special Agent (not GS) (Non-supervisory personnel only)
 - Inspectors General Special Agents (GS-12) and Senior Special Agents (GS-13) in —
 - Department of Agriculture
 - Department of Defense

Department of Labor

Department of Health and Human Services

- Probation Officers:
Pretrial Services Officer (JSP-12) (non-supervisory personnel only)
Probation Officer (JSP-12) (non-supervisory personnel only)
- Correctional officers:
Bureau of Prisons Correctional Officer (GS-7)
Bureau of Prisons Senior Correctional Officer (GS-8)
Bureau of Prisons Correctional Supervisor (GS-9/11)

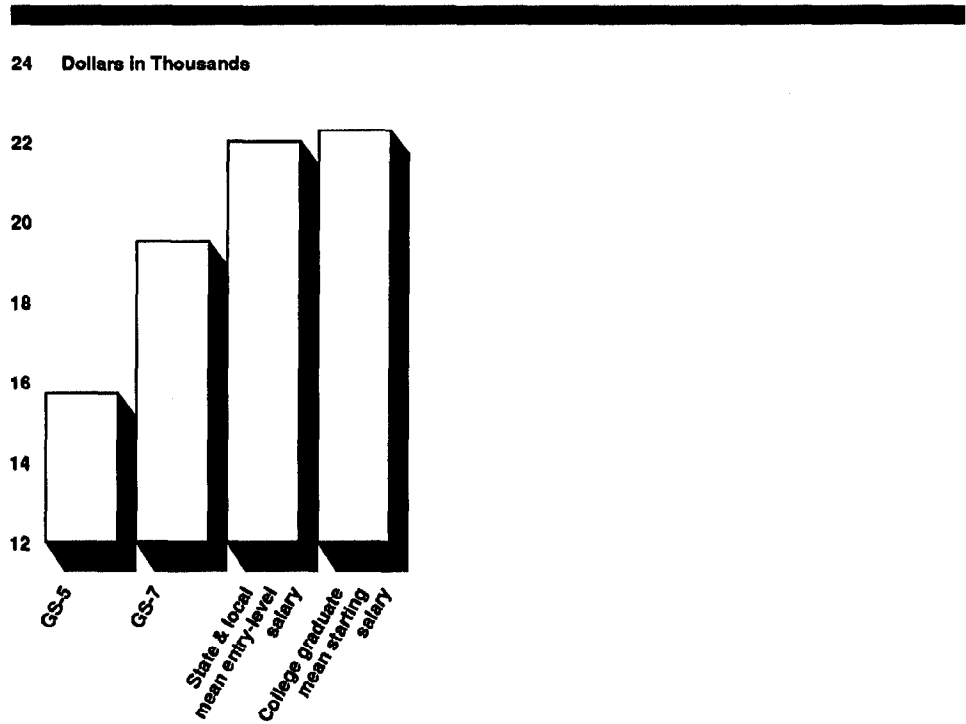
The state and local group consisted of the following positions:

- Local uniformed officers:
Patrol Officer
Patrol Supervisor
- Local non-uniformed officers:
Detective
Detective Supervisor
- State non-uniformed officers:
Criminal Investigator
Criminal Investigator Supervisor
- State probation officers:
Probation Officer
Probation Officer Supervisor
- State correctional officers:
Correctional Officer
Corrections Supervisor

Comparison of Pay

Our analysis of pay compares federal salaries with state and local law enforcement salaries as of January 1, 1989. While federal pay, as well as state and local pay levels, has increased since then, our analysis compares the salary levels in place as of this date. Despite higher qualifications and generally comparable jobs, federal pay for law enforcement personnel often lags behind pay offered by state and local law enforcement organizations. This pay gap was found to be most extensive at the entry level but was also significant at full performance levels in certain geographic areas. Figure 4.1 displays differences between federal and state and local law enforcement pay and recent college graduate entry-level salaries.

Figure 4.1: Entry-Level Salary Comparison—Federal, State, and Local and College Graduates



Federal and State & Local Law Enforcement Officers Versus College Graduates

The mean starting salary for college graduates is based on 1988 data from the College Placement Council, Inc.

Source: The state and local mean entry-level salary is based on responses from a survey of 576 state and local law enforcement agencies.

Federal Pay System

The majority of federal organizations in our survey¹ reported that positions are included in the competitive civil service system and are paid under the nationwide General Schedule. Under the General Schedule, each of the 18 levels has 10 steps, and employees receive periodic step increases after established waiting periods.²

Sixty percent of the federal respondents (38 out of 63 responses) reported that they hired new law enforcement officers in 1988 at the GS-5 and/or GS-7 level or equivalent. Almost half of the federal respondents (31 out of 63 responses) offer promotion potential to GS-12.³ New hires in these agencies, who generally are recent college graduates, are offered salaries of \$15,738 (GS-5 step 1) or \$19,493 (GS-7 step 1). Promotions are received according to the normal career progression: promotion through grades GS-5, GS-7, GS-9, GS-11, and GS-12 after a minimum of 1 year at each grade level. However, there are numerous exceptions, which are discussed as follows.

Exceptions to Typical Entry-Level Grades

Four federal agencies in our survey included under the General Schedule reported hiring entry-level law enforcement personnel at grades other than the typical GS-5 and/or GS-7.

- FBI has authority to hire special agents at GS-10 (\$26,261). FBI is in the excepted service and, accordingly, hires its own employees. Special agents enter at the GS-10 level because of the difficulty of the duties and responsibilities assigned to the position. Special agents are required to work at the GS-10 level immediately upon assignment to a field office following completion of extensive training. Because of its status in the excepted service, FBI is exempt from following the qualifications standards established by the Office of Personnel Management that appear in the X-118 Handbook. FBI does, however, use the X-118 qualifications standards as guidelines in determining the requirements established for its positions.
- The Bureau of Prisons hires correctional officers primarily at the GS-6 (\$17,542) and occasionally at the GS-5 level (\$15,738). At the GS-6 level, the qualification requirements are: (1) a college degree, plus either 6

¹Federal Pay and Benefits survey results are based on 63 responses from 54 federal departments and agencies employing law enforcement personnel. More information on this survey is provided in Appendix III.

²Waiting periods consist of 1 year between steps 1 to 4, 2 years between steps 5 to 7, and 3 years between steps 8 to 10.

³For 1989, the range of salaries at the GS-12 level was \$34,580 to \$44,957.

months of experience or a semester of graduate study, or (2) 3-1/2 years of experience, or (3) a combination of education and experience totaling 3-1/2 years.

- Detention Enforcement Officers at INS have an entry level of GS-4 (\$14,067).
- Police in the Bureau of Indian Affairs have an entry level of GS-3 (\$12,531).

Exceptions to the General Schedule

Six federal organizations in our survey pay law enforcement officers under pay systems outside the General Schedule. These occupations and organizations are: Park Police of the National Park Service, Uniformed Division of the Secret Service, probation and pretrial services officers of the U.S. Courts, diplomatic security officers of the State Department, criminal investigators of the Government Printing Office, and postal inspectors of the U.S. Postal Service.⁴

Of these six organizations with pay systems outside of the General Schedule, the U.S. Courts and the Government Printing Office reported entry-level grades and salaries equivalent to the General Schedule GS-5, step 1, (\$15,738) and/or GS-7, step 1, (\$19,493). The other four organizations have entry-level rates as follows:

- postal inspector—\$31,006;
- Park Police—\$24,450;
- Uniformed Division of the Secret Service—\$24,450;
- diplomatic security—\$19,693.

Variance Among Agencies in Full Performance Level

Almost half of the federal respondents in our survey reported a full performance level of GS-12 (\$34,580 to \$44,957). However, occupations such as police, Border Patrol agent, and correctional officer reported full performance levels ranging from GS-5 (\$15,738 to \$20,463) through GS-9 (\$23,846 to \$31,001). Criminal investigators were reported to have full performance levels of GS-11 (\$28,852 to \$37,510) through GS-13 (\$41,121 to \$53,460).

⁴The U.S. Courts and the Government Printing Office have established pay systems and levels identical to the General Schedule.

Exceptions Due to Special Efforts to Address Pay Problems

Because of recruitment and retention problems resulting from federal law enforcement pay disparity with state and local law enforcement, federal agencies have taken the following steps.

Special Salary Rates: Eight occupations in our survey were reported to have special salary rates currently in effect. These special salary rates, covering specific grades (usually entry level) and geographic locations, were authorized by OPM in response to requests from each agency that demonstrated recruitment and retention problems. Special salary rates have been approved for the following occupations: deputy marshal, U.S. Marshals Service; correctional officer, Bureau of Prisons; Border Patrol agent and detention officer, INS; police, Air Force; park police, National Park Service; and the Uniformed Division of the Secret Service. Some accountants in the Bureau of Prisons also have special salary rates. However, these positions are included in a broader special salary rate program for accountants that is not unique to law enforcement agencies. Approximately 4,160 law enforcement employees in these occupations are covered by special salary rates.⁵

Accelerated Promotions: Four occupations in our survey (Border Patrol agent, deputy marshal, correctional officer, and physician's assistant) reported that they have OPM-approved training agreements that authorize accelerated promotions at certain grade levels. For example, deputy marshals can be promoted to GS-7 after 6 months at the GS-5 level, rather than the normal 1-year requirement. In addition, other agencies (including FBI, Navy, Labor, and the Small Business Administration) also reported that they provide accelerated promotions either through a waiver of time-in-grade requirements on an individual case-by-case basis or by a change in internal promotion policy. At FBI, for example, the internal standard of a 2-year waiting period for promotion from GS-10 to GS-11 has been changed to a 1-year waiting period in certain locations.

Demonstration Project: FBI currently has an approved demonstration project in effect in New York City. Under this project, all employees transferred to the New York office receive a one-time \$20,000 relocation allowance if they live within a designated area. All employees assigned to the New York office also receive a retention allowance of 25 percent of base pay.

⁵Special salary rates also apply to some law enforcement occupations in our universe not included in our Pay and Benefits Survey. Among these positions are medical officers, secretaries, and legal technicians in the Bureau of Prisons.

State and Local Pay Systems

We requested data from state and local organizations in four categories: uniformed officer, non-uniformed officer, correctional officer, and probation officer. In some instances, the state and local organizations reported that they do not make distinctions between uniformed and non-uniformed officers. Therefore, survey responses for these organizations were included in a "joint" category. We received a total of 1,188 responses from 585 state and local law enforcement organizations nationwide. A more detailed discussion of our state and local survey is in Appendix IV.

Unlike the federal pay system, more than half of the state and local respondents (642 out of 1,161 responses) reported that their salaries for law enforcement occupations are at least partially negotiated through collective bargaining. Also, over 50 percent indicated that law enforcement personnel are covered by a separate pay system from non-law enforcement employees.

Typically, state and local organizations have entry-level salaries and full performance level salaries without intervening levels (unlike the federal system, where there are several pay levels between entry and full performance). In fact, some organizations reported that they make no distinction between entry and full performance levels and pay all individuals at the same rate. The average number of steps reported within a pay range was five for entry level and six for full performance level.

Wage Progression and Longevity Pay

Longevity pay programs, when taken in combination with the pay systems of the state and local employers, represent a substantial benefit that federal employees do not enjoy. The use of longevity pay varies widely among state and local organizations. About 66 percent of the uniformed and non-uniformed officer respondents (633 out of 957 responses) have longevity pay programs as compared with 48 percent of correctional respondents (63 out of 131 responses) and 50 percent of probation respondents (27 out of 54 respondents). Payouts can be as high as 20 percent of base salary, or \$10,500 per year, but on average they fall in the range of 5 to 7 percent of base salary or, when computed on a flat rate, about \$750 to \$1,250 per year. On average, maximum payout is achieved at 20 years of service, but some pay out early in careers. There is no typical system; some adjust pay annually, others at intervals of 4, 5, 6, or 10 years. Some have integrated the succession of longevity adjustments into their wage progression. Most have independent step increases to base pay and add longevity pay on top of those.

Although there is an incremental step system under the General Schedule, the federal government does not have a longevity pay program. To compare federal pay with those state and local organizations that have longevity pay programs in addition to step-incremental pay plans, the longevity pay program as well as the step-incremental pay plan must be combined.

Table 4.1 compares the wage progression of federal law enforcement officers with the wage progression of state and local law enforcement officers in our survey.

Table 4.1: Comparison of Wage Progression and Longevity Increases

	Average number of years to attain maximum step increases	Wage progression shown as average percentage over base pay at the end of step increases	Average number of years to attain maximum longevity pay	Percentage providing longevity pay	Wage progression with average maximum longevity pay included
Federal corrections	18	30	n/a	n/a	n/a
State/local corrections	7	30	20	48	40
Federal investigator	18	30	n/a	n/a	n/a
State/local policeman	7	20	21	66	32
Detective	7	19	21	66	31
Federal probation officer	18	30	n/a	n/a	n/a
State/local probation officer	9	38	21	50	45

Source: The state and local information is based on survey response from 1,188 state and local law enforcement organizations.

In instances where the state and local organizations provide both a longevity pay program and an incremental step system, these are true additions to pay. Particularly for correctional and probation personnel, longevity pay coupled with an incremental step system provides significant pay increases and to that extent represents a benefit that federal law enforcement employees do not have. Table 4.1 also underscores the relatively prolonged period for step increases in the federal pay system. As indicated from our survey, most state and local law enforcement step increases allow personnel to obtain maximum pay in half the time it takes a federal employee to reach maximum. In some instances, it creates significant pay gaps between comparable federal, state, and local positions. Consequently, state and local employees will receive their

maximum pay⁶ for a much longer period in their careers than their federal counterparts, making the career pay-out proportionately greater. To that extent, wage progression practices of state and local employers have a more generous effect, where pay rates are otherwise comparable, and longevity pay programs compound that generosity.

Entry-Level Pay

A significant pay gap was found in comparing federal entry-level salaries with state and local salaries for comparable jobs. In most locations employing federal law enforcement officers, state and local organizations in our survey reported entry-level salaries higher than federal entry-level salaries. As indicated in Table 4.2, entry-level pay rates under the General Schedule have not kept pace with entry-level salaries offered by state and local law enforcement organizations. In 1978, the GS-5 level salary was approximately 10 percent below state and local entry-level salaries reported by the International City Managers Association (ICMA). By 1989, this gap had grown to 25 percent. Even more dramatic, in 1978, GS-7 level pay was approximately 15 percent above state and local law enforcement entry-level pay reported by ICMA. But, in 1989, the GS-7 level pay was 8 percent below state and local pay.

State and local law enforcement organizations responding to the Commission's pay and benefits survey reported offering minimum base entry-level salaries of \$10,434 to \$45,349. Lower salaries were reported by organizations with small police forces or from organizations in the South, Southwest, or rural areas. Highest salaries were reported from organizations in populated, urban areas (e.g., California, New Jersey, and New York).

The federal government is the largest employer of law enforcement officers. For comparative purposes, we analyzed the largest 100 of the state and local respondents in terms of workforce size in each of the four occupational categories (uniformed officer, non-uniformed officer, probation officer, and correctional officer). This group included 66 percent of the state and local law enforcement employees in our survey (248,042 out of 374,277 employees). Organizations included in this group are located in a wide variety of locations ranging from large metropolitan areas to smaller rural locations. Weighting entry-level salaries

⁶Not including longevity pay, state and local police have only a 20-percent wage progression as compared with federal law enforcement officers, who have a 30-percent wage progression.

by size of the workforce using the 100 largest employers shows the following average state and local entry-level salaries by job category:⁷

- uniformed officer—\$24,752 (98 respondents),
- non-uniformed officer—\$27,401 (57 respondents),
- joint officers—\$22,848 (39 respondents),
- probation officer—\$20,007 (44 respondents),
- correctional officer—\$18,662 (28 respondents), and
- combined weighted average—\$22,333 (266 respondents).

While federal agencies reported a range of entry-level hiring from GS-3 through GS-13, organizations indicated that they typically hire new employees at the GS-5 and/or GS-7 level. Comparison of weighted average entry-level salaries for state and local organizations in our survey with federal salaries reveals that federal salaries at the GS-7 (\$19,493) level and below and for diplomatic security officers (\$19,693) at the State Department are all lower than the combined weighted average for state and local organizations (\$22,333). (See Table 4.2.) Federal hires at these salary levels accounted for over 71 percent of the entry-level hires reported by agencies in 1988.

Weighting entry-level salaries by size of the work force using those locations where 40 or more federal law enforcement officers are employed shows the following average state and local entry-level salaries by job category:

- Uniformed officer—\$24,796 (235 respondents),
- Non-uniformed officer—\$28,375 (111 respondents),
- Probation officer—\$25,320 (8 respondents),
- Correctional officer—\$24,477 (48 respondents), and
- Combined weighted average—\$24,846 (426 respondents).

⁷There are less than 100 respondents for each occupational category since some of the largest organizations did not provide complete salary data on our survey. In addition, since federal uniformed officers and correctional officers are not located in all 50 states, we limited our analysis to only those locations employing federal officers in these categories.

Table 4.2: Federal Entry-Level Salaries Below State and Local Weighted Average

Grade	1988 hires		Percentage that salary is below state and local combined mean salary (\$22,333) ^a
	Percent (of 6,034)	1989 salary	
GS-3	.2	\$12,531	43
GS-5	36	15,738	29
GS-6	15	17,542	20
GS-7	19	19,493	12
Diplomatic security	.8	19,693	11

Note: Although federal salaries at the GS-9 (\$23,846) and GS-10 (\$26,261) levels under the General Schedule are above the combined weighted average for state and local entry-level salaries (\$22,333), it should be noted that they are lower than the state and local weighted mean salary for non-uniformed officers (\$27,401).

^aThe mean salary is based on survey responses from 585 state and local law enforcement organizations and is weighted by the size of the workforce. The state and local salary information is based on survey responses from 585 state and local law enforcement organizations.

Comparing entry-level salaries for non-General Schedule occupations with the state and local organizations in our survey reveals that, in the non-uniformed officer category, postal inspector salaries (\$31,006) exceeded the state and local average (\$27,431). Park Police and the Uniformed Division of the Secret Service salaries (\$24,450) were almost identical to the weighted national average for state and local uniformed officers (\$24,752). However, these positions are primarily located in high-wage areas—Washington, DC; New York; and San Francisco, where local salaries are higher than the national average.

Even federal occupations offering special salary rates do not offer entry-level salaries competitive with comparable state and local occupations in our survey. On average, federal occupations with special salary rates at the entry level offer \$1,200 to \$4,000 more than those occupations without special salary rates. However, this additional compensation does not equate to state and local salaries reported in our survey for comparable positions in the localities where special salary rates are paid. Table 4.3 compares current special salary rates for positions in our universe with state and local law enforcement average salaries weighted by the size of the workforce in the areas covered.

**Chapter 4
Comparison of Pay**

Table 4.3: Comparison of Entry-Level Salaries

Occupation	Entry-level rates (1989 special rates)	Location	Mean weighted state and local salary^a
Detention officer	GS-4	\$16,092 MA	\$30,441
	GS-5	16,972	
	GS-6	18,712	
	GS-4	15,172 CT	
	GS-5	16,972	
	GS-6	18,919	
Border Patrol agent	GS-5	18,363 CA,AZ,FL,LA NM,TX,AL,MS	22,736 ^b
Deputy marshal	GS-5	17,638 Wash., DC MSA	25,996
	GS-7	20,598 New York, NY CMSA	26,660
		Los Angeles, CA CMSA	31,627
		Miami, FL CMSA	25,023
		Alex., VA (Wash. DC MSA)	25,996
Correctional officer	GS-6	21,637 Otisville, NY (New York CMSA)	26,660
		New York, NY	26,660
		Danbury, CT (New York CMSA)	26,660
		Lompoc, CA (Santa Barbara MSA)	26,498
		Los Angeles, CA	31,627
		Terminal Is, CA (Los Angeles CMSA)	31,627
Police	GS-5	18,407 Nevada	23,918
Park Police		24,450 Wash., DC MSA	25,996
		New York, NY CMSA	26,338
		San Francisco CMSA	31,580
Uniformed Division		24,450 Wash., DC MSA	25,996

Note: Twenty accountants in the Bureau of Prisons are covered by a special salary rate in seven locations. Accountant salaries are compared with state departments of corrections and private industry in Appendix V. Therefore, these positions are not included in this table.

^aState and local average salaries were computed on the basis of responses to the Commission's state and local pay and benefits survey and not from data used by the federal agencies to support their requests for special salary rates.

^bThe state and local average salary was computed as an average of the entry-level salaries reported by organizations in the states where Border Patrol special salary rates have been established.

Comparing average entry-level salaries by geographic location shows that federal salaries are lower than comparable state and local law

enforcement salaries from our survey in most locations. Table 4.4 compares average state and local law enforcement entry-level salaries in the geographic locations where 40 or more federal law enforcement officers are employed. This covers 98 locations, including such cities as New York, Los Angeles, San Antonio, and Charlotte.

As indicated on table 4.4, 95 percent of the locations pay salaries higher than the federal GS-5 (\$15,738); at the GS-7 level (\$19,493), 63 percent of the locations have higher entry-level salaries. The salary differences are not slight. For example, at the GS-5 level, 82 percent of the locations exceed the federal entry-level salary by at least 10 percent. Clearly, federal entry-level salary pay disparity is a nationwide problem, since most locations where federal law enforcement officers work have higher entry-level salaries than the federal GS-5 and GS-7.

Table 4.4: Comparison of Federal With Average State and Local Entry-Level Salaries in 98 Cities Where Federal Law Enforcement Officers Are Assigned

Entry-level grade and salary	Number of locations exceeding federal salary	Percent of locations exceeding federal salary	Percent of federal officers in these locations ^a
GS-5 \$15,738	93	95	98
GS-7 \$19,493	62	63	90

Note: The state and local salary information is based on survey responses from 585 state and local law enforcement organizations.

^aThe percent of federal officers in these locations was calculated using 56,721 as the base number of total federal law enforcement officers.

Full Performance Level Pay

Assessing differences between full performance level pay in federal agencies and state and local organizations requires comparing generally comparable jobs. As indicated in appendixes III and IV, federal agencies vary considerably in the level of their full performance work, and levels vary even more when federal jobs are compared with state and local positions. For example, although the job comparability study revealed that federal uniformed officers are comparable to state and local uniformed officers at the full performance level, the General Schedule grades assigned to federal uniformed officers at the full performance level range from GS-5 through GS-9.

Some of the non-uniformed officer work in the federal and state and local law enforcement organizations was comparable, but the job factors for 53 percent of the federal investigative positions studied were rated higher than state and local positions by a significant margin for more

complex assignments. Therefore, it is difficult to compare federal full performance level salaries with state and local full performance level salaries for non-uniformed officers.

However, the contractor has recommended that, on the basis of the job comparability study, full performance levels be compared. (See Table 4.5.) With the exception of non-uniformed officer work, the contractor determined that federal, state, and local full performance level work in the occupational categories could be readily matched for salary comparison purposes. The contractor determined that full performance level work of state and local uniformed officers is equivalent to GS-9 level federal uniformed officer work; full performance level work of state and local probation officers is equivalent to GS-12 level federal probation officer work; and full performance level work of state and local correctional officers is equivalent to GS-7 level federal correctional officer work. The contractor evaluated the state and local non-uniformed officer work as equivalent to federal work between the GS-11 and GS-12 levels. Therefore, the midpoint between GS-11 and GS-12 is used for salary comparison purposes. Weighting state and local full performance salaries by size of the workforce using the 100 largest employers by occupational category, where applicable, is summarized in Table 4.5.

Table 4.5: Full Performance Level Salary Comparisons

Category	Federal FPL grade	Minimum federal FPL salary	Mean minimum weighted state/local FPL salary^a
Uniformed	GS-9	\$23,846	\$28,241 (95 responses)
Non-uniformed	GS-11/12	31,716	31,178 (92 responses)
Probation	GS-12	34,580	23,419 (47 responses)
Correctional	GS-7	19,493	20,849 (27 responses)

Note: FPL = full performance level.

^aThe mean weighted minimum full performance level salary is based on responses to our survey of 585 state and local organizations. The salaries are weighted by the size of the workforce.

In the uniformed officer and correctional officer categories, the full performance salaries of federal law enforcement officers are lower than the weighted salaries of comparable positions in the state and local organizations. In the non-uniformed officer category, the federal full performance salary slightly exceeded the state and local weighted salaries, but the work was found to be of a higher level in 53 percent of the federal positions studied by the contractor. The probation officer category

showed a higher federal full performance salary when contrasted to comparable state and local positions. However, significant geographical distinctions in full performance level pay were found in all occupational categories.

Comparing average full performance level salaries by geographic locations reveals that as federal full performance salaries increase, fewer state and local locations offer higher average salaries. Generally, the difference between federal and state and local full performance level salaries is not as sizeable as at the entry-level for state and local organizations in our survey. As with our comparison of entry-level salaries, we compared minimum full performance level salaries in the geographic locations employing 40 or more federal law enforcement officers. Full performance level salary data was provided through our survey for 100 locations employing 40 or more federal law enforcement officers. In these 100 locations, 83 percent have average minimum full performance level salaries above the federal GS-7 (\$19,493). However, only 12 percent have minimum full performance level salaries while 76 percent have maximum full performance level salaries above the salary represented by the midpoint between the federal GS-11 and GS-12 (\$31,716).

As indicated in Chapter 3, the contractor evaluated federal law enforcement officer jobs at the full performance level as comparable to or exceeding state and local law enforcement officer jobs at the full performance level. Therefore, federal law enforcement pay at the full performance level should at least be comparable to state and local law enforcement pay.

Geographic Differences in Pay

The previous discussion demonstrated that average state and local entry-level salaries from our survey are higher than federal salaries in many areas while state and local full performance salaries are higher only in certain areas. However, there are locations where the disparity between state and local salaries for entry and/or full performance levels and their federal counterparts is notably greater than that demonstrated only by a comparison of average rates. Table 4.6 shows organizations, listed by occupational category, that are examples of such locations.⁸ These organizations also represent salaries that exceeded the

⁸The occupational categories include some positions and locations with special salary rates. In no instance, however, does the special rate meet the state and local entry or full performance salary.

average salaries for state and local law enforcement organizations on a national basis.

Table 4.6: Salary Comparisons

	Entry level	Full performance level
Uniformed officer		
Federal ^a	\$15,738	\$23,846
Lowell, MA, police	31,000	39,700
San Francisco police	31,570	37,715
NJ State Police	25,182	41,437
Non-uniformed officer		
Federal	15,738	31,716
Boston police	34,456	38,087
Des Plaines, IL Police (Chicago)	27,079	37,434
Dade County, FL police (Miami)	25,134	26,324
NY State Police	39,589	39,589
Probation officer		
Federal	19,493	34,580
CA Dept. of Corrections	34,560	34,560
Dallas Adult Probations	21,168	27,936
Correctional officer		
Federal	17,542	19,493
NYC Dept. of Corrections	25,977	32,673
LA County Sheriff	34,452	36,162

^aThe most typical federal entry level in this category is GS-5, and the full performance level is GS-9. However, the entry level, including approved special salary rates, ranges from \$12,531 (GS-3) to \$24,450 (Park Police and Uniformed Division of the Secret Service), and the full performance level ranges from \$15,738 (GS-5) to \$24,450 (Park Police and Uniformed Division of the Secret Service).

The nature of federal law enforcement work requires presence in all areas of the nation, perhaps most extensively in metropolitan areas. Comparable federal law enforcement work across the country does not effectively result in comparable salaries because of regional pay differences. Geographical differences, at one or both salary levels, disadvantage federal employees in those locations and would tend to discourage recruitment and encourage retention problems. As indicated above, state and local law enforcement officer salaries in some locations greatly exceed federal salaries as well as the national average of state and local law enforcement officer salaries.

Even more striking, the analysis of average state and local law enforcement salaries from our survey combining all occupational categories by

metropolitan statistical area (MSA) and consolidated metropolitan statistical area (CMSA) reveals significant pay differences. In analyzing combined average state and local law enforcement salaries, we compared "average weighted salary." This figure is computed as an average entry and full performance salary weighted by the number of officers in the occupational category, where the entry-level salary is credited 15 percent and the full performance level salary is credited 85 percent in calculating the local average salary. (These percentages were derived as the average mix of entry and full performance level employees in the workplace.) The highest average weighted salaries for state and local law enforcement organizations were reported for Atlantic City, NJ; Los Angeles, CA; Boston, MA; San Francisco, CA; Spokane, WA; Stockton, CA; Denver, CO; Rochester, NY; Seattle, WA; and New York, NY. The range of average weighted salaries for these locations was \$42,417 to \$32,915. Locations with the lowest average weighted salaries were generally small, rural areas or other locations employing few law enforcement officers.

Overtime Compensation

We found significant differences in the overtime compensation practices within the federal agencies, as well as between the federal and state and local law enforcement organizations in our survey. The differences in the federal work force were primarily in the type of overtime, if any, paid to the law enforcement employees. The main differences between the federal and state and local organizations were (1) the methods used to calculate the overtime compensation and (2) the limitations on overtime earnings.

Currently, federal law enforcement personnel are paid overtime compensation under the following systems:

- Administratively uncontrollable overtime (AUO) is paid to employees in positions for which the hours of duty are not supposed to be controlled administratively and that require substantial amounts of irregular or occasional overtime duty. Under AUO, the employee generally is responsible for recognizing, without supervision, circumstances that require remaining on or returning to duty outside of regular duty hours.

Examples of qualifying duty include surveillance duty, shadowing suspects, undercover duty, meeting informers, and courtroom duty. Currently, AUO is paid at 10 to 25 percent of the portion of an employee's pay that does not exceed the GS-10, step 1, level. Legislation has recently been enacted changing the AUO payment to a percentage of the

employee's basic pay. This change will become effective in October 1990. The percentage is determined quarterly on the basis of the average number of hours of overtime worked in a week (e.g., employees working at least 3 hours but no more than 5 hours receive 10-percent AUO pay; employees working 9 or more hours of overtime in a week receive 25-percent AUO pay).

- Scheduled and unscheduled overtime pay is provided under the Fair Labor Standards Act, or 5 USC 5542. Employees entitled to this type of overtime pay receive time and a half for all overtime hours worked. The maximum rate for Title 5 overtime is that earned at the GS-10, step 1, level. This form of overtime is for work that can be predicted or scheduled and requires the approval by the employee's supervisor.

The Commission's Federal Pay and Benefits Survey revealed significant variations in the application of overtime compensation reported by organizations. Currently, some federal law enforcement officers receive only AUO while others receive AUO or scheduled overtime pay, depending on the circumstances. Other federal law enforcement officers receive scheduled overtime pay but do not receive AUO, and a few federal law enforcement officers do not receive any type of overtime compensation. For example, postal inspectors and probation and pretrial services officers are exempt from the governmentwide provisions and do not receive any form of overtime pay, regardless of the number of hours worked.

We have insufficient information to determine which, if any, of the overtime practices were proper for any particular agency or situation. Further, our information does not distinguish between an employee's legal eligibility for overtime and the actual practice of earning overtime. Besides recognizing that there is significant diversity in the federal agencies regarding the application of governmentwide overtime provisions to law enforcement officers, we can draw no other conclusions—with one exception. Organizations using only AUO may be compensating employees for work that is actually controllable or predictable and should be paid as scheduled overtime, rather than AUO. Appendix III summarizes the types of overtime compensation available in various federal agencies.

The Commission's State and Local Salary and Benefits Survey demonstrated differences between federal and state and local overtime practices. The responses to the survey revealed that 89 percent of the state and local respondents (1,027 out of 1,150 responses) pay overtime to

law enforcement personnel. Of those respondents providing overtime pay, 94 percent pay time and a half for all overtime hours worked. In contrast, federal law enforcement employees are paid only a percentage of the GS-10, step 1, for AUO⁹ and time and a half of the GS-10, step 1, for scheduled and unscheduled overtime. Ninety-three percent of the state and local law enforcement respondents (1,045 out of 1,122 responses) indicated no limit on the amount of overtime pay an employee can receive. Under the federal compensation laws, however, overtime may be paid only to the extent that it does not cause an employee's biweekly pay to exceed that of the GS-15, step 10, level.

Both the federal and the state and local organizations provided little statistically reliable data on the actual number of overtime hours paid. Commission analysis was limited to agency policies rather than actual practices. However, our survey of approximately 4,600 federal law enforcement officers¹⁰ showed that 62 percent of federal employees expressed concern about overtime pay.

Other Premium Pay

The Commission's Federal Pay and Benefits Survey requested information on other types of premium pay differentials that may be available to law enforcement personnel. This category includes holiday pay, Sunday pay, hazardous duty pay, shift differential, and foreign language differential. The survey responses revealed that holiday pay, hazardous duty pay, Sunday pay, and shift/night differentials are available to most federal agencies in accordance with governmentwide regulations. However, some agencies schedule work so that employees do not routinely earn these differentials.

The only premium pay other than overtime that the Park Police and the Uniformed Division of the Secret Service receive is holiday pay. They are ineligible for Sunday and night differential pay, although a considerable amount of shift work is performed. Postal inspectors and probation and pretrial services officers do not receive any type of premium pay, regardless of irregular shift schedules. Cost of living allowances (annual add-ons to basic pay) for employment in the continental United States is paid only by the Postal Service. By statute, only the State Department,

⁹While the basis for paying AUO will change in fiscal year 1990 from a percentage of the GS-10, step 1, to a percentage of actual salary, the calculation basis will still not be as generous as the state and local basis.

¹⁰See Appendix I for more information on the employee survey.

FBI, and DEA are authorized to provide foreign language differentials. Table III.10 in Appendix III summarizes the responses by organization.

The state and local law enforcement organizations in our survey generally do not provide shift differentials and Sunday pay, but holiday pay is provided by 60 percent of the respondents (684 out of 1,146 responses).

As mentioned above, foreign language bonuses are provided in some federal agencies but not in others. Currently, only the State Department, FBI, and DEA are authorized to pay foreign language bonuses for personnel who are required to have proficiency in a foreign language. The increases in the numbers of international drug traffickers and criminal aliens in the United States justify the use of similar bonuses for all law enforcement officers who are required to have proficiency in a foreign language. For example, INS requires all newly hired Border Patrol agents to develop proficiency in Spanish. According to INS, the requirement for Border Patrol agents to speak Spanish is a major cause of retention problems. The Bureau of Prisons houses inmates from over 140 countries. Many other federal agencies require employees to maintain a proficiency in a foreign language, but none are authorized to pay bonuses for this skill.

Premium pay entitlements in the state and local organizations are summarized in Appendix IV.

Conclusion

The most significant conclusion we can draw is that despite the general comparability of jobs and higher qualifications at the federal level, state and local law enforcement positions offer higher average salaries than federal positions based on our survey results. This pay gap was found to be most extensive at the entry level but was also significant at full performance levels in certain geographic areas.

Pay comparisons between federal and state and local personnel/positions show that most state and local personnel obtain maximum pay in half the time it takes a federal employee to reach the maximum step in the salary range. This accelerated progress through the rate range further disadvantages affected federal officers. While not recommending specific action on longevity pay, we feel it should be considered when any new pay system for federal law enforcement officers is designed.

Overtime rates are also more generous at the state and local level. State and local agencies pay overtime at a generally higher rate and without the earnings limitations imposed on federal law enforcement officers.

The Anti-Drug Abuse Act of 1988 established the foreign language bonus and also charged the Commission with examining differences in compensation programs among federal agencies. We have found a need for foreign language skills among federal law enforcement agencies and have not found any reasonable basis to limit the use of the language bonus to FBI, DEA, and the State Department.

When we made salary comparisons, our methodology was intentionally conservative. In some instances, a direct match of federal and state and local salaries cannot be made. For example, federal salaries at GS-7 through GS-10 include a combination of employees at entry through supervisory levels, which makes it difficult to determine the appropriate state and local salary level at which to compare specific federal salaries. At the entry level, state and local organizations reported a range of possible salaries. Unless otherwise indicated, we used the minimum salary reported by an organization, although in practice state and local organizations have the full range of entry-level salaries to use. While the federal law enforcement employers have special salary rates, demonstration projects, and accelerated promotion programs in limited circumstances, by regulation, the federal entry-level rate is only step 1 at each grade level; no flexibility is permitted in hiring above the step 1 level at the entry-level grades. In addition, longevity pay has not been included in our calculations of state and local full performance level salaries, although this can add a significant amount to the actual salary earned for certain groups.

Given the major differences found in this study, we propose an immediate two-phase adjustment to federal law enforcement officer basic pay. (See Chapter 7.) Entry-level salaries should be increased for federal law enforcement occupations and all positions should benefit from a locality pay differential when law enforcement salaries in the area dictate. The two-part package of enhanced entry-level pay and locality pay differentials should reduce the gap between federal and state and local basic pay. Overtime enhancements are also recommended to make compensation practices similar between federal and state and local law enforcement officers. Federal agencies also need to assess differences in their overtime policies and practices.

Benefits

Data on benefits provided to state and local law enforcement personnel were collected as part of NACLE's State and Local Pay and Benefits Survey. The survey data show that there are variations between federal employee benefits for law enforcement personnel and those provided to their state and local counterparts, depending on the benefit and the employee group. Federal benefits are more likely to be less generous when compared with state and local police and corrections employees and even less when compared with state and local probation officers. The federal government more often provides fewer benefits in the areas of life insurance, paid holidays, cash allowances, employee cost and some aspects of coverage of health insurance, and disability benefits. Federal benefits are likely to be more generous or comparable in the areas of hospitalization coverage and sick, vacation, and personal leave.

A comparison of retirement benefits reveals mixed results. The cost-of-living adjustments for federal retirees are markedly better than those provided to almost all state and local employees. But the new Federal Employees Retirement System (FERS) annuity received before Social Security retirement takes effect—usually at age 62—may be less than what most state and local law enforcement employees will receive, although the amount contributed to, and the performance of, the thrift plan influence this comparison. Table 5.1 shows that, generally, the federal benefits themselves compare favorably to those provided by state and local employers, but the cost to the federal employee is higher than that of the state and local employee.

Table 5.1: How the Federal Employer Ranks When Level and Cost to Employees of Benefits Are Compared With State and Local Plans

Benefit	Level of benefit (percentile)	Cost to employees of benefit (percentile)
Health insurance (employee only)	72nd ^a	14th
Health insurance family coverage)	72nd ^a	47th
Life insurance	54th ^b	9th
Retirement (FERS with no contribution to thrift)	21st	60th
Retirement (FERS with 5 percent contribution to thrift)	61st	17th
Holidays	37th	N/A
Sick leave (maximum)	51st	N/A
Annual leave (maximum)	78th	N/A

Note: N/A = Not applicable

^aBlue Cross/Blue Shield Standard Option was applied as the benchmark for federal health insurance compared with state and local plans.

^bWhen compared with similarly designed life insurance plans.

Health Benefits

The following analysis of health benefits is based primarily on the data collected in the NACLE State and Local Pay and Benefits Survey. Some significant data that were not available could influence the final comparison of health plans. Most importantly, we could not obtain data on total out-of-pocket expenses that an employee would incur for such items as deductibles, copayments, and catastrophic coverage.

Almost all state and local employers provide health insurance, and most pay a greater share of the premium costs than does the federal employer. A majority pay all of the cost of individual coverage and also pay more than 75 percent of the cost of family coverage. The federal employer by law cannot pay more than 75 percent of the cost of either individual or family coverage. Currently, federal employees pay between 25 percent and 64 percent of the cost of premiums, depending on the plan they elect.

Two-thirds of all state and local respondents provide dental care, with an average coverage of 80 percent of allowable costs incurred. Two-fifths provide vision care, with an average coverage of 88 percent of allowable costs incurred. None of the federal plans provide vision care (examination, lenses, and frames), and dental care, if provided, is generally limited to a schedule of relatively low, flat reimbursements for a limited number of procedures. Most federal plans do not offer dental care.

According to OPM, the most popular plans among law enforcement personnel in this study were Blue Cross-Blue Shield Standard Option, SAMBA, and Mailhandlers High Option. Generally, state and local plans were comparable in coverage to these plans, although Mailhandlers has less comprehensive coverage than most state and local plans. However, 28 percent of all state and local respondents reported that their plans are more generous, providing more comprehensive major medical coverage as well as dental and vision care.

The federal employer is more likely than the state and local employer to provide annual medical examinations at no cost to the employee. Only 27 percent of the police departments and 10 percent of the state prisons provide annual medical examinations. This benefit is available to virtually all federal uniformed, non-uniformed, and correctional personnel.

Retirement Benefits

Since 1984, all new federal employees have been covered by Social Security and the new federal employee retirement system, FERS. Since

the future law enforcement work force will be covered by FERS, this comparison of retirement benefits will focus on FERS benefits.

FERS benefits are derived from three components: a defined benefit plan or annuity, a thrift plan, and Social Security. Because Social Security retirement benefits do not begin until age 62 and the law enforcement retirement plans that we compared typically permit retirement at age 50 with full benefits (this is promoted as a major benefit of employment), Social Security benefits are not included in the comparison. Moreover, even if comparisons were to include Social Security benefits, they would not make any difference between plans of the same design. Those with Social Security coverage will receive the same benefits, all other things being equal. In addition, to support the retirement of personnel before Social Security eligibility, FERS provides a special supplemental annuity in addition to the basic pension and any proceeds from the thrift plan.

The basic annuity provided under FERS is computed on the basis of years of service and the 3 years of service with the highest annual salaries. The basic annuity, by itself, is considerably less than the annuity generally provided in state and local plans. However, Congress intended that the second component of FERS, the Thrift Fund, provide a considerable part of retirement income. As a thrift plan, it is better than the typical "deferred compensation" and thrift plans offered by state employers because it provides a generous employer contribution, including an automatic contribution of 1 percent of salary and will match employee contributions up to 5 percent of salary.

The generosity of a retirement plan may be measured by the combination of benefits and the contribution rate required of the employee that will receive the benefits. When compared with state and local law enforcement plans of the Social Security coverage type, FERS may be viewed as generally comparable over the long term because of the advantages of an automatic cost-of-living adjustment. But during the early years of retirement, before eligibility for Social Security, the comparability of these benefits can be significantly affected by the earned income offset provision of FERS. This offset, which is applicable between the ages of 55 and 62, may result in benefit reductions that make FERS benefits substantially less generous—less than that provided by 80 percent of all state and local employers.

Table 5.2: Comparison of Retirement Benefits as a Percentage of Final Salary

Years of service	State/Local w/o Social Security	State/Local ^a w/ Social Security	FERS ^b w/o supplement	FERS ^b w/ supplement
20	46	42	36	44–48 ^c
25	58	52	41	51–56

Note: "Final salary," as used in this context, is the salary used in the computation of retirement benefits; typically this is the average of the highest 3 or 5 years, usually the last 3 or 5 years of service. Administratively uncontrollable overtime (AUO), as much as 25 percent of the federal employee's annual salary, is included as part of the final salary for retirement computation purposes.

^aThirty-seven percent of state/local police agencies, 79 percent of probation agencies, and 84 percent of state prisons surveyed are covered by Social Security in addition to their retirement benefits.

^bFERS shown here is the annuity computed at 34 percent with 20 years of service or 39 percent with 25 years plus 2 percent of additional annuity purchased from the proceeds of the thrift plan, assuming the employee has made no contribution to the thrift plan. The effects of contributions to the thrift plan are displayed in other tables.

^cThe FERS benefit varies with the supplemental annuity because it is computed as though it were the equivalent of the Social Security benefit one would get at age 62, which is a higher amount for the lower paid employee.

With the supplemental annuity (but no earnings offset), the FERS benefits are comparable to the average state and local benefits covered by Social Security. Without the supplement, the FERS benefits are not comparable to the average state and local retirement benefits. The supplement is paid to all law enforcement personnel who retire before age 62. It stops at age 62 on the presumption that the individual will then become entitled to Social Security benefits. It also is offset by earned income after the individual reaches a statutory age, currently age 55. That offset, or "earnings test," as it is sometimes called, may have the effect of substantially reducing retirement benefits for retirees before age 62.

Two other factors need to be considered in the evaluation of these retirement benefits. First, contributions to the thrift plan give the employee an opportunity to enhance retirement benefits greatly. With no employee contribution, there is an annuity (equal to about 2 percent of salary) generated by the government's automatic contribution. With a contribution of 2 percent to the thrift plan, the FERS employee is making a total contribution to retirement equal to about 9.5 percent of salary, which is roughly the same contribution as the average state and local employee with Social Security coverage, but a higher contribution than one of the average employee who does not have Social Security coverage.

Second, cost of living adjustments provided by FERS protect those benefits against inflation to a much greater extent than the typical state and local retirement benefit. Over time, the FERS retirement benefit that started out less generous will actually catch up and may even pass that of the average state and local retirement benefit.

With the supplemental annuity and a thrift plan contribution of 2 percent of salary, the FERS benefits may be at least comparable to the average state and local retirement benefit. But if the FERS retiree works full time after retirement, the benefits will be offset and likely inferior unless the employee increases his or her contribution to the thrift plan to at least 4 or 5 percent.

A more detailed analysis of law enforcement retirement benefits is found in Appendix VI.

Other Retirement Benefits

Overtime compensation is used to compute retirement benefits in about half of the state police agencies and three-fifths of the state prisons. Although AUO is used to compute FERS retirement benefits, regular overtime compensation is not. This creates some inequity between those who receive AUO and those who do not. Even among those who receive AUO, there is a disadvantage for those who work substantial amounts of scheduled or unscheduled overtime.

Most retirees in state and local law enforcement organizations receive health insurance and life insurance benefits. More than two-thirds of these have their entire premiums paid for by the employer or the retirement system. In contrast, the federal retiree, while permitted to retain eligibility for the federal term life insurance program, pays the entire premium. The federal retiree must also pay 25 to 64 percent of the cost of his or her health insurance premium.

Finally, a majority of corrections and police agencies provides some form of compensation or credit for unused sick leave upon retirement. Among corrections agencies, the pattern of practice is to credit leave toward retirement as years of service. Among police agencies, the pattern is to pay a cash allowance equal to a percentage of salary, typically 50 percent. The federal government does not pay compensation for unused sick leave for employees covered by FERS.

Leave and Paid Holidays

The federal employer previously gave more holidays and leave than most state and local employers. However, since federal leave was established in statute 30 years ago, the federal government has lost its edge.

Generally, state and local law enforcement agencies provide 11 holidays compared with 10 for the federal government. Overall, about half give more sick leave—a few (approximately 6 percent) give virtually unlimited leave for illness or disability. Many also provide additional leave allowances in categories that the federal employer does not permit. The NACLE survey did not request these data, but other sources identified by our contractor show that 66 percent of police agencies provide bereavement leave; 57 percent of corrections agencies provide “expectant or new father” leave, and another 85 percent provide “family illness” leave, which is described as permission to use personal sick leave to care for a sick child or spouse or parent.

The federal employer continues to lead with slightly better maximum allowances of vacation and personal leave. Overall, however, the federal employer provides one or two fewer total days off (holidays plus vacation and personal leave) for employees than the typical state and local law enforcement agency until the maximum annual leave allowance begins at year 16. Almost one-third of the employers surveyed provide more total days of leave and holidays annually than the federal employer at both the starting and maximum accruals.

Table 5.3: Comparison of Total Number of Paid Holidays and Annual Leave

Employer	Total number of annual holidays, earned vacation, and other personal leave		Percentage of respondents providing more leave and holidays than the federal employer	
	at starting	at maximum	at starting	at maximum
All police agencies	25	34	56	29
Large police agencies	25	35	63	35
Small police agencies	23	32	41	15
State prisons	25	34	62	40
Probation agencies	24	34	50	32
Federal government	23	36	N/A	N/A

Note: Figures for the state and local agencies are shown in rounded averages. N/A = Not applicable.

Allowances

Allowances discussed here are in-kind, cash payments, or other benefits traditionally associated with law enforcement work. Generally, allowances for items such as uniforms and clothing are not provided to

federal law enforcement employees, except where personnel are uniformed. Among uniformed federal employees, the practices vary considerably. Correctional officers receive an annual cash allowance of \$300. Border Patrol agents must purchase their uniforms from a single contractor, for which they are reimbursed up to \$400. Annually, both groups of employees may spend substantially more than this for purchase and cleaning of uniforms. Both agencies acknowledge that uniform expenses are a common complaint of employees, but we did not obtain estimates of the amounts of those expenses. In the case of a new Border Patrol agent, the initial outlay for the required uniform is \$1,250—\$850 more than he or she is reimbursed. The Uniformed Division of the Secret Service and the Park Police are provided uniforms without charge. In addition, the Uniformed Division of the Secret Service cleans all uniforms without charge.

Among state and local law enforcement agencies, the predominant practice is to provide uniforms free of charge and often either provide for the cleaning or grant a cleaning allowance. In the NACLE survey, 79 percent of uniformed police agencies that responded and 88 percent of state prisons that responded provide uniforms at no cost to the employee. Of these, three-fourths of the police and one-half of the state prisons provided a cash allowance as well.

Eighty-six percent of all state and local non-uniformed organizations provided a clothing allowance averaging \$440 per year. In contrast, federal non-uniformed personnel did not receive any clothing allowances.

In about 70 percent of police agencies, employees are permitted to take patrol cars home. The privilege or benefit of taking home a patrol car is a way for the employer to provide a police presence in the community, which will hopefully deter crime. Personal off-duty use of that patrol car is permitted by two-thirds of those who allow officers to take vehicles home. The federal employer has few patrol cars and generally does not permit personnel to take them home, but does permit employees to take home unmarked and official cars in many instances. However, federal employees are not permitted off-duty use of these cars for personal business.

Other Benefits

The survey of benefits found a number of other differences between the federal and nonfederal employers. These findings reveal that state and local law enforcement agencies generally provide more comprehensive benefits in the following categories.

Disability

Most state and local employers provide coverage of their employees under workers' compensation provisions, and the federal government provides equivalent coverage under the Federal Employees Compensation Act (FECA). Additional disability coverage is only available for federal employees as disability retirement.

In contrast, about two-fifths of state and local police and probation agencies and about one-half of state prisons provide short-term and long-term disability insurance in addition to workers' compensation. Typically, the full cost of the premium is paid by the employer, who provides about 60 percent of salary for a year in cases of short-term disabilities and for up to 2 or 3 years for long-term disabilities. In addition, disability retirement benefits are also provided.

The federal employer permits the use of accumulated sick leave for short-term disability and provides disability retirement for long-term disability. A minority (13) of the federal law enforcement agencies reported that they have special sick leave for on-duty injuries, but none provide short-term or long-term disability for their employees.

The federal disability retirement benefit is inferior to those provided by state and local law enforcement organizations and may simply be inadequate. FERS provides a disability retirement for "occupational" disabilities, i.e., a disability that prevents work in the current or a comparable position of employment. With entitlement, the employee will receive 60 percent of "final salary" for 1 year. After that, the benefit will be reduced to 40 percent. If Social Security is received, an additional reduction to the FERS retirement will be made as an offset. By contrast, the disability retirement benefits paid by state and local law enforcement organizations is generally equal to or greater than that paid at regular retirement, typically between 50 percent and 60 percent of salary.

Life Insurance

In general, the federal employer has been found to be less generous with life insurance benefits than the private sector. We found this to be true among law enforcement agencies as well. Table 5.4 compares life insurance benefits for state and local versus federal employees.

Table 5.4: Life Insurance Benefits

	Percentage of agencies that pay all of premium (percent)	When benefit is provided as	
		multiple of annual salary, the average is	cash payment, the average is
All police agencies	88	1.5	\$15,612
State prisons	69	1.5	10,722
Probation agencies	85	1.2	9,436
Federal government	0	1 ^a	N/A ^b

^aActually, 1 year's salary rounded to the next highest thousand plus \$2,000.

^bN/A = Not applicable.

Often state and local organizations pay additional amounts for accidental deaths. In contrast, the federal employer pays two-thirds of the cost of life insurance premiums under Federal Employee Group Life Insurance (FEGLI). This provides a basic coverage equal to 1 year's salary plus \$2,000.

State and local law enforcement organizations also provide additional death benefits that the federal employer does not provide. About 75 percent of state police, 60 percent of state prisons, and 50 percent of probation agencies supplement the federal death benefit for law enforcement personnel by unspecified amounts. Among correctional officers, this is reported to be over \$25,000 and up to \$100,000.

Comparison of Overall Costs to Employees

Based on the data in our survey, it is estimated that 76 percent of the state and local employers deduct less from employees' paychecks for their benefits than the federal government. The following tables illustrate the additional cost to two groups of federal employees when comparing their benefits and state and local benefits for which cost figures can be determined.

Table 5.5: Value of Increased Benefits to a Correctional Officer at GS-7, Step 1

	For a single employee		For an employee with a family	
	Value in dollars	Percentage of gross salary	Value in dollars	Percentage of gross salary
Health insurance ^a				
Mailhandlers	\$284.88	1.46	\$441.54	2.26
Blue Cross	392.64	2.01	494.90	2.54
Life insurance ^b	105.81	0.54	105.81	0.54
Retirement deduction ^c	280.70	1.44	280.70	1.44
Uniform allowance ^d	200.00	1.03	200.00	1.03
Total value with Mailhandlers	\$871.39	4.47	\$1,028.05	5.27
Total value with Blue Cross Standard Option	\$979.15	5.02	\$1,081.41	5.55

^aFor purposes of comparison, we have chosen a rate of employer-paid premium equal to 100 percent for employee-only coverage and 90 percent for family coverage. Such payments would place the federal employer above the 60th percentile when compared with most state and local plans.

^bAt the 54th percentile (which is where the federal benefit ranks), the state and local employer pays 100 percent of the premium. Life insurance premium is based on the rates charged federal employees for FEGLI.

^cAt the 61st percentile (which is where the FERS benefit ranks if the employee pays 5 percent to the thrift plan), the state and local employer requires the employee to contribute 5 percent of salary toward the cost of retirement. This means that the amount currently deducted for the FERS annuity, 1.44 percent, if paid by the employer, would make the rates of contribution comparable.

^dUniform allowance for correctional officers is an additional benefit, based on the assumption that uniforms will be provided to the employee without cost, as is the predominant practice in state prisons and police agencies, and an allowance granted for cleaning and incidentals, as is the case for most uniformed officers. This should provide savings to the employee equal to the costs of cleaning and other costs not sufficiently paid for by the current allowance. Two hundred dollars is an estimate based on anecdotal evidence. A clothing allowance of \$430 per year for a special agent is based on the average clothing allowance paid to non-uniformed officers (detectives) of municipal police based on a 1987 survey.

Table 5.6 Value of Increased Benefits to a Special Agent at GS-13, Step 1

	For a single employee		For an employee with a family	
	Value in dollars	Value as a percentage of gross salary	Value in dollars	Value as a percentage of gross salary
Health insurance ^a				
Mailhandlers	\$284.88	0.69	\$441.54	1.07
Blue Cross	392.64	0.95	494.90	1.20
SAMBA	490.80	1.19	1,244.39	3.03
Life insurance ^b	211.62	0.51	211.62	0.51
Retirement deduction ^c	592.14	1.44	592.14	1.44
Uniform allowance ^d	430.00	1.05	430.00	1.05
Total value with Mailhandlers	\$1,518.64	3.69	\$1,675.30	4.07
Total value with Blue Cross Standard Option	\$1,626.40	3.96	\$1,728.66	4.20
Total value with SAMBA	\$1,724.56	4.19	\$2,478.15	6.03

^aFor purposes of comparison, we have chosen a rate of employer-paid premium equal to 100 percent for employee-only coverage and 90 percent for family coverage. Such payments would place the federal employer above the 60th percentile when compared with most state and local plans.

^bAt the 54th percentile (which is where the federal benefit ranks), the state and local employer pays 100 percent of the premium. Life insurance premium is based on the rates charged federal employees for FEGLI.

^cAt the 61st percentile (which is where the FERS benefit ranks if the employee pays 5 percent to the thrift plan), the state and local employer requires the employee to contribute 5 percent of salary toward the cost of retirement. This means that the amount currently deducted for the FERS annuity, 1.44 percent, if paid by the employer, would make the rates of contribution comparable.

^dUniform allowance for correctional officers is an additional benefit, based on the assumption that uniforms will be provided to the employee without cost, as is the predominant practice in state prisons and police agencies, and an allowance granted for cleaning and incidentals, as is the case for most uniformed officers. This should provide savings to the employee equal to the costs of cleaning and other costs not sufficiently paid for by the current allowance. Two hundred dollars is an estimate based on anecdotal evidence. A clothing allowance of \$430 per year for a special agent is based on the average clothing allowance paid to non-uniformed officers (detectives) of municipal police based on a 1987 survey.

Conclusion

Comparing federal and state and local law enforcement fringe benefits is extremely complex and difficult. In addition to determining differences in the “value” of the benefits themselves, which is difficult for items such as retirement and health insurance, one must also consider the relative importance, or weight, applicants and employees would place on them. This will vary among different people and with the same person over time, depending on such factors as age, marital status, and health conditions. In addition, a benefit-by-benefit comparison can be misleading in that many state and local organizations do not provide the highest level for all benefits, but instead provide a mix of benefits (in both kind

and cost) that meets their needs in terms of budget, labor relations, recruiting and retention situation, affordability to employees, relationship to benefit packages for other groups of employees in the jurisdiction, etc. All of these factors must be considered when attempting to determine the degree of comparability of a total benefits program.

In comparing benefits between the federal government and state and local law enforcement organizations strictly based on their “generosity,” the Commission concludes that the federal government’s benefits range from generally comparable to somewhat less generous. Again, the degree of comparability varies among the various benefits, the categories of law enforcement personnel, the circumstances of the individuals involved, and the value employees attach to the various benefits or differences in benefits.

Retirement and health insurance are two benefits that many employees generally regard as very important, perhaps even most important. The type of health benefits provided by federal and state and local law enforcement agencies appear, on balance, generally comparable. However, our data indicate that federal employees pay a higher proportion of the costs of their health insurance than employees in many state and local organizations.

Similarly, retirement benefits overall can be considered to be roughly comparable among the two broad groups. In the short term, state and local plans are generally more generous. However, over time, the effect of cost of living adjustments equalizes and eventually exceeds the value of the state and local plans. In addition, other factors may influence the degree of comparability of retirement plans. These include whether and how much federal employees contribute to the thrift plan, whether federal employees’ retirement benefits are offset by employment earnings between the ages of 55 and 62, and the amount of the cost of living increases over time.

Perhaps even more important than the comparison of the actual value of retirement or health benefits between the two sectors are employee and applicant perceptions of the benefits or differences in benefits, given the great importance current law enforcement employees seem to attribute to them. For example, even though retirement benefits in the state and local sector may be somewhat more generous, at least in the short term, federal law enforcement personnel generally do not view their retirement benefits, compared with those of others, as a problem.

On the other hand, most federal law enforcement employees see their health benefits, compared with those of others, as a significant problem. We do not know whether they are referring to unequal coverage, which, on balance, our contractor found to be generally comparable, or to employee costs, which are greater for federal employees. Providing employees with more information on the comparability of the benefits may alleviate their concerns in the area of coverage. Concerning the difference in costs, it is unclear how much the additional costs would influence current or potential federal employees in deciding to enter or stay in federal law enforcement, particularly if the wide differences in the pay for law enforcement employees in the two sectors were narrowed.

Our study also found that state and local law enforcement organizations are generally more generous with life insurance, both in terms of benefit and cost, and with leave and paid holidays. In addition, many state and local employers provide benefits that the federal employer does not provide, including bereavement leave, family illness leave, disability insurance above workers' compensation, and vision care insurance.

However, given the federal deficit, the increases in pay we are recommending and the fact that most benefits for federal law enforcement officers (except for retirement) are the same as for other federal employees, with one exception, the Commission is not recommending changes in benefits at this time. However, the Commission believes that because of the perceived differences in costs and benefits, as well as the rapid change occurring in benefits programs in the nonfederal sector, benefits and their effects on recruitment, retention, and morale need to be watched in the future. For example, growing concern about the earnings offset under FERS before reaching age 62, the higher contributions to the thrift fund necessary to achieve a benefit equal to the state and local sector, or the perceived disadvantage faced by lower paid employees in their ability to contribute to the thrift fund, could result in the government facing serious problems in the competition to recruit and retain high-quality personnel.

There is one finding that the Commission believes supports a recommendation, one that does not require reform of the wider federal employee benefits program. We recommend that the uniform allowances for uniformed law enforcement personnel be improved. The inequity of practices among federal agencies should be ended and a common practice adopted that is comparable to the predominant practice among local police agencies and state prisons: Uniforms should be provided without cost to the employees, and either an additional allowance granted for

cleaning and incidental costs be provided or the uniforms should be cleaned at the agency's expense.

Recruitment, Retention, and Morale

Information on agency practices and measures of success in the areas of recruitment and retention is vital to the study of pay and benefits of federal law enforcement officers. Many important themes have emerged on recruiting and retaining an adequate federal law enforcement workforce.

We used several approaches to determine whether federal law enforcement organizations were experiencing recruitment, retention, and morale problems and the nature, extent, and impact of these problems on operations.¹ A survey instrument sent to the headquarters of 37 federal law enforcement organizations asked for quantifiable data in such areas as (1) applications received, (2) pool of qualified applicants, (3) number of applicants hired, (4) authorized positions, (5) actual on-board personnel, and (6) separations and retirements. It also asked for headquarters officials' perceptions on recruitment, retention, staffing, and morale. Additionally, we interviewed 102 field managers in 14 cities about these same issues. Information from federal law enforcement employees was obtained through 29 focus group discussions we convened in 14 cities and from a questionnaire we sent to a random sample of approximately 4,600 employees nationwide.²

The information we obtained may be divided into two categories: quantifiable data and perceptions. The statistical data available were not as extensive as expected, but were sufficient to draw some conclusions. The management and employee perceptions involved such issues as the reasons management believes recruitment difficulties are increasing and indications of future problems. These perceptions proved to be a valuable source of information on the reasons behind hiring obstacles, turnover rates, internal staffing difficulties, and employee morale.

Our work indicated problems in the recruitment and retention of federal law enforcement officers. The problems identified are not uniform or simple in nature. They affect certain groups, such as entry-level personnel, more than others; are more serious in certain geographic regions, such as high-cost urban areas; and affect some agencies to a greater extent than others.

According to headquarters and field managers, the most important factor affecting the recruitment and retention of federal law enforcement

¹See appendix I for a detailed discussion of the various survey instruments and means employed by the Commission.

²The results of the survey sent to the employees are subject to sampling errors of less than 5 percent.

employees was the inability of pay to offset the high cost of living in certain areas. A practical impact on federal law enforcement agencies is that excessive expenditure of time and money for recruiting and training new personnel adversely influences their operational missions.

Recruitment

In general, neither the headquarters of the organizations nor their local offices had statistical data we sought on recruitment because officials said they have not routinely or formally tracked these issues.³ However, they did provide their opinions and perceptions on the issues. The large majority of both headquarters and field officials said they were experiencing significant recruiting problems.

We asked headquarters officials about recruitment during the time period 1985 through 1988. The organizations reported that in 1985 69 percent experienced problems in recruitment.⁴ By 1988, the percentage had grown to 80 percent. The largest number of field managers said that they have had difficulty recruiting federal law enforcement employees for the last 3 to 5 years. Some field managers indicated that they had experienced recruiting problems for as many as 7 to 10 years.

Recruitment problems are widespread but are more severe in high cost of living areas. Forty-two percent of the organizations recruit regionally or locally as opposed to nationally, and 61 percent of headquarters officials identified recruitment problems as being regional and local in nature. According to field managers, recruitment problems are more extreme in the cities of Los Angeles; Washington, DC; Boston; and Miami because of the high competition among employers for recruits.

Problem Groups

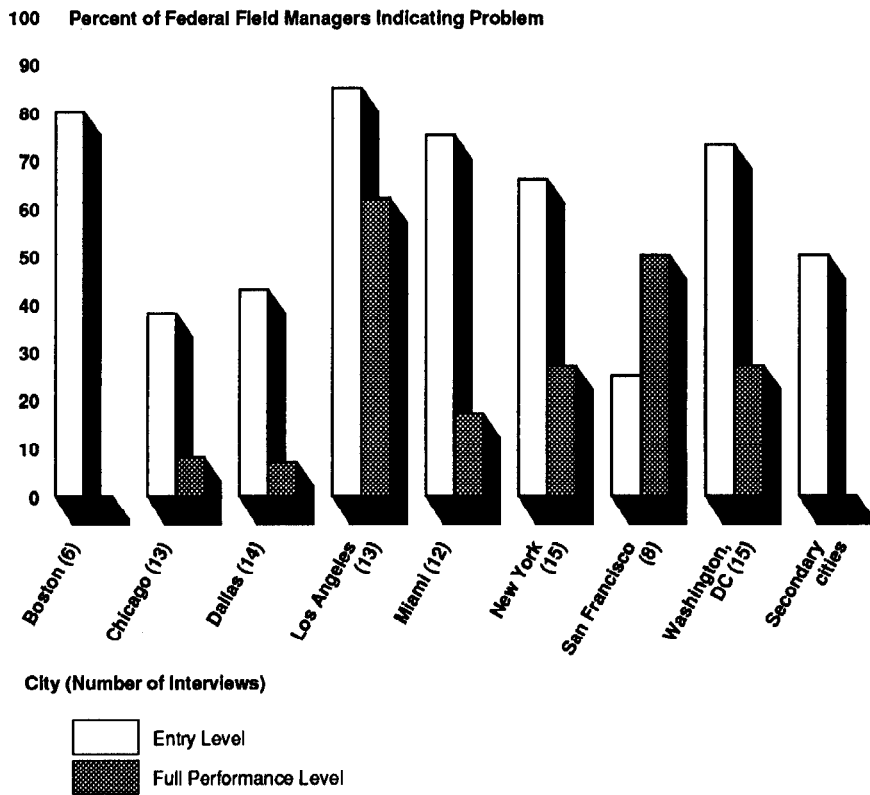
The entry-level employee is the primary target for recruiting efforts by federal law enforcement agencies. Field managers view this level as by far the most difficult level at which to recruit (see Fig. 6.1). Sixty-three of the 69 field managers having recruitment problems said that their offices could not successfully compete for recruits with state law enforcement agencies and 62 of the 69 said that their offices could not

³While some organizations were able to provide the requested statistics, the sample was too small for generalization.

⁴In the Recruitment and Retention Survey, the responses were not evaluated in terms of 37 discrete respondents but were weighted to reflect the agency's percentage of the federal law enforcement workforce. Therefore, when the words "headquarters" or "organization" are mentioned in this chapter, the statement reflects a weighted number. See Appendix I for a further explanation of the procedure to weight the responses.

successfully compete with local law enforcement agencies. A problem also exists, but is not as great, in recruiting full performance level employees.

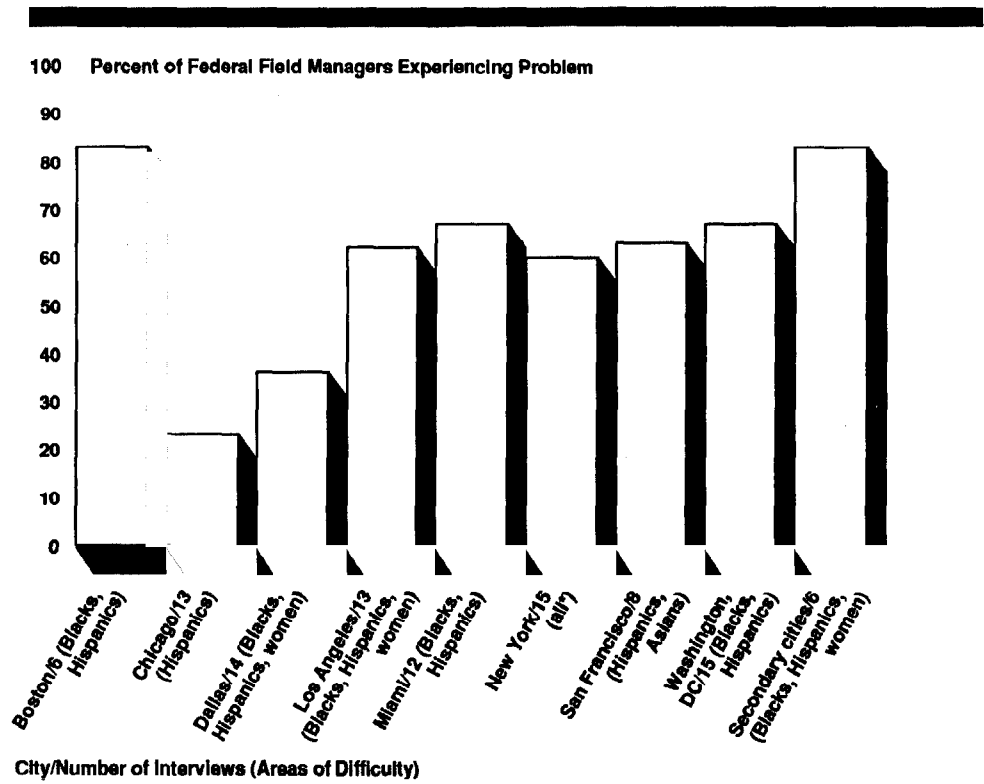
Figure 6.1: Federal Field Management Interviews—Recruitment



Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

All regions studied reported problems recruiting minority and female candidates. Officials at both headquarters and field offices indicated that their organizations had the most difficulty in recruiting Hispanics, Afro-Americans, and Asians (see Fig. 6.2). The responses to our employee questionnaire appear to corroborate this stated difficulty. The responses from members of the minority groups comprised 8 percent, 7 percent, and 1 percent, respectively; 10 percent of the workforce is female.

Figure 6.2: Federal Field Management Interviews—Recruitment of Minority Groups and Females

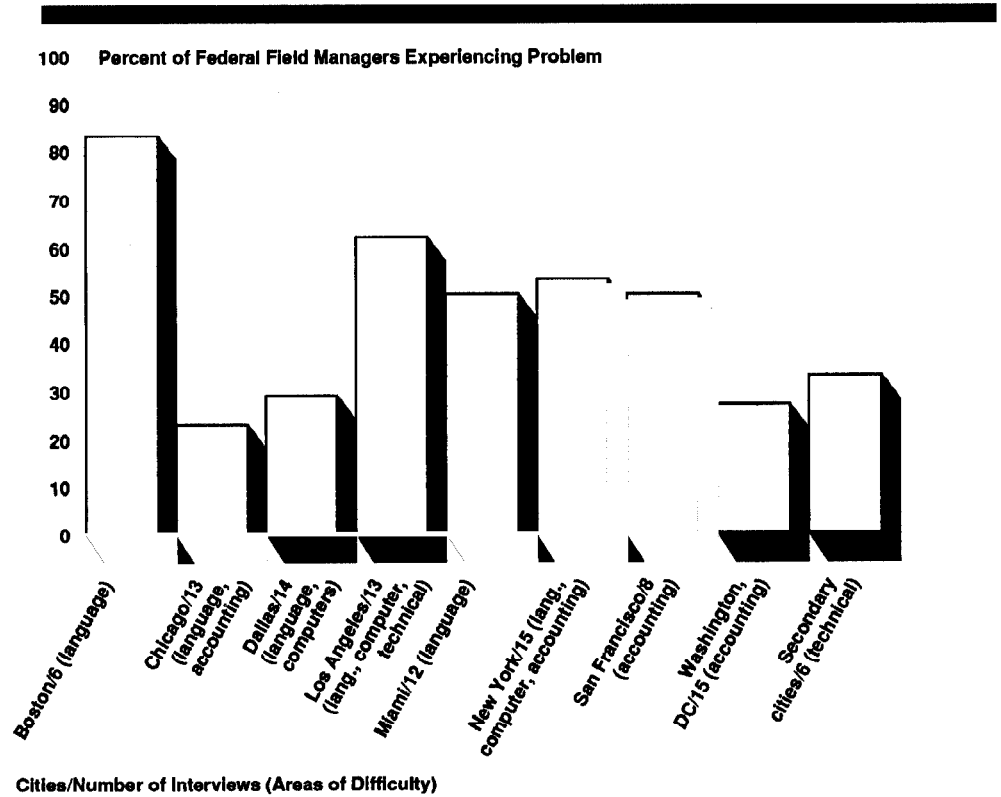


*"All" represents Blacks, Hispanics, Asians, and women.

Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

The majority of headquarters officials said that recruiting people with special skills is also difficult. Many field managers indicated that they needed individuals with language, computer, accounting, and legal skills. (See Fig. 6.3.) They indicated that individuals possessing these skills were needed to fill undercover roles or to investigate financial and white-collar crimes. They also felt it important that these skills be integrated with other duties of law enforcement employees.

Figure 6.3: Federal Field Management Interviews—Recruitment of Specialty Positions



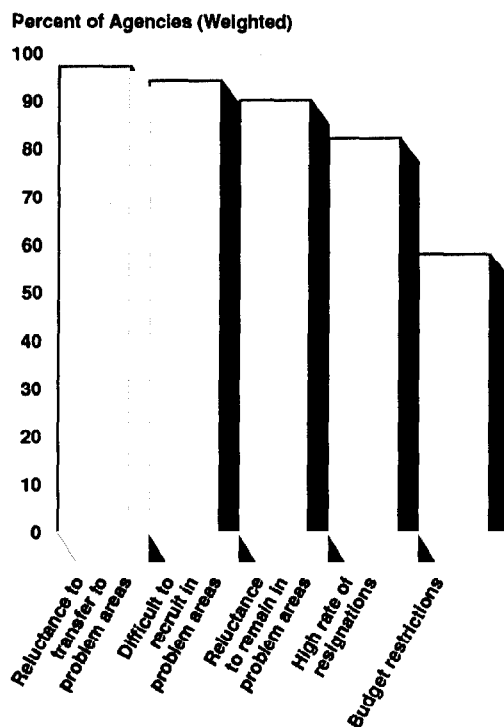
Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

Internal Staffing

In addition to recruiting at the entry level, many organizations use internal staffing or placement to fill vacancies.⁵ Organizations reported difficulty staffing high cost of living locations. This difficulty causes a myriad of operational problems. Headquarters officials reported increased staffing problems not only in terms of the reluctance of employees to relocate but also in terms of employees' lack of interest in remaining at a site for a period of time sufficient to meet management's needs. Figure 6.4 highlights the factors adversely affecting internal staffing. Headquarters officials viewed the following cities as most difficult to staff: New York; Los Angeles; San Francisco; Washington, DC; and Chicago.

⁵Internal staffing is filling vacancies at levels other than the entry level within an organization with employees who are currently within that organization.

Figure 6.4: Headquarters Officials' Perception of Factors Adversely Affecting Federal Law Enforcement Internal Staffing



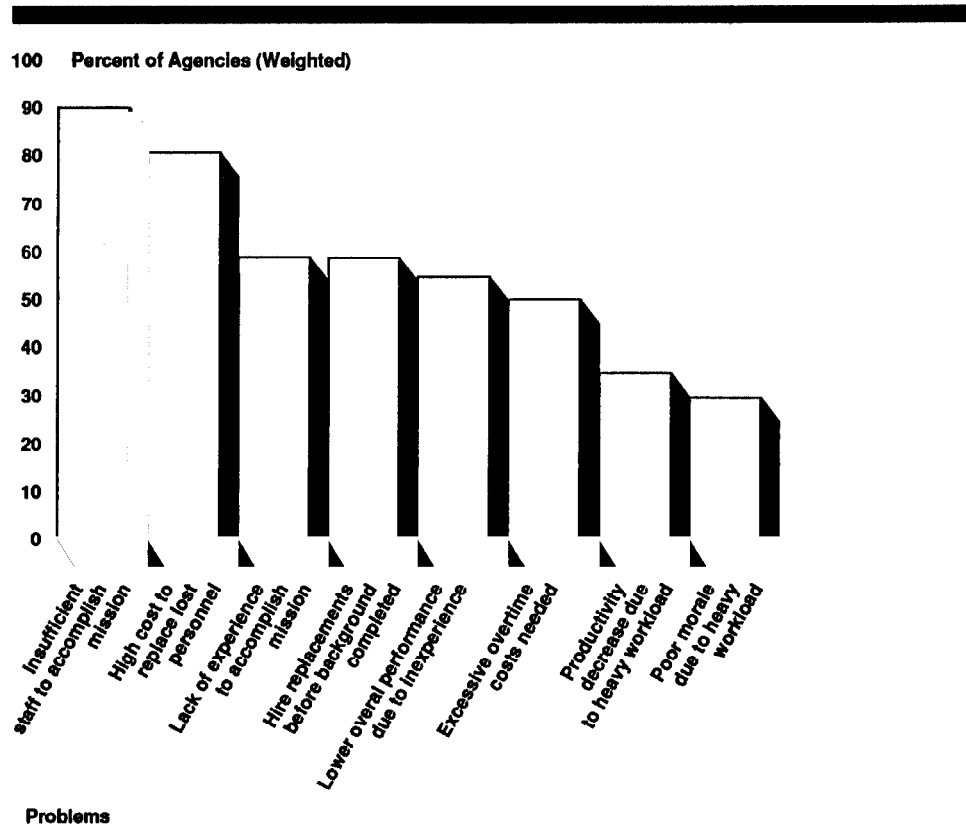
Problems

Weighted according to agency representation in universe.

Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

Difficulty in relocating these employees was said by managers to hamper the operational mission in the majority of organizations. Organizational perceptions of the adverse effects of insufficient staffing included (1) lack of experienced employees to accomplish the mission, (2) high cost to replace lost personnel, and (3) insufficient staff to accomplish the mission. Further information may be found in Figure 6.5.

Figure 6.5: Headquarters Officials' Perceptions of Staffing Problem Effects on Agency Operations



Weighted according to percent in universe.

Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

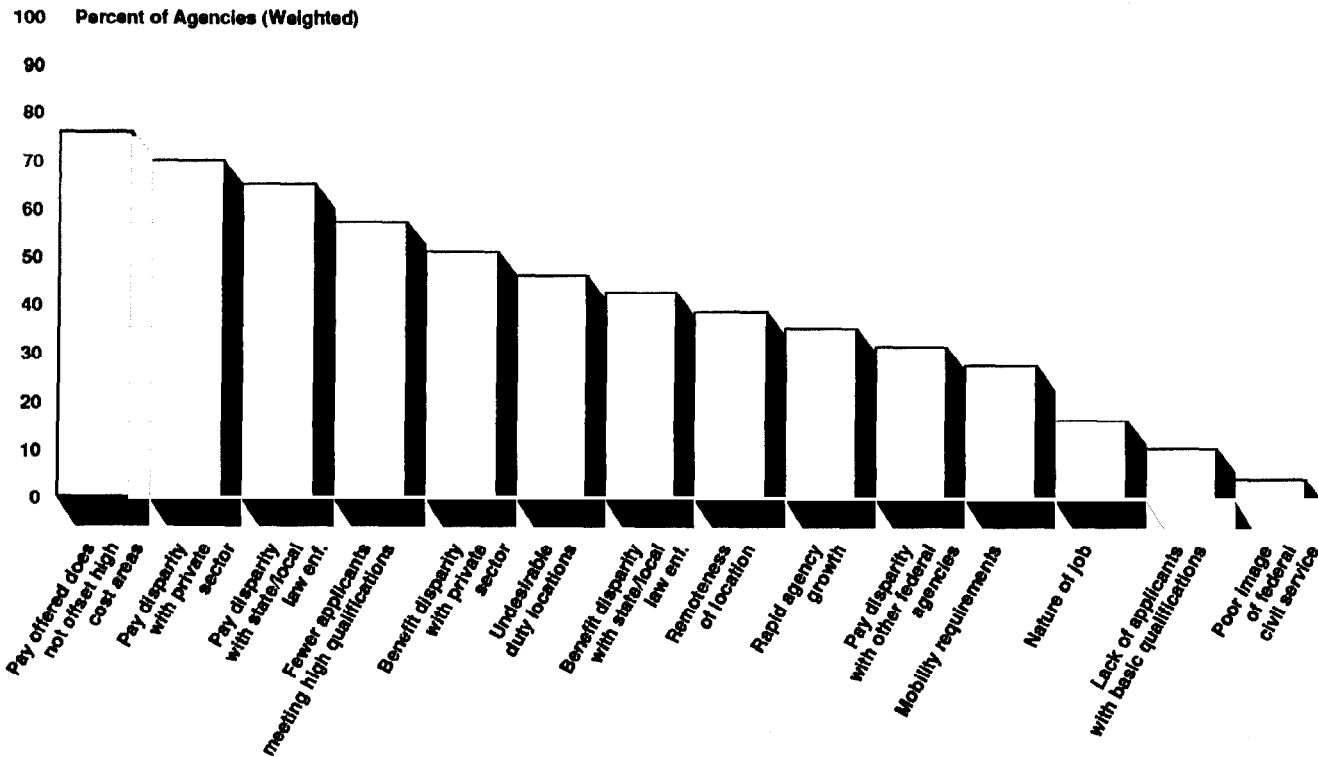
Causes

Organizations and employees identified pay as the greatest obstacle responsible for recruitment problems. Headquarters officials said that the greatest problem was the inability of federal salaries to offset the high cost of living and pay disparities with the state and local law enforcement employers and the private sector. (See Fig. 6.6, which illustrates the range of responses by headquarters officials.) Fifty-four of the 69 field managers reporting recruitment problems (78 percent) said that low pay was a factor. Field managers also cited as problems lower benefits compared with state and local law enforcement, the high cost of living, tough competition from private sector and other law enforcement employers for recruits, a directed transfer policy,⁶ inadequate overtime compensation, unpleasant work environment, lengthy and expensive

⁶See later discussion of the various mobility policies used to staff offices.

background investigations, the generally low quality of life in a large metropolitan area, and lack of law enforcement authority. Employees interviewed in focus groups said that agencies were experiencing recruitment problems because of inferior pay and benefits of federal officers and the high cost of living. According to our employee questionnaire, 52 percent of the employees view the superior pay of state and local law enforcement agencies as a problem, and over 60 percent of the employees view overtime policies and health benefits of those organizations as problems.

Figure 6.6: Headquarters Officials' Perceptions of Factors Adversely Affecting Federal Law Enforcement Recruitment



Problems

Factors with less than 1% not shown

Agency perception .9%; agency image .2%; lack of effort .1%; poor effort 0%.

Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

Lesser obstacles cited as responsible for recruitment problems included such issues as a poor agency image, ineffective recruitment tactics, incorrect perception of agency work, and the nature of the work.

Employees participating in our focus group discussions also cited problems with their agencies' ability to recruit new employees. One participant said, "We tell them a little about the job, and then ..., you get to the pay. Every time they look at you with disbelief. Right away they back off."

Impact

Recruitment problems have several adverse effects on operations. Field managers said that recruitment problems resulted in unaddressed work, increased work load, and increased overtime hours. Other problems cited included more time and money spent on recruiting, training, and supervising new law enforcement personnel; a decline in morale; chronic understaffing of their offices; increased life span of cases; and a general decline in the quality of work produced by their offices.

Headquarters and field officials were asked about the quality of recruits. Headquarters officials said they tracked quality and 47 percent said quality had improved since 1985, 23 percent said it had stayed about the same, and 30 percent said it had worsened. Most field managers acknowledged that although they did not track such information, they were concerned about quality of recruits. While 50 percent of the field managers believed quality had improved or stayed the same, 46 percent believed the quality had worsened over the last 5 years. Employees in focus groups also voiced the same concern about the decline in the quality of applicants and recruits. The large majority of field managers reporting a decrease in quality indicated it had a negative effect on their offices' operations. In addition to low pay and non-competitive benefits compared with state and local law enforcement, field managers most frequently attributed the decrease in quality of applicants to a decline in the educational system. Some defined quality as previous law enforcement experience and thought fewer recent recruits had such experience.

Evidence of the effects of these issues on the future of recruitment for federal law enforcement jobs may be found in our employee questionnaire. Twenty-nine percent of the employees indicated they would not choose a career in federal law enforcement if they had the decision to make over again. Eighteen percent were unsure what they would do.

Thirty-four percent would not recommend to others a career in federal law enforcement.

Retention

As in the area of recruitment, organizations did not have many of the statistical data that we were seeking on retention. However, officials overwhelmingly reported that they had difficulty retaining employees. Seventy of the 102 managers questioned during out field visits said they had retention problems.

According to field managers, Los Angeles, New York, San Francisco, and Washington, DC, have the most serious retention problems. Field managers reported that most individuals leaving were not leaving law enforcement but were accepting positions in other federal, state, and local law enforcement agencies for better pay and benefits or were relocating to areas with a lower cost of living.

Twenty-five field managers (the largest number but not a majority), reported that their offices had been experiencing retention problems for the last 3 to 5 years. Many managers in high-cost areas said that their offices had experienced a retention problem for over 10 years.

Problem Groups

According to headquarters officials, the turnover rate⁷ for federal law enforcement officers in 1987 was 5 percent.⁸ However, certain occupations and agencies experienced a higher rate of attrition. For example, the turnover rates for criminal investigators in the Department of the Interior's Bureau of Indian Affairs and the Office of the Inspector General were 17 percent and 18 percent, respectively; the Bureau of Prisons experienced a 20-percent turnover rate for its psychologists.

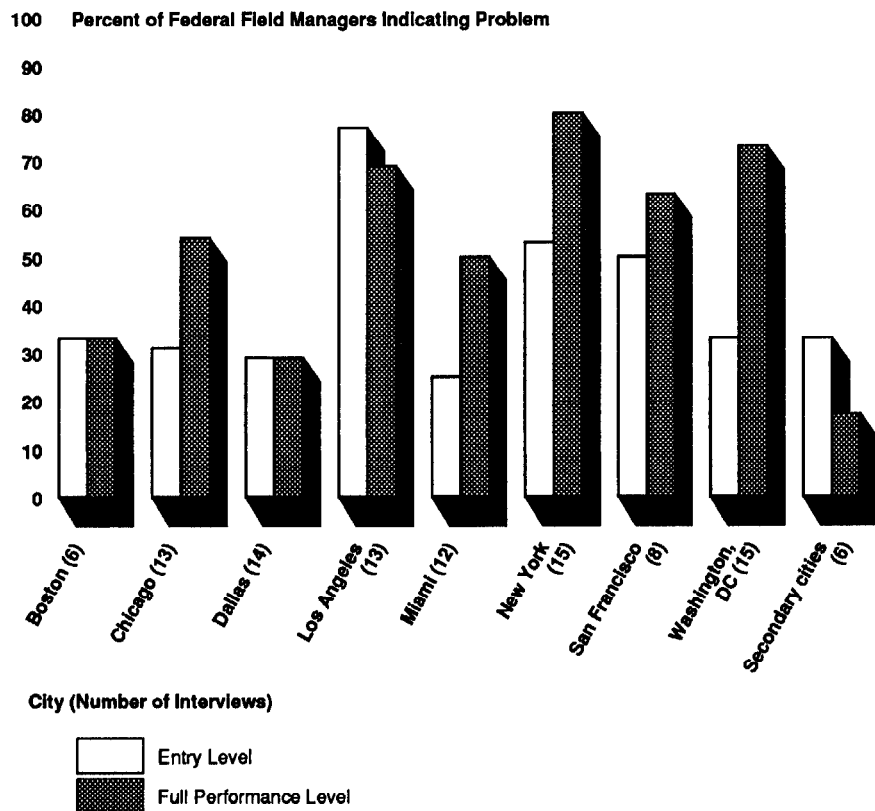
Headquarters officials, field managers, and employees all said the inability of agencies to retain employees is significant at the entry and full performance levels. (See Fig. 6.7.) Certain agencies have particularly serious retention problems. For example, the Border Patrol loses up to 40 percent of its entry-level employees in the first year (primarily because new agents are not able to master the Spanish language). BOP loses approximately 30 percent of its correctional officers in the first

⁷Turnover rate was calculated by dividing the total separations by the total on-board strength.

⁸According to the OPM's "Federal White Collar Pay System - Report on a Market-Sensitive Study" released in August 1989, the 1987 overall federal quit rate for employees in the professional, administrative, technical, clerical, and "other" categories was 4.3 percent.

year. The problem, however, is not limited to the entry level. The 1988 annual turnover rate for all correctional officers is 12 percent. GAO reported in September 1989 that the Uniformed Division of the Secret Service had a turnover rate of 10.5 percent in 1987. According to FBI, fiscal year 1987 was the first time that more special agents resigned from FBI than retired.

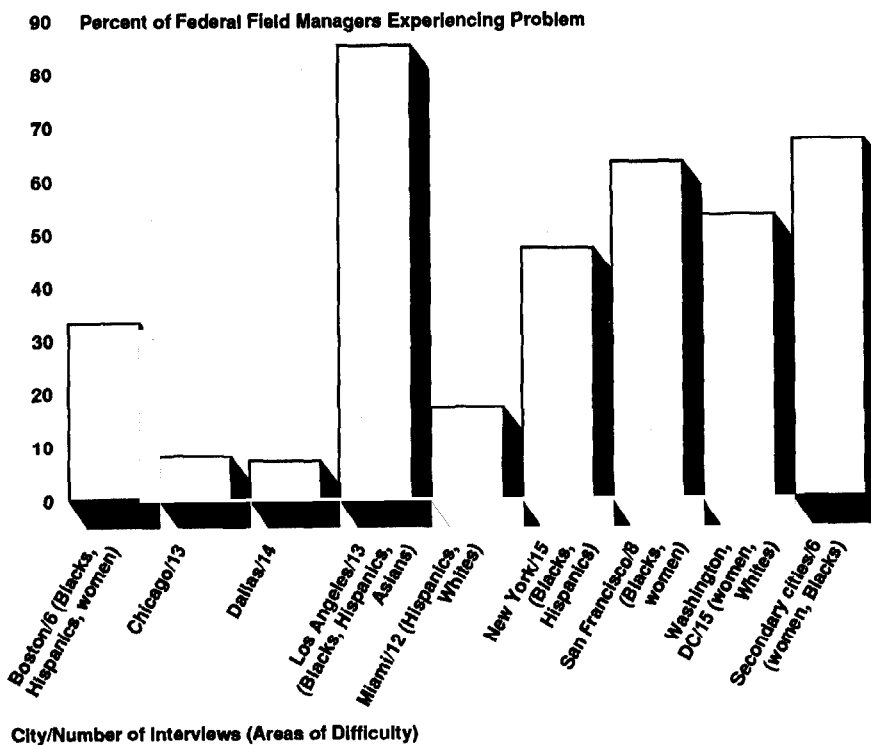
Figure 6.7: Federal Field Management Interviews—Retention



Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

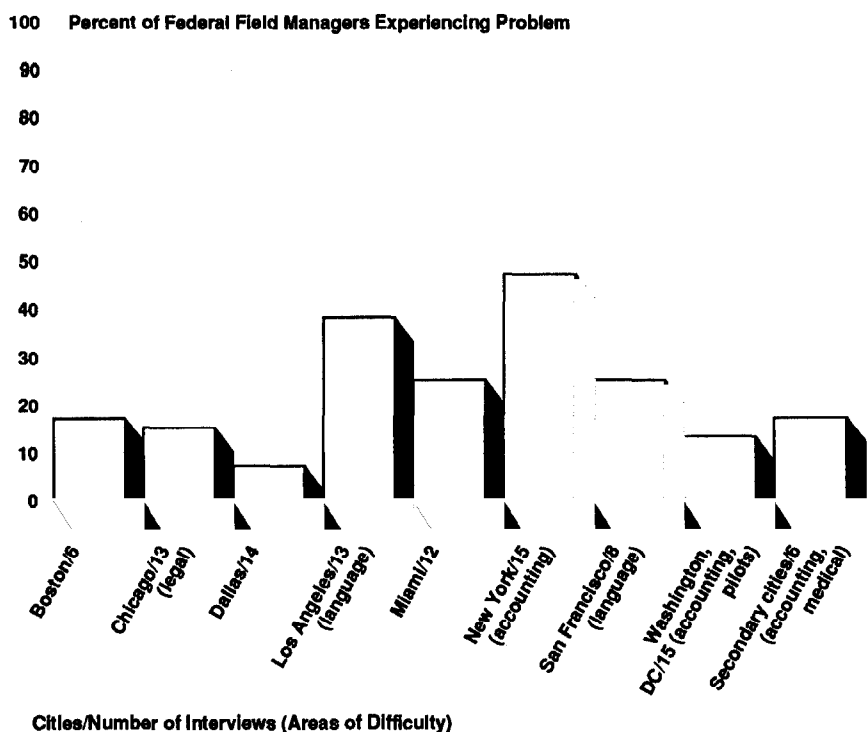
A significant number of field managers said they had difficulty retaining specific employee groups. Hispanics, Afro-Americans, and women were the groups most frequently mentioned. (See Fig. 6.8.) Many field managers cited difficulty retaining employees with specialty skills. Employees with language and accounting skills were viewed by managers as the most difficult to retain. (See fig. 6.9.)

Figure 6.8: Federal Field Management Interviews—Retention of Minority Groups and Females



Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

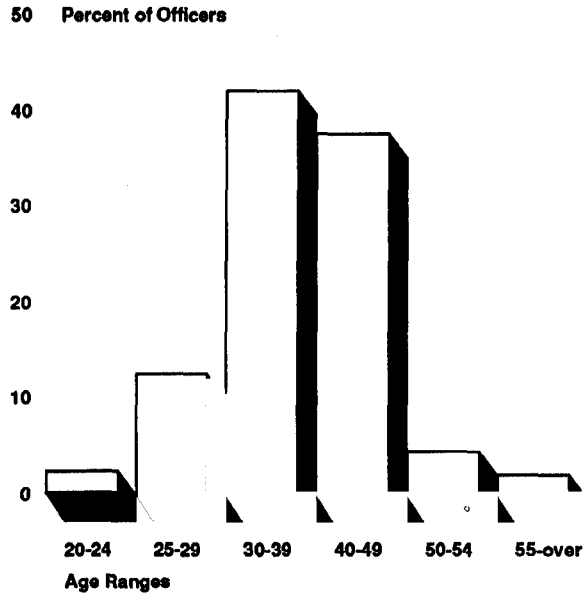
Figure 6.9: Federal Field Management Interviews—Retention of Specialty Positions



Source: 102 federal field manager interviews performed by National Advisory Commission on Law Enforcement.

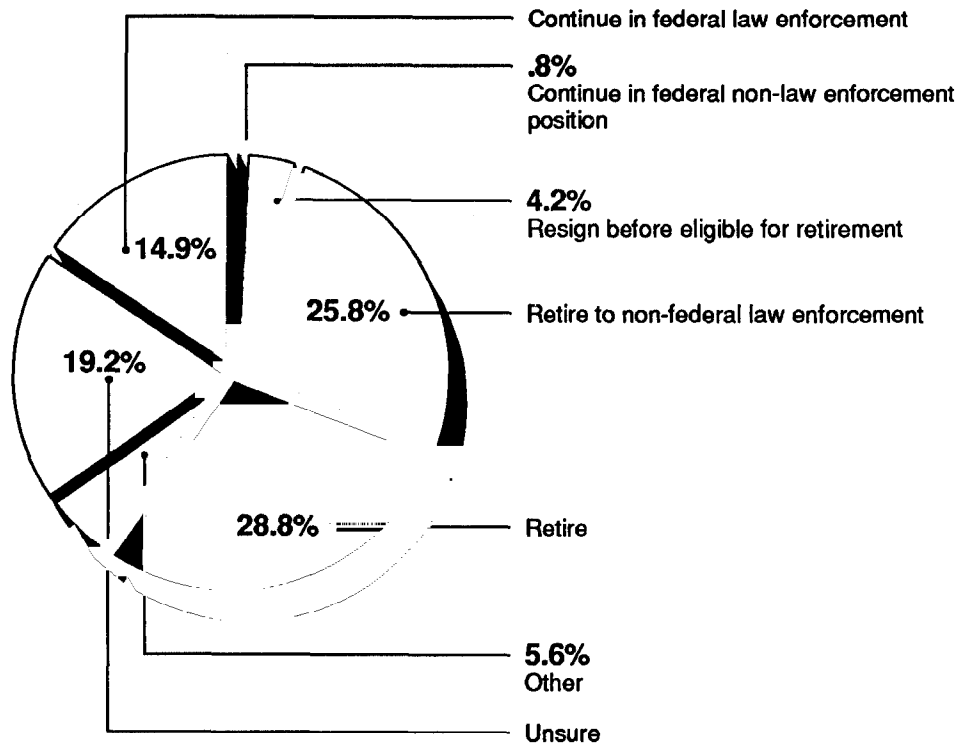
Over the next several years, agencies' retention problems may be aggravated by the large number of expected retirements. Our employee questionnaire responses indicate that 86 percent of the federal law enforcement workforce are between 30 and 54 years old; 44 percent are at least 40 years old and are within 10 years of retirement eligibility. (See Fig. 6.10.) The questionnaire indicates almost 52 percent of federal law enforcement personnel plan to retire as soon as they become eligible. (See Fig. 6.11.) According to the Secret Service, over 70 percent of their SES personnel are now eligible to retire. By 1995, over 30 percent of BOP managers and 40 percent of FBI agents will be eligible for retirement. The loss of experience and expertise in the law enforcement workforce adversely affects law enforcement agencies.

Figure 6.10: Age Ranges of Federal Law Enforcement Officers



Source: Survey of 4,600 federal law enforcement employees performed by National Advisory Commission on Law Enforcement.

Figure 6.11: Federal Law Enforcement Officers—Plans to Leave Federal Law Enforcement



Source: Survey of 4,600 federal law enforcement employees performed by National Advisory Commission on Law Enforcement.

According to our employee questionnaire, reasons federal law enforcement employees remain on the job include satisfaction with the nature of their jobs, retirement benefits offered by the federal government, and tenure. Employees indicated, however, that these positive factors are not outweighed by their perceptions about inferior pay and poor health benefits compared with nonfederal employers.

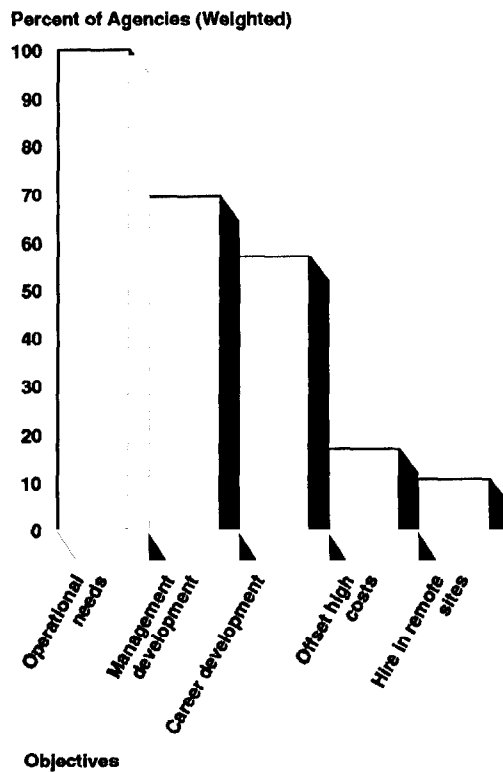
Transfer Policies

According to headquarters officials in our survey, almost 70 percent of federal law enforcement employees are employed by organizations with a geographical mobility policy.⁹ Many are subject to “directed transfer” policies and other relocations for the benefit of the government. Most

⁹The mobility policies were generally of two types. Directed transfers are those in which employees are required to relocate, usually without having chosen or requested the new location. Voluntary transfers are those in which employees relocate after indicating a willingness to move to another city, usually for career purposes.

organizations indicated that the purpose of the directed transfer policy was to meet the operational needs of the agency. (See Fig. 6.12.) Many federal law enforcement employees relocate several times throughout their careers. The employee questionnaire indicates 67 percent of the workforce have been assigned to their present duty posts for 5 years or less and 59 percent have had at least one transfer. Many of these relocations are to high cost of living locations.

Figure 6.12: Headquarters Officials' Perceptions of Primary Agency Objectives of Directed Transfer Policy



Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

Twenty-two of 40 managers whose agencies actively enforced a directed transfer policy indicated the policy had a negative effect on their agencies' ability to recruit and retain qualified personnel. An employee responding to our questionnaire said, "recruitment in my geographic location is virtually impossible because of pay and benefits status. Even

management positions are not always filled by first choice candidates due to relocation hardships.”

The mobility requirements of federal law enforcement employees greatly exceed those of their counterparts in state and local law enforcement agencies. According to our State and Local Survey, only 25 percent of the state and local law enforcement employees are employed by organizations that had such a policy (the number of these employees who have actually transferred is unknown).¹⁰ The state and local mobility policies, however, do not amount to the same magnitude when transfers within a state or city are compared with interstate or international transfers required for federal officers.

Mobility policies of some agencies were identified as a major source of discontent. For example, an employee in a focus group said,

“The transfer is the part—you lose every time you transfer . . . I don’t care what anybody says, you can have the greatest job in the world, but when it comes right down to it, it is the pocketbook in the end. It again, creates stress, and probably the most important thing it affects is morale.”

Twenty-eight of 40 field managers whose agencies actively enforced a directed transfer policy indicated that the policy had a negative effect on the morale of their law enforcement personnel.

Mobility policies, along with rapidly rising housing costs in many high-cost areas, may place a severe burden on federal law enforcement employees. Managers and employees cited many adverse conditions for employment in high cost of living areas. These conditions include an inability to afford adequate housing, reluctance of employees to transfer to these areas, increasing commutes for federal law enforcement personnel due to the inability to afford housing in reasonable proximity to places of duty, difficulty in recruiting in high-cost areas, and reluctance of employees to stay in these areas.

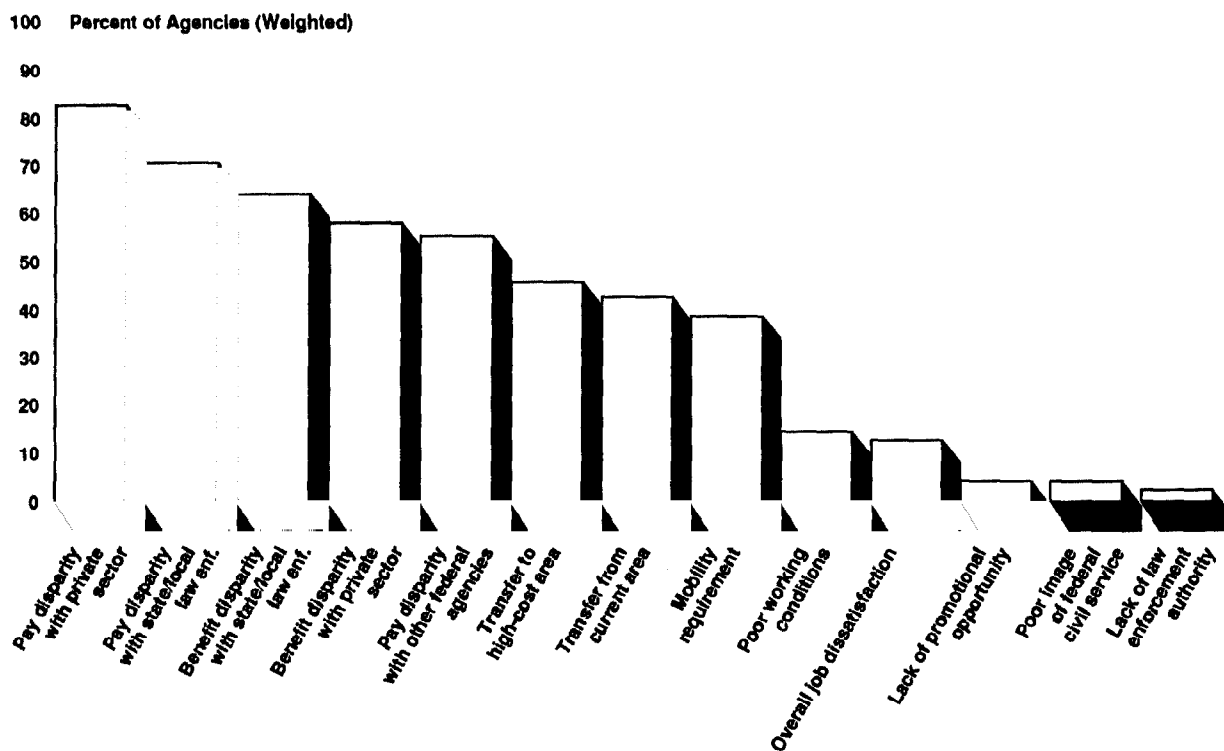
Causes

Headquarters officials identified low pay and benefits as the leading factors contributing to the retention problem. Disparity in salaries between federal law enforcement and the private sector, as well as state

¹⁰The survey results are based on responses from 576 state and local law enforcement agencies. More information on the survey is provided in Appendix IV.

and local law enforcement salaries, was the most frequently cited problem. Inequity in benefits with state and local law enforcement and private employers was also cited as a problem. Factors adversely affecting federal law enforcement retention are presented on Figure 6.13.

Figure 6.13: Headquarters Officials' Perceptions of Factors Adversely Affecting Federal Law Enforcement Retention



Problems

Factors with less than 1% not shown.

Agency image .2%; agency perception .1%.

Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

Fifty-four of 70 field managers citing retention problems (77 percent) said low pay was a factor affecting retention; 50 percent said that the high cost of living was a factor. Other factors cited included benefits that were not competitive with state and local law enforcement; a directed transfer policy; the low quality of life in a large metropolitan

area; inadequate or no overtime compensation; tough competition for quality personnel from other law enforcement agencies and private sector employers; long commutes; lack of promotional opportunities; unpleasant work environments; negative public perception of law enforcement; and lack of law enforcement authority. Field managers reported that former employees cited the following reasons for leaving: low pay, lack of promotional opportunities, a directed transfer policy, the high cost of living in a large metropolitan area, and relocation to a more desirable area. Additionally, former employees interviewed in focus groups said low pay and benefits, high cost of living, and inadequate incentives and promotions were problems.

Impact

Clearly, retention problems are costly to agencies in terms of lost expertise, increased caseloads, unaddressed work, and increased overtime. Perhaps most costly, however, is the expense of hiring and training new employees to replenish the workforce subject to such turnover. The 37 organizations reported an average amount of \$26,238 spent on each new federal law enforcement employee.¹¹ The figure includes recruitment costs (advertising, processing, pretesting, and administrative costs); background investigations; training costs; relocation expenses; and other related costs.

Morale

We were presented a mixed picture on morale. Field managers generally were more positive than law enforcement officers. More than 70 percent of the managers indicated that morale was good or higher; however, 78 percent of these managers qualified their responses by indicating low pay and high cost of living had negative effects on the morale of their law enforcement personnel. According to our employee questionnaire, 63 percent of the employees believe the level of morale in their work groups is a problem. These employees believed that poor morale contributed to their agency's inability to retain employees.

Employees responding to our questionnaire reported many positive aspects of their federal law enforcement careers. The questionnaire indicates that individuals choose a career in federal law enforcement because the nature of the work appeals to them. Federal law enforcement officers cited other positive aspects of their jobs as well. They are interested in serving their country and their community and want to

¹¹We did not independently verify the figures. By far the largest expense within this computation was the relocation costs for the agencies.

contribute meaningfully to society through their abilities to investigate, arrest, and remove law offenders from society. Challenge, risk, variety, excitement, independence, and responsibility motivate federal law enforcement officers. They like the flexibility of their work assignments and hours of duty, and they value the security of their jobs. They enjoy teamwork and camaraderie, and they enjoy working with and for the public. The fact that they receive prestige and respect from the public and among themselves plays an important part in their overall contentment.

Conversely, employees indicated many negative factors influencing their morale. Specifically, federal law enforcement employees view pay disparities and the resultant problems as a major factor affecting morale. Seventy-one percent of employees said that their failure to earn adequate pay to maintain accustomed standards of living in their present locations had a negative impact on their morale. Fifty-two percent said that morale was negatively affected by the fact that state and local law enforcement agencies pay more. Sixty-five percent said that morale was a problem because private sector employees are paid more for similar jobs. In most of the 29 focus groups, pay disparity was described as a major limitation and disadvantage of federal law enforcement work. (See Table 6.1 for elements of satisfaction/dissatisfaction of federal law enforcement officers.)

**Table 6.1: Factors of Satisfaction/
Dissatisfaction of Federal Law
Enforcement Officers**

Satisfied with	Officers (percent)	Dissatisfied with	Officers (percent)
Job overall	78	Salary	49
Material Challenge	79	rewards	52
Meaningfulness	73	Lifestyle	62
Job security	89	Pay compared to others	67
		Cost of living	83

Source: Survey of 4,600 federal law enforcement employees performed by National Advisory Commission on Law Enforcement.

Pay disparities also negatively affect morale when federal officers are required to work with their state and local law enforcement counterparts. For example, one focus group participant said the following:

“Used to be, you didn’t speak up and tell the locals how much you received a year because you were embarrassed because you made more than they did. Well, now, it’s

just the opposite. You're embarrassed because you're doing all this work and you're making so much less than they are."

Another focus group participant said:

"Right now you go out and work with the Boston police and it is embarrassing. They laugh at us. You're standing post with a Boston cop or a state policeman who is making \$70,000 to \$75,000 without killing themselves. We can't compare to them."

Employees responding to our questionnaire identified two other pay-related issues affecting their morale: the health benefits and the overtime policies of their agencies. Sixty-five percent of the employees view the disparity in health benefits offered by the federal government compared with those offered by state, local, and private sector employers as a problem.¹²

Sixty-two percent of the employees think the overtime policy of their agencies is a problem compared with other employers. An individual in a focus group confirmed this complaint:

"In the private sector, if somebody was to pay somebody half time for their overtime and not even full time for the scheduled overtime, the civil division of the U.S. Attorney's Office, I'm sure, would pursue them for violations of the Fair Labor Standards Act or whatever federal statute may apply to that. That's a major beef that I've got. The overtime is a joke. It is an absolute farce."

In addition to pay and benefits, law enforcement employees cited several other factors adversely affecting their morale. These included promotion practices within their agencies; working conditions; and, for a variety of law enforcement employees, the level of law enforcement authority.

Our employee questionnaire indicates that 54 percent of the employees said promotion practices within their agencies were a problem. Forty-nine percent said they had not been promoted in at least the last 2 years.

The questionnaire also indicates that 55 percent of the employees in our survey believed the level of support in their agencies was a problem. Support includes, for example, equipment, supplies, travel or training funds and office assistance. It also includes clerical and nonclerical employees. Eighty-five percent of the field managers interviewed said

¹²Chapter 5 of this report discusses health benefits provided to law enforcement employees by state and local agencies compared to health benefits provided by the federal government.

that the problems experienced by law enforcement personnel also affected their support staffs. Problems cited most often were low pay, low morale, and the difficulty of recruiting and retaining qualified support personnel. Although our employee questionnaire did not directly address this issue, some employees volunteered their "write-in" comments concerning support staff. A typical comment was:

"Without a proper support employee structure, the entire (agency) machine is stymied. Agents cannot function properly and much time is wasted handling paper problems suited to much lower support levels."

In focus group discussions, participants stated that support staff suffered hardships because of low pay. According to one participant, a support staff employee quit to collect the retirement that she had amassed. After using the retirement money to pay off her bills, she rejoined the agency but still had only enough to make ends meet.

Also, over 55 percent of the employees in our employee survey cited the consistency of policies and procedures and the level of "red tape" as problems. Fifty-one percent said cooperation between upper-level management and employees was a problem.

Twenty-six percent of the employees in our survey were concerned about their level of law enforcement authority (e.g., statutory authority to carry a firearm, make arrests as federal officers, or enforce a wider range of statutes in the course of other law enforcement duties). Fifty-three of these percent believed this had a major impact on their morale. This issue was raised in our interviews with managers and in focus group discussions with criminal investigators in Offices of the Inspector General. Factors most frequently mentioned by managers as having a negative effect on morale of their law enforcement personnel were low pay and lack of or inadequate overtime compensation. Managers also cited factors that had a positive effect on the morale. These included interesting cases and job satisfaction.

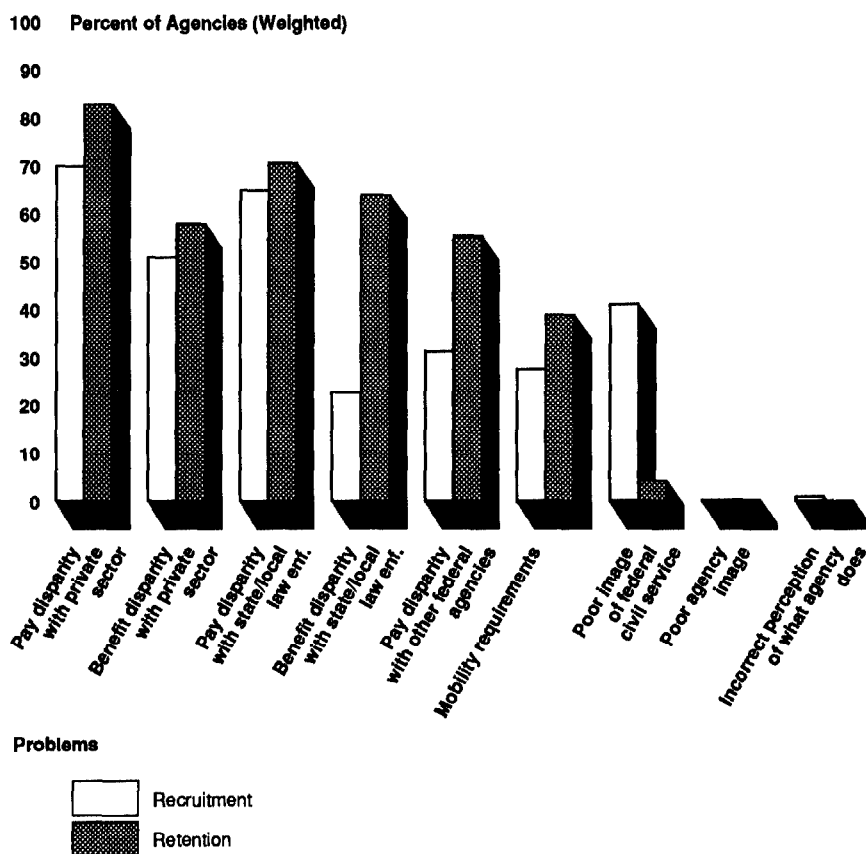
Field managers reporting morale problems offered a number of possible solutions. These solutions included increasing pay, agencies' budgets, number of staff, and number and quality of government vehicles and equipment; instituting a locality pay system; and improving the overtime compensation system.

Conclusions

Although quantifiable data on recruiting problems were not widely available, the pervasive concerns of federal law enforcement suggest that serious problems exist. More data exist on retention, showing that it is a serious problem for some law enforcement occupations, particularly correctional officers and Border Patrol agents. Nonetheless, it seems reasonable to assume the future will be problematic in the areas of recruiting and retaining qualified federal law enforcement personnel.

The federal government will most likely face serious problems in the future resulting from its inability to attract and retain a highly qualified law enforcement workforce. These prospects make it essential to address causes of recruiting, retention, and morale problems. Pay disparities between federal law enforcement officers and state and local law enforcement officers, as well as the private sector employees, were perceived as having been a recurring problem affecting the recruitment and retention of qualified federal law enforcement officers. (See Fig. 6.14.)

Figure 6.14: Headquarters Officials' Perceptions of Significance of Recruitment and Retention Problems



Weighted by percent in universe.

Source: Survey of 37 federal law enforcement organizations performed by National Advisory Commission on Law Enforcement.

The problems appear to have worsened in recent years. Without attention, the problems we have highlighted strongly suggest that there will be major problems in the future. Anticipated retirements in the next 4 to 6 years and the predicted expansion of law enforcement agencies will demand more new law enforcement personnel. In the face of heightened national concern with crime and the impact of drugs on society, competition among state and local governments, the private sector, and the federal government for well-qualified individuals will be more difficult. The federal government must be in a position to attract and retain a highly motivated and qualified law enforcement workforce.

The President and Congress need to increase pay to levels more comparable with state and local law enforcement organizations. Further, agency heads need to address other factors adversely affecting morale and determine the actions that need to be taken. Finally, Congress could review the differences in law enforcement authority among federal agencies.

Recommendations

The Commission's report has identified and verified serious problems in the compensation of federal law enforcement officers. Some problems are already severe, while others present potentially serious problems in the near future. The urgency of the compensation problems in federal law enforcement requires that positive action be taken immediately if federal law enforcement agencies are to attract and retain high-quality personnel. The majority of our recommendations are designed for that purpose.¹ A potential long-range solution—a compensation system specifically designed for law enforcement officers—is recommended for further study. The estimated cost of the major recommendations is presented at the end of this chapter in Table 7.3.

Table 7.4 presents examples of the effect of our various recommendations on selected grades in three cities. These cities represent a low-cost area (New Orleans), a mid-range city (Chicago), and a high-cost city (Los Angeles).

Improve Entry-Level Salaries

1. Congress should enact legislation to establish a national special salary scale. The scale would cover all law enforcement occupations in the Commission's study universe at appropriate entry-level grades.

Special salary rates are authorized by 5 USC Section 5303 and CFR Part 530 when organizations are significantly handicapped in the areas of recruitment and retention because of higher salaries for competitive positions in the locality. OPM requires evidence of a severe recruitment and retention problem before it will authorize special salary rates. These rates create a new 10-step structure, usually by beginning at one of the steps of the current structure (i.e., a special salary rate for a GS-5 occupation might start at GS-5, step 7, and build 10 steps from that point).

Using the OPM special salary rate structure as a model, this recommendation creates a special salary scale for all entry-level law enforcement occupations in all locations. Each organization would not be required to provide the extensive recruitment and retention data that OPM currently requires for its special rate system. Waiving the documentation process is appropriate for two reasons: (1) the Commission survey has demonstrated that the pay problem exists in most areas and (2) the recruitment and retention data required can generally only be sufficient after

¹The recommendations outlined in this chapter apply to all current and future employees covered by 5 USC 8401(17) and 8331(20), both General Schedule (e.g., criminal investigations) and non-General Schedule (e.g., diplomatic security officers). Some adjustments may need to be made in the recommendations to apply to non-General Schedule employees.

an employment crisis has occurred. The intent of this recommendation is to avoid such a crisis.

This short-term entry-level salary recommendation attempts to lessen the gap in compensation. The mechanism would be as follows: special salary scales would be authorized for all federal law enforcement officers nationwide, both newly hired as well as current employees. The specific rates authorized at each entry grade level would be determined by the following:

(1) Compare the national average entry-level salary for the combined categories of state and local law enforcement officers with the federal nationwide pay scale.

(2) The nationwide average entry-level salary for state and local law enforcement officers should be compared with the GS-5 level, with the new beginning step of the special salary scale established by the national average of state and local salaries.

(3) Each succeeding entry grade level would be adjusted upwards in turn to at least GS-10. The succeeding entry grade's new beginning steps would be set at gradually decreasing intervals to minimize adjustments into higher grade levels but would have intergrade differentials to avoid pay compression. Pay in each of the succeeding grade levels would be set in a manner accommodating promotions for both 1-grade and 2-grade career ladders.

(4) Entry grades below the GS-5 level would be adjusted to accommodate promotions to the grades up to and including the GS-5 level.

(5) Entry grades for occupations outside of the General Schedule (for example, Park Police and Uniformed Division of the Secret Service) whose salaries are not established through collective bargaining could be adjusted in a comparable manner or tied directly to local pay practices.²

The average state and local law enforcement officers' entry-level salaries would be determined by Bureau of Labor Statistics salary surveys every 3 years. The salaries would be adjusted in the intervening years by the same amount as the General Schedule adjustment.

²If salary adjustments are tied to local pay practices, the application of locality pay differentials outlined in recommendation #3 may not apply.

In the short term, the NACLE State and Local Salary and Benefits Survey could be used to set initial pay rates.

The weighted average entry-level salary reported by the 100 largest state and local organizations on the NACLE survey is \$22,333. To bring entry-level federal salaries in range close to the state and local salaries at this time, special salary rates could be set as follows (using 1989 federal pay data):

Table 7.1: Current and Proposed Entry-Level Salaries

Current (1989)		Proposed		
Grade	Salary	Grade	Salary	
GS-3/1	\$12,531	GS-3/1	\$16,293	(current GS-3/10)
GS-4/1	14,067	GS-4/1	18,288	(current GS-4/10)
GS-5/1	15,738	GS-5/1	20,463	(current GS-5/10)
GS-6/1	17,542	GS-6/1	21,637	(current GS-6/8)
GS-7/1	19,493	GS-7/1	22,743	(current GS-7/6)
GS-8/1	21,590	GS-8/1	24,470	(current GS-8/5)
GS-9/1	23,846	GS-9/1	26,231	(current GS-9/4)
GS-10/1	26,261	GS-10/1	28,011	(current GS-10/3)

Note: This recommendation is based on the 1989 pay data collected in the study from the federal, state, and local law enforcement employers. If implemented in 1990, the recommended federal increases would reflect the 1990 General Schedule comparability adjustment (i.e., the 1990 salary for GS-5/10 is \$21,201 and would be used as the new GS-5/1 in the proposed special salary scale).

The entry-level grades included are GS-3 through GS-10. These grade levels represent the range of the entry levels in our study universe. While the current GS-9 and GS-10 salaries exceed the NACLE State and Local Salary and Benefits Survey average, they are included because (1) the qualification requirements for these positions significantly exceed the typical entry-level requirements for the state and local occupations and (2) their inclusion reduces pay compression problems. Salary enhancements at these levels will help to attract well-qualified applicants at all entry levels in the federal law enforcement universe. In some locations where the nationwide special salary scale is still not competitive with state and local salaries in the area, a locality pay differential could be authorized by the method described in the locality pay differential proposal. (See next section.)

The special salary scale for law enforcement personnel as described above should be applied on a nationwide basis. However, while implementing these raises would address the extensive entry-level pay problem, it would also result in paying federal law enforcement personnel in

some low-cost cities more than their state and local counterparts. This is not surprising in that all national pay schedules, by their very nature, may provide more expendable income in low-cost areas while “underpaying” other employees in higher cost areas.

If the salaries established under this proposal are not sufficient and result in substantial recruitment and retention problems, agencies would still be able to request higher rates under the existing special rate program (5 USC 5303).

2. Congress should reduce the grade level for which advanced rates may be paid for applicants with superior qualifications (5 USC 5333). Authority to use advanced rates should be extended to the entry level in order to attract and compensate highly qualified entry-level candidates.

This recommendation lowers the current threshold for the use of advanced in-hire rates (also known as appointments above the minimum rate). Title 5 Section 5333 and CFR 531.203(b) allow the appointment of a new employee at a step higher than step 1 when the candidate has superior qualifications. At this time, the authority to offer this higher rate applies only at grades GS-11 and above. In order to compete for well-qualified candidates, the ability to offer rates above the step 1 rate is necessary at the entry-level grades as well.

Establish a Locality Pay Differential

3. Congress should enact legislation establishing a locality pay differential for law enforcement officers in selected locations. The locality pay differential will not be portable but should be included as part of basic pay for all other purposes (e.g., retirement, life insurance, lump-sum leave payments, and severance pay).³

Under this recommendation, a locality pay differential would be paid to all law enforcement officers in selected locations.⁴ The locations would be identified and the amount of the differential would be developed through the use of both market-based (i.e., state and local law enforcement salaries) and cost of living indexes. The differential would take the form of a flat differential across all grades and occupations in our study universe for each locality.

³Saved pay provisions under 5 USC Section 5363 and highest previous rate under 5 CFR Section 531.203 would not apply to the differential.

⁴Organizations or positions currently receiving premiums on the basis of their locations would be individually considered for the application of this locality differential.

In one illustrative model, a formula for the weighted state and local law enforcement average salaries in the area and indexes for cost of living could be used to identify locations. A percentage differential of base salary would be provided to all federal law enforcement employees in locations where the results of the above calculation exceed an established threshold by an established amount (for example, all cities⁵ above 105 would receive a locality differential of from 5 to 25 percent in 5-percent increments, depending upon how much above 105 percent they are). The cities that would most likely be affected by locality pay using this model are shown in Table 7.2. (The locations listed in Table 7.2 are areas with 5,000 or more federal employees for which data were provided. The list of locations is illustrative and would depend on complete data on cost of living and wage comparison. It is not the intent of this recommendation to restrict locality payments on the basis of the extent of federal government employment in the area.)

⁵In this illustrative model, the entitlement to locality pay extends to all locations within the consolidated metropolitan statistical areas in which the city is situated.

Table 7.2: Locality Pay for Federal Law Enforcement Officers to Pay the Index Amount Rounded Down to the Nearest 5 Percent

Dollars in millions			
	Number of federal law enforcement officers	Number of responses	State and local mean weighted salary ^a
Los Angeles	1,828	35	\$38,988
New York	3,563	40	32,915
San Francisco	1,097	14	36,646
Boston	528	11	36,733
San Diego	1,260	11	31,510
Washington, DC	5,413	6	31,321
Chicago	1,236	28	31,965
Denver	435	13	34,406
Philadelphia	784	3	30,415
Minneapolis	209	10	31,366
Seattle	334	10	33,259
Portland, OR	153	6	32,249
Fresno	77	4	32,451
Miami	1,257	21	31,399
Detroit	611	7	30,874
Sacramento	176	10	29,470
Pittsburgh	210	3	30,585
Baltimore	373	4	28,469
Dallas	593	27	30,298
Cincinnati	124	5	30,761
Total			

**Chapter 7
Recommendations**

State and local pay relative	3-year ownership of a house cost of living index	Cost of living/pay combined index^b	Percent adjustment	Average federal increase	Total cost
133	120	126.5	25	\$7,337	13.4
112	132	122.1	20	5,870	20.9
125	120	122.5	20	5,870	6.4
125	116	120.5	20	5,870	3.1
107	114	110.5	10	2,935	3.7
107	109	107.9	5	1,467	7.9
109	109	109.0	5	1,467	1.8
117	99	108.0	5	1,467	0.6
104	109	106.5	5	1,467	1.2
107	106	106.5	5	1,467	0.3
113	100	106.5	5	1,467	0.5
110	102	106.0	5	1,167	0.2
110	100	105.0	5	1,467	0.1
107	102	104.5			
105	104	104.5			
100	106	103.0			
104	102	103.0			
97	108	102.5			
103	100	101.5			
105	97	101.0			
					60.2

^aSee Appendix IV for the method used to calculate the mean weighted salary.

^bCost of living/pay combined index is an unweighted average of the Runzheimer Cost-of-Living Index (3-year ownership) for each MSA and a pay index for that MSA derived from the state and local mean weighted salaries.

The locality pay differential, added to the current General Schedule grade structure, would provide the same percentage differential to all employees in each location regardless of occupation or grade level. While this payment would take the form of a differential and not base pay, it would count as “basic pay” for all other purposes, including retirement, life insurance, lump-sum leave payments, and severance pay. The differential would compensate for differences in state and local salaries in the area but would not be portable if the employee relocates.

For the long term, the Bureau of Labor Statistics should be authorized and funded to conduct salary surveys that would be used to identify state and local law enforcement average salaries. Data from the NACLE State and Local Salary and Benefits Survey are available to set pay differentials in the short term.⁶ Policy decisions would be made on (1) the threshold for earning a locality differential, (2) the percentage payable, and (3) the geographical boundaries. In those situations where a federal facility is located outside, but nearby an area qualified for locality pay and must compete for staff, OPM would be authorized to permit extension of locality pay.

Provide Relocation Payments

4. Congress should enact legislation to provide relocation payments for federal law enforcement employees in certain areas through the use of a market-sensitive relocation bonus.

Our study has shown that requirements for geographic mobility for the benefit of the government are much more prevalent in the federal law enforcement community than in state and local organizations. A one-time (per household), lump sum, taxable relocation payment may be paid to law enforcement officers who transfer for the benefit of the government, including promotions, to high cost of living locations. The locations would be determined as follows:

- OPM would obtain data from a recognized expert in housing/cost of living data, which would be used to determine an index of housing costs in all local areas where federal law enforcement officers work.
- Any area for which the housing index exceeds the nationwide average (100 percent index) would receive a housing bonus at a set amount (e.g., \$1,000) per full point above 100 percent, or the bonus would be paid for those areas that exceed the average by some minimum amount. In either case, a limit to the amount of the total bonus could be set. The amount

⁶Appendix IV provides more detailed information concerning the cities in our survey.

per point can also be varied over time, depending on the desired level of assistance to be provided.

The housing data used to establish the index should be reviewed by OPM every 2 years, and the amounts of the housing bonus for each area should be recomputed on the basis of the new data.

If an employee moved from an area with a lower bonus level to an area with a higher bonus level, the employee would receive the difference in the bonuses between the two areas (i.e., an employee moving from an area with a \$5,000 bonus to an area with a \$10,000 bonus would receive an additional \$5,000).

A service agreement would be executed specifying the duration required in that location, and a penalty/repayment system would be established should the employee leave the location before the established time frame.

Explore Feasibility of a New Compensation System for Law Enforcement

5. Congress should require that either OPM or a specifically appointed task force study an alternate compensation system for law enforcement officers.

The recommended study could develop one or more new compensation systems for law enforcement occupations as a long-term approach to improving the pay delivery system for federal law enforcement officers. One or more new compensation systems could be developed for most of the law enforcement occupations covered by this study (and possibly including other groups of employees, such as police positions, not covered by the special law enforcement retirement provisions). A new pay system could be developed by creating new job evaluation components or by using the current General Schedule grade structure and classification system.⁷

A new pay system could include the following general features:

⁷A new compensation system with a job evaluation component that replaces the current position classification system may not cover the less traditional law enforcement jobs in the Bureau of Prisons, such as psychologists, secretaries, and electricians, or pilots in the Customs Service and the Immigration and Naturalization Service. While these positions include law enforcement responsibilities on a regular basis, they primarily require knowledge and skills other than law enforcement and are evaluated and paid using the system applicable to similar jobs in non-law enforcement environments. Special provisions for these kinds of jobs, such as differentials for the law enforcement aspects of the work, and other non-specific provisions, such as housing bonuses, could be included in legislation establishing separate law enforcement compensation systems.

- Pay systems would reflect the market in which the government would be competing for law enforcement officers. For example, occupations recruited at the local level without mobility requirements could be covered by a locality pay system. Occupations with nationwide recruitment programs where employees are subject to geographic reassignment could be covered by a nationwide pay schedule with locality differentials in high pay/cost of living areas.
- Pay levels would be established reflecting comparable jobs in the nonfederal sector, recognizing the pay implications of significant differences that may exist in the “value” of federal law enforcement as compared to law enforcement work in the nonfederal sector.
- Pay levels appropriate to the law enforcement occupations covered by the system would be established. For example, there might be more or fewer steps within a grade or no steps at all, wider or narrower rate ranges, and/or wider or narrower intergrade differentials and overlaps.
- Supervisory pay could be structured on the basis of the specific needs of law enforcement, not necessarily bound by the General Schedule grade-level restrictions. For example, the system could pay supervisory differentials rather than add grades for supervisory work. Such a pay structure could give more flexibility to recognize different values of levels of supervision in different law enforcement organizations.
- Longevity pay should be considered as an element of wage progression in the new system.
- Differentials for unusual demands, such as unusual hazards and foreign language requirements, could be built into the system, rather than depending on systems designed for many different kinds of white-collar work.

If a law enforcement pay system with a new job evaluation component is selected, general features of a possible job evaluation/job ranking system could include a factor-point job evaluation system that would reflect the unique requirements of law enforcement work. Alternatively, a simpler job ranking system, such as whole job ranking, could be devised. The appropriate number of grade levels for an occupation could be built into the system, rather than fitting law enforcement work into a grade-level structure designed for over 400 white-collar occupations. The overall grade structure could have more than the 18 grades of the General Schedule, although all occupations would not have to go through the same grade progression, as in the General Schedule. Conversely, fewer grades, possibly in the form of pay banding, currently used in the Navy Demonstration Project as well as in GAO, could also be established.

Change Premium Pay Compensation

6. Congress should amend 5 USC 5542 to remove the restriction on the payment of overtime for law enforcement officers from the GS-10, step 1, to the employee's actual salary level.

This recommendation would change the current restriction on the calculation of overtime payments from the current time-and-a-half rate of the GS-10, step 1, to time and a half of the employee's actual grade and step level for scheduled and unscheduled overtime. The Commission notes the recent legislative action that increased the overtime calculation of AUO to a percentage of the employee's actual salary. Both scheduled overtime and AUO may be paid only up to the current earning limitation. The current earning ceiling limits an employee to earning no more per pay period than the biweekly base salary at the GS-15, step 10, level.

This recommendation provides closer parity for all federal law enforcement officers with the predominant policy of state and local law enforcement organizations on overtime payments.

7. Congress should enact legislation to authorize Sunday and night differential pay for all federal law enforcement agencies now ineligible for these premiums.

The recommendation makes Sunday and night differential premium pay provisions applicable to all federal law enforcement agencies that now are not eligible for these premiums, such as the Uniformed Division of the Secret Service and the Park Police.

Provide a Foreign Language Bonus

8. Congress should enact legislation to provide a foreign language bonus for all federal law enforcement officers who are required to speak a foreign language in the performance of their official duties.

This recommendation extends the authority in the Anti-Drug Abuse Act of 1988 to pay a foreign language bonus of up to 25 percent of base pay to federal law enforcement officers who are required to speak a foreign language in performance of their official duties. Employees eligible for the foreign language differential would be required to demonstrate initial proficiency by passing a written and/or oral examination. Employees could be required to periodically demonstrate continued language proficiency through follow-up examinations. In addition, examination results could be used to determine the specific amount of differential to which an employee may be entitled.

The percent amount could be a uniform amount applicable to all employees who maintain an acceptable level of proficiency (i.e., 3-percent differential for all employees), or a “sliding scale” could be used. This sliding scale would be determined on the basis of the level of proficiency maintained by an employee and/or by a performance appraisal rating addressing foreign language proficiency.

Improve Selected Retirement Issues

9. Congress should enact legislation establishing retention bonuses for selected federal law enforcement officers who would otherwise be eligible to retire.

Retention bonuses with service agreements could be offered at the agencies' discretion to selected employees. Retention bonuses for employees allow the agencies flexibility in retaining experienced personnel. They may also be used in specialized locations or for employees with needed specialties exceeding basic law enforcement qualifications.

The recommendation has two primary components. First, it would provide “retirement delay” bonuses as a lump sum to employees who remain in federal law enforcement until age 57. Second, the change would provide retention bonuses for employees with needed specialties (e.g., special language skills, or medical, technical, or chemical knowledge) or in specialized locations (e.g., remote or high-crime areas). Service agreements with repayment/penalty provisions would be established as a condition of extending a retention bonus.

10. Congress should enact legislation raising the age for mandatory retirement for law enforcement employees from 55 to 57 without affecting the retirement annuity.

To offset the cost of raising law enforcement salaries, savings may be possible by raising the mandatory retirement age from 55 to 57 years of age for law enforcement employees. This recommendation would have no impact on the retirement annuity or on the age and service requirements for optional law enforcement retirement.

11. Congress should amend the Internal Revenue Code to adjust the lump-sum penalty on retirement funds of federal law enforcement officers.

The Tax Reform Act of 1986 created Section 72(t) of the Internal Revenue Code, which imposes a 10-percent tax on certain early distributions

from qualified retirement plans, including CSRS and FERS. The lump-sum payment is subject to a 10-percent tax if the employee has not reached age 55 in the year the lump sum is paid. The act did not take into account retirement provisions allowing certain employees to elect optional retirement before age 55. Law enforcement officers who retire before age 55 and elect the Alternative Form of Annuity (AFA) option, in which an amount equal to their total retirement contributions is returned in a lump sum, must pay the 10-percent “early withdrawal” tax penalty. The taxes are added to other federal, state, and local taxes on the lump sum.

The 10-percent lump-sum tax penalty is levied unfairly on federal law enforcement officers and others who are under retirement systems that provide for and encourage retirement before age 55. The net result is that AFA is more expensive to these employees. The Internal Revenue Code should be amended to eliminate the 10-percent penalty tax for federal law enforcement officers who retire before age 55, or age 57 if recommendation number 10 is implemented.

Collect New Statistics

12. If the recommendations in this report are implemented, Congress should require and provide appropriations for the Bureau of Labor Statistics to collect data on the compensation of federal and state and local law enforcement positions.

Many of the Commission’s recommendations require the use of data on the compensation of federal law enforcement as compared with state and local law enforcement. The Bureau of Labor Statistics should be instructed and funded to collect these data to provide a mechanism for implementing the recommendations.

Differences in Law Enforcement Authority Could Be Studied

13. Congress and the Executive Branch may wish to consider reviewing the issue of differences in grants of law enforcement authorities among agencies in the federal law enforcement community.

Lack of full law enforcement authority is considered a problem among some law enforcement officers. Accordingly, Congress and the Executive Branch may wish to review the substantive issues underlying differing grants of authority among federal law enforcement agencies.

Improve Uniform Policies

14. Congress should enact legislation that provides uniforms to federal uniformed law enforcement personnel at no cost to the employee and that also provides for the care and cleaning of those uniforms.

The Commission's study of benefits among the federal and state and local law enforcement officers included a review of uniform policies. Significant differences were found between the federal and state and local practices. The federal law enforcement workforce should adopt the predominant practice among local police agencies and state prisons with regard to uniform policies, (i.e., uniforms should be provided without cost to the employees and either (1) an additional allowance should be provided for cleaning and incidental costs or (2) the uniforms should be cleaned at the agency's expense).

Examine Working Conditions and Collect Statistics

15. Congress should direct OPM and law enforcement agency heads to (1) review and take actions necessary to address aspects of employee working conditions identified by the Commission's study that adversely affect morale, including overtime policies and practices and promotion potential, and (2) collect better and more comprehensive data on recruitment and retention.

Responses to the Employee Survey revealed serious discontent with some aspects of federal law enforcement employment other than salary and benefits. Specifically, overtime policies and internal promotion policies were identified as areas of concern. A review of the agency systems in these areas should be done to ensure consistency and equity in the application of these policies. Consideration may also be given to changes in career ladder structures, including the establishment of nonsupervisory positions above the journeyman or "senior" level.

Additionally, a significant number of the federal law enforcement agencies were unable to provide recruitment and retention data sufficient to measure accurately the extent of, and trends in, problems in these areas. OPM and law enforcement agencies should collect better and more comprehensive recruitment and retention data. These data will allow agencies and other interested parties to better assess performance by helping to correct the serious human resource problems we found affecting federal law enforcement agencies.

Provide New Appropriations

16. Congress should provide new appropriations to fund the Commission's recommendations.

Commitment of new funds to resolve federal personnel compensation problems is needed now if dedicated federal law enforcement officers are to be recruited and retained for the current and continuing war on drugs.

Implementing Recommendations

Recommendations that will be implemented need to be accurately reflected in agencies' budgets. The cost of implementing any of the Commission's recommendations should be explicit in order to avoid the risk of no funding for all or parts of recommendations being implemented. For example, if changes are made in paying overtime, the total cost for an agency for a full fiscal year needs to be budgeted up front. This budgeting will prevent recurrences of such situations as a halt in overtime payments due to an agency's inability to absorb these costs. (See Tables 7.3 and 7.4.)

Table 7.3: Cost Estimates for Major NACLE Recommendations

Dollars in millions

Recommendations	Agencies affected				Total
	Justice	Treasury	Other	Judiciary	
1. Upgrade entry-level salaries ^a	\$40.6	\$13.6	\$10.1	\$0.7	65.0
2. Locality pay ^a	46.9	15.8	11.6	0.8	75.0
3. Relocation payments for housing	21.3	7.1	5.3	0.3	34.0
4. Revise overtime pay ^b	3.8	1.3	0.9	0.1	6.0
Total	112.4	37.8	27.9	1.9	180.0

^aDoes not include related benefits costs, such as retirement.

^bDoes not include congressionally mandated increase in AUO effective October 1990.

Table 7.4: Illustrative Compensation Increase Per Commission Recommendation and H.R. 215

Current salary & estimated overtime	New Orleans		Chicago		Los Angeles		
	New	Percent of increase	New	Percent of increase	New	Percent of increase	
GS-5	\$17,312	\$22,037	27	\$23,538	36	\$27,152	57
GS-7	21,443	24,693	15	26,194	22	30,378	42
GS-14	55,157	60,739	10	62,240	13	75,924	38

Note: Increases include, where applicable, entry-level increases, locality pay, and overtime, including AUO per H.R. 215, which provides that the employee's rate of basic pay, rather than the minimum rate for GS-10, is used in the computation of AUO. H.R. 215 was enacted on 11/27/89 and will become effective at the beginning of fiscal year 1991.

After funding decisions are made, OPM and the agencies need to provide leadership for implementing change. Any legislation resulting from the Commission's work will need to be implemented through the development of regulations, and leadership responsibility for this critical phase will lie with OPM. The Civil Service Reform Act envisioned a strong leadership role for OPM and tasked the Director with proposing policies to the President to promote an efficient civil service.

Federal law enforcement agencies and organizations also have an important role in helping OPM develop regulations to implement legislative mandates. Although the Commission and its staff will be disbanded, the practice of having a working group of OPM and agency representatives discuss and comment on possible approaches that regulations should take has merit. Having senior staff meetings to discuss possible recommendations and draft report language greatly assisted the Commission in developing its final report and recommendations. Senior staff members would bring a working knowledge of the issues with which the Commission dealt, thereby assisting OPM in further accomplishing the Commission's goals.

An exposure draft of this report was made available to the public, and a public hearing was held on February 20, 1990. Fourteen witnesses representing federal law enforcement agencies and employee organizations testified. All witnesses supported the Commission's recommendations. Some witnesses suggested that the Commission's recommendations apply to other categories of federal personnel not covered under the Commission's statutory mandate. Because these groups were not covered in the Commission's charter, the Commission did not include them in its recommendations. Some witnesses also requested clarification of various aspects of the exposure draft. The Commission clarified the

report where appropriate. A few witnesses suggested additional recommendations, which the Commission chose to address by sending letters to appropriate federal agencies and congressional committees.

Detailed Objectives, Scope, and Methodology

Objectives

The National Advisory Commission on Law Enforcement (NACLE) was created by the Anti-Drug Abuse Act of 1988 (P.L. 100-690, sec. 6160) to study the methods and rates of compensation, including salary, overtime pay, retirement policies, and other benefits of law enforcement officers in all federal agencies. It was also asked to study the methods and rates of compensation of state and local law enforcement officers in a representative number of areas where federal law enforcement officers are assigned. Specifically, the statute charges the Commission with determining

1. "The differences which exist among federal agencies with regard to the methods and rates of compensation for law enforcement officers;"
2. "The rational basis, if any, for such differences, considering the nature of the responsibilities of the law enforcement officers in each agency; the qualifications and training required to perform such responsibilities; the degree of personal risk to which the law enforcement officers in each agency are normally exposed in the performance of their duties; and such other factors as the Commission deems relevant in evaluating the differences in compensation among the various agencies;"
3. "The extent to which inequities appear to exist among federal agencies with regard to the methods and rates of compensation of law enforcement officers, based on consideration of the factors mentioned in paragraph 2 of this subsection;"
4. "The feasibility of devising a uniform system of overtime compensation for law enforcement officers in all or most federal agencies, with due regard for both the special needs of law enforcement officers and the relative cost effectiveness to the government of such a system compared to those currently in use;"
5. "How salaries paid to federal law enforcement officers compare to those of State and local officers in the same geographical area, especially those in 'high cost-of-living' areas;"
6. "The impact of the rates of compensation paid by various federal agencies on the lifestyle, morale, and general well-being of law enforcement officers, including their ability to subsist;"
7. "The recruiting and retention problems experienced by federal agencies due to inequities in compensation among such agencies; the differences between rates of compensation paid to federal law enforcement officers and State and local officers in the same geographical areas; and other factors related to compensation;"
8. "The extent to which federal legislation and administrative regulations may be necessary or appropriate to rectify inequities among federal agencies in the methods

and rates of compensation for law enforcement officers; to address the lack of uniformity among agencies with regard to overtime pay; to provide premiums or special rates of pay for federal law enforcement officers in high cost-of-living areas; to ensure that the levels of compensation paid to federal law enforcement officers will be competitive with those paid to State and local officers in the same geographical areas; and to address such other matters related to the determinations made under this subsection as the Commission deems appropriate in the interest of enhancing the ability of federal agencies to recruit and retain the most qualified and capable law enforcement officers;" and

9. "The average retirement age of the federal agencies and the retirement and benefits policies of federal agencies."

Scope

Section 6160(a) of Public Law 100-609, which established the Commission, states that "the term 'law enforcement officer' has the same meaning as provided in Section 8401(17) of Title 5, United States Code." This is the definition of law enforcement officer for Federal Employees' Retirement System purposes; a similar definition for the Civil Service Retirement System purposes is found in Title 5, U.S. Code 8331(20). The definitions from both of these sections have been applied in this study.

The definition of the federal law enforcement officer encompasses a wide variety of positions. Some are clearly within the conventional definition of law enforcement, and others often are not thought to be traditional law enforcement jobs. Many "less traditional" law enforcement positions covered by the definition include staff who work in the federal correctional facilities and have correctional responsibilities, such as secretaries, physician's assistants, and accountants. Conversely, the definition excludes some positions that many view to be typical law enforcement—Federal Protective Service, Capitol Police, Zoo Police, and others.

Approximately 250 occupations that meet the USC definition of law enforcement officer were included in the broad scope of the study. However, we particularly focused on 19 law enforcement occupations whose incumbents are covered by the special law enforcement retirement provisions. These occupations and their series are:

- Accountant (correctional institution) - GS-510;
- Aircraft Operation - GS-2181;
- Border Patrol Agent - GS-1896;
- Compliance, Inspection and Support - GS-1802;
- Correctional Institution Administration - GS-006;

- Correctional Officer - GS-007;
- Criminal Investigation - GS-1811;
- Customs Patrol Officer - GS-1884;
- Diplomatic Security Officer (Not General Schedule);
- Game Law Enforcement - GS-1812;
- General Inspection, Investigation and Compliance - GS-1801;
- Park Police (Not General Schedule);
- Physician's Assistant (correctional institution) - GS-603;
- Police - GS-083;
- Postal Inspector (Not General Schedule);
- Probation and Pretrial Services Officer (Not General Schedule);
- Psychologist (correctional institution) - GS-180;
- Uniformed Division of the Secret Service (Not General Schedule); and
- United States Marshal - GS-082.

The remaining occupations are mainly those positions in federal correctional institutions having correctional responsibilities, too numerous to study in the time frame established for the Commission. BOP agreed to provide the Commission with data about these occupations. The results of the BOP study are outlined in Appendix V.

Methodology

We used the following seven data-gathering methods to obtain the information required to satisfy our objectives.

- a survey of pay and benefits completed by federal agencies having law enforcement personnel;
- a survey on recruitment and retention of law enforcement personnel completed by federal agencies;
- interviews around the United States of present and former federal law enforcement employees, using established focus group techniques;
- a questionnaire covering morale, recruitment, and retention issues sent to federal law enforcement employees;
- interviews on recruitment retention issues at several locations throughout the United States with regional level management officials at federal, state, and local law enforcement agencies;
- a survey of pay and benefits for law enforcement personnel, completed by state, county, and local law enforcement organizations; and
- a comparison of federal law enforcement occupations with similar occupations in the state, county, and local sectors; and interviews conducted around the United States.

Federal Pay and Benefits Survey

Details on the methodology used for the survey of federal pay and benefits completed by the federal agencies are included in Appendix III.

State and Local Law Enforcement Salary and Benefits Survey

Details on the methodology used for the survey of state, county, and local law enforcement organizations are included in Appendix IV.

Federal Recruitment and Retention Survey

The Federal Recruitment and Retention Survey was designed to gather information primarily on issues related to recruitment, internal staffing, retention, and transfer policies. Headquarters personnel offices and operating divisions in 37 federal law enforcement organizations completed the survey. (The survey instrument was sent to those federal departments and agencies responding to the Federal Pay and Benefits survey reporting a minimum of 10 employees covered by the of our study.) The survey instrument captured a wealth of information on the human resource management issues facing federal law enforcement agencies over the past few years at all levels of employment.

The employment information received fell into two categories— statistical data and management perceptions. The statistical data consisted primarily of quantifiable information pertaining to such matters as ratios of applications received to qualified applicants hired. While these data were not as plentiful as was expected, they proved sufficient to allow some conclusions to be drawn and to provide interesting insights. These perceptions involved such issues as the reasons management believes recruitment difficulties are on the increase. The management perceptions proved to be a rich source of information on the reasons behind hiring obstacles, turnover rates, and internal staffing difficulties.

In analyzing the survey responses, we realized that the responses could not be evaluated equally. Some of the responses represented information on fewer than 50 employees, while others provided information on agency practices affecting many thousands of employees. Responses were therefore weighted on the basis of the individual organization's representation in the NACLE study universe, i.e., the number of employees each organization contributed to the study universe. This weighting gave more meaning to the volume and extent of problems. Therefore, in the discussion of survey responses, information was not evaluated in

terms of 37 discrete respondents, but rather in terms of each organization's response as a percentage of the federal law enforcement workforce.

Focus Groups

Focus groups were used by the Commission to assess the impact of the rates of compensation on the lifestyle, morale, and general well-being of federal law enforcement officers, including their ability to subsist.

Originally developed for marketing research, focus groups are a tool for obtaining qualitative, anecdotal information, which could not typically be gathered through surveys. Focus groups are a useful management tool that may help in explaining perceptions and in understanding motivations underlying human behavior. Because focus groups do not provide quantitative data and are not statistically representative, their findings cannot be generalized to the study universe. However, if a number of focus groups are carefully recruited and composed, analysis may yield a pattern of common concerns.

Typically, a focus group is composed of 7 to 10 participants who are unfamiliar with each other. Participants are selected because they have certain characteristics in common that relate to the topic of the focus group. Group discussions are guided by a moderator who creates an environment that nurtures and encourages different perceptions and points of view without pressuring participants to plan, vote, or reach consensus. The group discussion is conducted several times with similar types of participants to identify trends and patterns in perceptions. Careful and systematic analysis of the discussions provides clues and insights as to how a product, service, or opportunity is perceived.¹

For our study, focus group participants were drawn from among the nine major occupations in the study universe that have 87 percent or more of their positions covered by law enforcement retirement benefits.

The focus groups were homogeneous with respect to job series and agency. In identifying the focus groups by location, the NACLE staff included as many agencies among the nine major occupations in the scope as possible; an attempt was also made to reflect the diversity of occupations in the focus groups.

¹Richard A. Krueger, *Focus Groups—a Practical Guide for Applied Research*, pp. 18-19.

Focus groups were held with both current and former federal law enforcement officers. The employee focus groups were composed of a mix of entry- to journey-level employees. Supervisory employees were not included in the focus groups because of concern that they might inhibit nonsupervisory employees from speaking freely.

Twenty-nine focus groups were conducted between May 3, 1989, and August 1, 1989, in 13 locations. (see table I.1.) Twenty-seven organizations were represented, and 269 employees participated in the focus group discussions. Four teams, each consisting of a moderator and an assistant moderator, conducted 1-1/2 hour sessions at each location, which were tape recorded and later transcribed. Written summaries, which included selected quotations from the focus group discussions, were prepared after each focus group.

Table I.1: Focus Group Composition

Agency	Number of sessions	Number of participants	Sites
U.S. Marshals Service	2	16	Washington, DC (7), New York (9)
Drug Enforcement Administration	3	31	Washington, DC (11), New York (10) Miami (10)
Federal Bureau of Investigation	5	52	San Francisco (10), Dallas (10), Boston (11), New York (10), Newark (11)
U.S. Customs Service	2	19	San Francisco (9), Miami (10)
Internal Revenue Service	4	35	Los Angeles (9), New York (8), Tampa (10), Charleston (8)
Bureau of Prisons	2	20	Terminal Is./Lompoc, CA (10), Leavenworth, KS (10)
U.S. Border Patrol	1	10	Brownsville (10)
U.S. Secret Service (1811S)	2	20	Boston (10), Washington, DC (10)
U.S. Probation Service	1	10	New York (10)
Bureau of Alcohol, Tobacco, and Firearms	1	11	Chicago (11)
Offices of the Inspectors General	2	20	Chicago (11), Washington, DC (9)
U.S. Secret Service (Uniformed Division)	1	8	Washington, DC (8)
Former Employees	1	5	New York (5)
Former Employees	1	3	Washington, DC (3)
Naval Investigative Service	1	9	Washington, DC (9)
	29	269	

Employee Questionnaire

To supplement information gathered from the focus groups, a questionnaire was sent to nearly 4,600 employees selected from a study universe

population of 44,865 employees. The objective of the survey was to obtain employee opinions of recruitment, retention, and morale in federal law enforcement.

A 12-page questionnaire was developed during May and June 1989 and was then pretested with federal law enforcement employees in the Washington, DC, area. From July to October 1989, the questionnaires were mailed directly to officers at their business addresses. Follow-up letters were sent to nonrespondents in September 1989. When adjusted for undeliverable questionnaires, 85 percent of the selected employees responded. The results of their completed questionnaires were entered into a computer data base and verified for accuracy.

We used a stratified random sample to select the questionnaire recipients. Names of most federal law enforcement employees and their areas of assignment were provided by OPM's central personnel data file; for those whose names were not in OPM files, similar information was provided by the parent agencies (we did not verify the data). Fourteen job series were targeted in 34 federal agencies.

In selecting the sample, we divided the universe into 15 groups, or strata, on the basis of geographic location. Fourteen of the strata were metropolitan statistical areas (MSA); the remaining stratum consisted of all other locations in the United States. Of the 14 MSAs, we selected eight MSAs with large populations of federal law enforcement employees. The other six MSAs generally had lower costs of living and were used to provide contrast to the larger MSAs. We randomly selected employees in 10 of the strata and selected all employees in the 5 remaining smaller strata. In all, 4,593 employees were selected for the sample. Table I.2 shows the population and sample sizes in each stratum.

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Table I.2: Employee Survey

Location^a	Population	Sample	Number of respondents to the questionnaire	Response rate (percent)	Undeliverable questionnaires^b	Response rate adjusted for the undeliverable questionnaires
Boston MSA	592	255	225	88	3	89
Brownsville MSA	204	204	164	80	10	85
Buffalo MSA	220	220	193	88	2	89
Charleston, WV MSA	55	55	49	89	4	96
Chicago MSA	1,403	332	279	84	2	85
Dallas MSA	640	264	218	83	10	86
Kansas City MSA	542	248	202	81	3	82
Los Angeles MSA	1,593	340	279	82	16	86
Miami MSA	1,317	327	269	82	4	83
New York MSA	2,928	374	309	83	8	84
San Francisco MSA	708	273	243	89	1	89
Spokane MSA	53	53	52	98	0	98
Tampa MSA	255	255	231	91	4	92
Washington, DC MSA	6,020	390	333	85	4	86
All other locations	28,335	1,003	760	76	47	79
	44,865	4,593	3,806	83	118	85

^aMSA, for the purposes of this study, is defined as the city listed and may include other entire counties or cities and towns either surrounding or adjacent to the listed city.

^bThe reasons that the questionnaires were undeliverable included (1) the employee was no longer at the given address, (2) the address was incorrect or insufficient, and (3) there was no record of the employee at the given address.

All employees in the study universe had duty stations in the United States. The employees were classified in 14 occupations, 9 of which are General Schedule job series. These occupations are

- Criminal Investigation - GS-1811;
- Game Law Enforcement - GS-1812;
- Correctional Institution Administration - GS-006;
- Correctional Officer - GS-007;
- United States Marshal - GS-082;
- Psychologist - GS-180;
- Accountant - GS-510;
- Physician's Assistant - GS-603;
- Uniformed Secret Service (not General Schedule);
- Diplomatic Security Officer (not General Schedule);
- Postal Inspector (not General Schedule);
- Park Police (not General Schedule); and

- Probation and Pretrial Services Officer (not General Schedule).

The law enforcement personnel were employed by the following federal agencies. The Offices of the Inspectors General are shown together at the end of the list.

Department of Commerce
Export Administration
National Oceanic and Atmospheric Administration

Department of Defense
Naval Investigative Service

Department of the Interior
Bureau of Indian Affairs
Bureau of Land Management
Fish and Wildlife Service
National Park Service

Department of Justice
Bureau of Prisons
Drug Enforcement Administration
Federal Bureau of Investigation
Immigration and Naturalization Service
Marshals Service

Department of State
Diplomatic Security

Federal Emergency Management Agency

Federal Home Loan Bank Board

General Accounting Office

General Services Administration
Public Buildings Service

Postal Service

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
Customs Service

Internal Revenue Service
Secret Service

U.S. Courts

Offices of the Inspectors General
Department of Commerce
Department of Defense
Department of Education
Department of Health and Human Services
Department of the Interior
Department of Labor
Department of State
Department of Transportation
Environmental Protection Agency
General Services Administration
National Aeronautics and Space Administration
Railroad Retirement Board
Small Business Administration
Department of Veterans Affairs

The random sample of employees is weighted and therefore applicable to the universe of employees in the overall study. Table I.2 also shows the response rates for the questionnaire. The first column of the response rates gives the rates before adjusting for questionnaires that could not be delivered to the selected employee and is calculated by dividing the number of responses into the total number of questionnaires mailed. The second column of response rates gives the rates after adjusting for questionnaires that could not be delivered to the selected employee. This response rate is calculated by dividing the number of responses into the total number of questionnaires mailed minus the questionnaires that could not be delivered.

We applied weights to the sample data in order to project sample results to the universe of federal law enforcement employees. In each of the 10 strata in which we sampled employees, each employee represents some number of employees in the universe. For example, we selected 327 employees out of a total of 1,317 employees with duty stations in the Miami MSA. Each of the responding employees in the Miami MSA therefore represents four employees in the universe ($1,317/327 = 4$). In the five remaining strata in which we selected all employees, each response has a weight of one.

Two important sources of error in our estimates of population parameters are nonresponse bias and sampling error. Nonresponse bias may occur when not all survey recipients respond. If nonrespondent and respondent opinions differ, the survey responses reflect a subpopulation and not the universe. We are unable to estimate the effect of nonresponse bias in this survey. However, if we make no assumptions about the 17 percent of the sample that did not respond to the questionnaire (see Table I.2), we then project the results to an adjusted universe of 35,154 federal law enforcement employees.

Sampling error is a measure of an estimate's precision. All sampling errors for the employee are less than 3 percent.

Federal Field Management Interviews

Interviews of 102 federal managers were conducted in 14 cities across the country. Eight of the cities chosen (Boston, Chicago, Dallas, Los Angeles, Miami, New York, San Francisco, and Washington, DC) are major metropolitan areas where the cost of living is above the national average. These cities encompass a large percentage of the study universe—almost one-third, or over 15,000 federal law enforcement personnel. The remaining six cities (Brownville, TX; Buffalo; Charleston, WV; Kansas City, MO; Spokane; and Tampa) are smaller metropolitan areas where the cost of living was at or below the national average. Although smaller, these secondary cities contained a significant number of federal law enforcement personnel.

The purpose of these interviews was to obtain subjective information on these issues that would not otherwise be available through surveys. Specifically, the interviews were designed to obtain the views of federal managers on the following issues: staffing, recruitment, retention, transfer policy, morale, and whether these issues also affected the agency's non-law enforcement personnel. Most of the managers we interviewed were at the special-agent-in-charge or assistant-special-agent-in-charge level. Table I.3 lists the federal law enforcement agencies whose managers were interviewed and the cities in which these interviews took place.

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Table I.3: Federal Agency Management Interviews

Agency	Boston	Chicago
(Number of Covered Employees)	354	1,360
Internal Revenue Service	x	x
Marshals Service	x	x
Secret Service	x	x
Bureau of Alcohol, Tobacco, Firearms	x	
Defense Criminal Invest. Service	x	
Federal Bureau of Investigation	x	x
Fish and Wildlife Service		x
General Services Administration (Inspector General)		x
Customs Service		x
Postal Inspection Service		x
Bureau of Prisons		x
Courts (Probation/Pretrial Services)		x
DEA		x
Defense (Inspector General)		x
Immigration and Naturalization Services		x
Department of Education (Inspector General)		
Health and Human Services (Inspector General)		
National Aeronautics and Space Administration (Inspector General)		
Department of Veterans Affairs		
Department of Labor (Inspector General)		
Environmental Protection Agency (Inspector General)		
Commerce (Inspector General)		
Naval Investigative Service		
Small Business Administration (Inspector General)		
Forest Service		
Secret Service (Uniformed Division)		
Department of Transportation (Inspector General)		
Department of Interior (Inspector General)		
Border Patrol (Immigration & Naturalization Services)		

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City							Secondary cities
Dallas	Los Angeles	Miami	New York	San Francisco	Washington DC		
1,060	1,838	1,734	3,203	643	2,491		780
x	x	x	x		x		x
x	x	x	x		x		
x	x	x	x		x		
x	x	x	x		x		
x	x		x	x			
					x		
x			x	x	x		x
x	x	x	x	x	x		
x	x	x	x				x
x	x	x	x				
x							
	x						
	x						
			x				
			x				
			x				
			x				
					x		
					x		
						x	
							x

Comparability Study: Duties and Responsibilities

The Commission contracted with a consulting firm to determine the comparability of federal and state and local law enforcement positions—i.e., the extent to which the work of federal law enforcement officers is comparable to the work of their state and local counterparts.

The consultants applied their job evaluation system to 196 federal positions and 83 state and local positions. The 279 positions were selected to provide a sample of employees performing a broad range of assignments within the law enforcement field. The consultant reported gaining interesting insights concerning the various law enforcement positions and organizations in the course of the field study and meetings with organization representatives.

The findings and conclusions of the job comparability study are intended to aid the Commission in assessing issues regarding compensation of federal law enforcement positions. Specifically, the study should contribute to the understanding to law enforcement work as it is performed at federal, state, and local levels of government. The quantified results of the job evaluations, which indicate the degree of comparability between federal, state, and local law enforcement positions should also contribute to an understanding of the considerable similarities in the work—and point to where important differences exist.

Several limitations were inherent to the study. First, because (by necessity) the scope of the survey was narrowed—(1) to locations where federal employment of law enforcement officers is high, (2) only to certain populous law enforcement series in the federal service, (3) only to journey-level positions and their supervisors—there are large numbers of federal positions that were not included in the survey. These omissions may represent significant areas of work that have not been evaluated. Further, limitations may also be true of state and local law enforcement positions. The Commission staff elected not to interview and evaluate entry-level positions for several reasons—newly hired law enforcement officers are in a training status for much of their first year; closely supervised assignments of limited scope usually comprise their duties during the next few years; and, relatively permanent assignments usually begin during the fourth or fifth year of duty. It is the permanent assignments, which represent the work of experienced and trained officers, that the Commission sought to compare. Also, in keeping with the study design, the Commission did not examine executive or management positions in law enforcement.

A second limitation of the study was associated with the use of the job measurement system. Point factor methods, such as the Quantitative Evaluation System (QES), are considered to be more objective than other methods used in evaluating jobs. Point factor methods involve written descriptions of factors and factor scales that—when properly defined and applied—provide objective, standard guidelines for evaluation and result in a single, numeric measure of a job's value.

Job evaluation is, however, as much art as science. Choosing factors, determining how many levels to establish in a given factor, writing the factor and factor level descriptions, assigning weights to factors, determining a method of scaling points—all of these rely on the individual judgment, experience, and expertise of the system designer. Thus, while the quantification and statistical methods used in QES lend objectivity to the results obtained, job evaluation is still essentially a subjective process.

The results of the study reflect designer judgments as much as they represent an objective evaluation of the work itself. The study required the considerable cooperation and assistance of the NACLE staff and significant input into the QES factors and point scales by the consultant and other experts.

Comparability Study: Benefits

The Commission contracted with Human Resources System Group, Inc., to assess the comparability of benefits between federal law enforcement and state and local law enforcement agencies. The assessment is primarily based on data from the NACLE State and Local Law Enforcement Pay and Benefits Survey (see App. IV). Other reliable data sources were also used to help interpret these data or assist in the validation of findings.

The NACLE survey was conducted by means of a questionnaire that was mailed to approximately 700 state and local law enforcement agencies in all 50 states, generally concentrating in metropolitan areas where federal law enforcement officers are found. About 588 responses were received.

The questionnaire consisted of 39 questions, 25 of which pertained to benefits. Since many of the questions required several entries, the survey included a total of 97 different data elements concerning benefits.

The questionnaire covered four occupational groups: (1) uniformed (sworn police officers), (2) non-uniformed (such as detectives), (3) correction personnel, and (4) probation agency personnel. In most cases, the responding agencies employed only police positions (uniformed and/or non-uniformed) or only corrections or only probation. In some, as in sheriff's departments or certain municipal police forces, they employed both police and correction officers. In a few cases, both probation and correction personnel were part of the same agency. The data were analyzed by these four basic occupations. Generally, however, the data for uniformed and non-uniformed were combined because the personnel practices were usually identical for both positions within the same agency. Also, distinctions were drawn between the patterns and practices of jails versus state prisons, since wages, job classifications, and benefits may differ markedly between them and to combine such data may be misleading.

The database developed from the survey is comprised of 1,080 individual records from the 588 responding agencies. From these records, the following sample was selected for validation and analysis. The sample consisted of the following:

- all records of corrections agencies,
- all records of probation agencies,
- all "large" uniformed police agencies (agencies with 200 or more uniformed employees),
- all "large" police agencies that reported as "joint" uniformed and non-uniformed agencies (agencies with 200 or more uniformed employees),
- all "large" non-uniformed police agencies (agencies with 100 or more non-uniformed employees), and
- a random sample (1 in 7) of the 171 remaining "small" police agencies—uniformed, non-uniformed, and "joint", and those that did not report the size of their workforce.

From this selection process, a total of 523 agencies were included in the sample. These agencies comprise the database upon which the survey results were finally evaluated. The purpose of the sample was to validate the responses to the questionnaire and review the questionnaire for information contained in notes and attached literature from the respondents. The sampling permitted contacts with respondents in those cases where responses seemed questionable or were inconsistent or ambiguous.

The consultant was charged by NACLE to provide a “cost/value assessment of the federal versus the state and local benefits package.” The assessment is limited by limitations in the data and in the instrument used by NACLE to collect those data. For example, although the employer cost in terms of percentage of salary for the benefits package is a useful measure, overall costs were not requested by the NACLE questionnaire. Thus, no absolute comparison of employer costs can be made.

However, this comparison was primarily intended to evaluate benefits from the employee’s point of view—i.e., to assess the relative value of benefits in terms of cost to the employee and the “value” of comparable benefits. The data collected by the NACLE survey in this regard are extensive.

Comparability of benefits from the point of view of the employee tends to be subjective. Honest interpretation of these data may see a greater or lesser degree of comparability depending on the value employees place upon the benefits. This is especially true when comparing benefits packages as a whole. Employers construct benefits packages with several objectives in mind—benefit adequacy, benefit cost, benefit attractiveness for recruitment and retention. Moreover, most of the state and local police and corrections agencies and some probation agencies are covered by collective bargaining arrangements. Thus, their benefits packages represent a mediation of employee and employer interests.

The conclusions of this study are based on comparisons of individual benefits categories with the relevant federal benefits category—comparing life insurance to life insurance, etc. While a determination can be made from this as to whether and to what degree the federal employer is “comparable” to state and local employers with respect to each benefit, it is more difficult to assess the overall comparability of the total benefits package. This difficulty stems from the fact that few employers will follow all leading practices; they may be more generous in one benefit and less generous in another.

Thus, the use of comparability as a criterion for the determination of the merit of benefits packages should be a guarded approach. The specific needs of the employer, the adequacy of benefits, and the costs must be considered.

In doing this study, the Commission followed GAO auditing standards. All survey and questionnaire instruments were developed with the assistance of GAO technical design specialists and statisticians. Unless otherwise noted, all statistical data reported comply with GAO standards for statistical validity.

Several agencies assisted the Commission in fulfilling its mission. Specifically, FBI and its Uniform Crime Reports section helped deliver, collect, and keypunch the state and local law enforcement pay and benefits surveys; GAO, FBI, and Secret Service field personnel did extensive interviews in selected field locations; and BOP gathered data on positions not intensively studied by the NACLE survey methods.

In addition to the data described above, limited information was obtained on two groups of employees not included in this study—Immigration Inspectors and Customs Inspectors. Although these groups do not fall within the definition of law enforcement officers, information about their pay and benefits and recruitment and retention issues was voluntarily provided by the respective agencies. In the event that legislation or other administrative directive determines that these positions meet the statutory definition for law enforcement officers, data were collected to be available for the Commission to apply its overall recommendations to these groups as appropriate. These data are being maintained and are available from Bernard L. Ungar, Director, Federal Human Resource Management Issues, GAO, Rm. 3858a, 441 G St., N.W., Washington, D.C. 20548.

Brief History of Federal Law Enforcement

Federal law enforcement officers' duties and responsibilities have evolved during a rich and varied history. Though the role of the officers and the names of their agencies have changed, the basic nature of both the hardships and opponents they face have remained constant. Despite their important task of protecting the public welfare, early officers were given little pay, equipment, or encouragement.

The establishment and growth of federal law enforcement parallels the growth of America as a nation. As the country shifted from a colonial society to a fledgling nation, the need to uphold the Constitution and enforce laws changed the scope of law enforcement activities. In the 17th and 18th centuries, there were various decentralized police groups modeled after the Anglo-Saxon sheriff-constable system. Any citizen could, acting under the concept of social obligation, "arrest" an offender. Their motivation to do so was enhanced by the practice victims had of offering rewards. Eventually, this system of private awards grew into a standardized system of fees. The sources of these fees changed from individual victims of crime to the public purse, insurance ventures, or commercial entities. The system was suited to an agrarian society, not to an industrialized society faced with the accompanying problems of urbanization. It became clear that the local, decentralized police systems could not serve the needs of both individual citizens and dependent states of a new country facing the "national" problems of smuggling, counterfeiting, espionage, product defects, and fraud--all of which crossed local and state boundaries.¹

Early Enforcement

The first national enforcement efforts began in 1789 with the creation of the Marshals Service, the Customs Service, and the Treasury Police. Throughout the following century, the U.S. Marshals and a small number of federal agents in the Treasury and the Post Office dealt with a variety of crimes and subversive activities.

One U.S. Marshal was assigned in each of the 13 states and territories to execute the orders of the federal government and to support its courts. The first marshals were generally local men who held their jobs through political patronage. Marshals' fees and expenses were paid by the federal government; marshals did not receive a regular salary until 1896. Throughout the 19th century, the marshals were involved in such varied efforts as arresting counterfeiters, suppressing the slave trade, taming of the West, and containing labor unrest. In the early 20th century, the

¹Ottenburg, Miriam, The Federal Investigations (Englewood Cliffs, N.J., Prentice Hall, Inc., 1962).

marshals enforced prohibition. Later, marshals would play a role in the racial desegregation challenges of the 1950s and 1960s. Today, the marshals are involved in ensuring federal court security, protecting witnesses, transporting prisoners, executing court orders, and capturing fugitives.

The Customs Service was established in 1789, 2 months before the Treasury Department of which it later became a part. As one of Congress' first acts, it authorized the assessment and collection of duties on imported goods. By 1799, the first customs inspectors were employed to examine the books and records of customs officials. In 1846, the first two special agents were appointed to the Customs Service; by 1869, the number of agents had increased to 62 and formed a structured force organized into 16 districts nationwide. In 1870, Congress formally recognized this organization and authorized the official appointment of 53 additional special agents whose main duties were to detect and prevent revenue frauds. Still today, the enforcement agents of the Customs Service—together with the marine and air patrols—combat smuggling and commercial frauds and now have the added responsibility of drug interdiction.

The Secret Service was created in 1865 to stop the widespread counterfeiting that occurred when paper currency was introduced during the Civil War. Following the assassination of President McKinley in 1901, the Secret Service began its presidential protection services, which have since been extended to include protection of others as well. Secret Service responsibilities were further expanded to cover bonds and other government obligations and investigations of stolen or forged U.S. government checks; fraud and related activity involving identification documents; and major cases dealing with credit and debit cards, computers, automated teller machines, telecommunications, and electronic fund transfers.

The Service's Uniformed Division was created in 1922. Originally called the White House Police, its purpose was to provide protection for the Executive Mansion and grounds. This mission was expanded to include protection of the White House Complex, the Department of the Treasury building, the Treasury Annex building, and other presidential offices; the President, Vice President, and members of their immediate families; the official Washington residence of the Vice President; and foreign diplomatic missions throughout the United States, its territories, and possessions, as prescribed by statute.

FBI was created in 1908 after Congress passed a bill ending the loaning of Secret Service agents outside the Department of the Treasury. As the investigative force of the Justice Department, FBI was assigned to investigate matters such as national banking, bankruptcy, naturalization, antitrust, peonage, land fraud, and examination of official records. FBI's work increased in scope with the Espionage, Selective Service, and Sabotage Acts of World War I. Similarly, the 1919 National Motor Vehicle Theft Act further broadened FBI's jurisdiction.

In the "gangster era" of the 1930s, FBI's responsibilities increased again this time to include kidnapping, bank robbery, extortion, and racketeering. In 1934, FBI agents received the power to arrest and the right to carry firearms. During World War II, FBI was given the responsibility to investigate espionage, sabotage, violations of neutrality regulations, counterespionage and subversive activities, becoming an intelligence agency as well as an enforcement agency. FBI's jurisdiction expanded to include intelligence matters in Latin America. In the 1950s, the "Ten Most Wanted Fugitives" program began; background security investigations and other internal security matters for the White House and the Executive Branch were undertaken. Challenges facing FBI in the following decades included embezzlement, civil rights violations, hijacking, and organized crime. Today, the FBI has jurisdiction in over 200 types of crimes and is the only agency with foreign counterintelligence responsibilities within the borders of the United States.

Prisons

For most of the 19th century, there were virtually no federal prison facilities. Most sentenced federal offenders were incarcerated in state prisons and county jails. After the Civil War, the federal inmate population began to rise to over 15,000 by the 1890s. To take the burden of housing federal offenders off the states and counties, Congress authorized the construction of three federal penitentiaries. A women's reformatory, a youth facility, and a detention center became part of the federal prison system in the 1920s. However, new federal laws against organized crime combined with the Prohibition Act led to a steep increase in, and overcrowding of, federal prisoners in the late 1920s.

Congress passed a series of laws in 1930 establishing the Bureau of Prisons (BOP) to manage and regulate all federal prisons, authorizing the construction of several new facilities, establishing a new Board of Parole, and introducing other reforms.

In the 1930s, the Bureau had four occupational divisions: professional; subprofessional; clerical, administrative and fiscal; and custodial service. Each of these categories had its own pay schedule.

After the prison construction in the 1930s, the inmate population leveled off and BOP opened very few new institutions. From 1940 through the early 1980s, the number of inmates held fairly steady at between 20,000 and 25,000. Since the early 1980s, however, the inmate population, augmented by drug offenders and illegal aliens, has soared to over 50,000. This rise in the inmate population is presenting BOP with difficult challenges. Current estimates project growth to 95,000 prisoners in over 100 federal prisons by 1995. To operate this massive complex of correctional facilities, BOP will need to double its current workforce to approximately 33,000 employees.

Other Specialists

Immigration laws have existed since 1789. Over time, responsibility for the administration of these laws has been vested in state governments and various departments of the federal government. The first centralized immigration enforcement entity was established in 1904. It consisted of a small force of 60 to 75 mounted guards along the Mexican border responsible for enforcing immigration, contract labor, white slave, and Chinese exclusion laws. Responding to an increasing awareness about illegal immigration to the United States and a demand for more effective enforcement of foreign contract labor laws, Congress formed the U.S. Border Patrol in 1924. Patrol inspectors were sought for their courage and skills, such as horsemanship, marksmanship, and the ability to endure long periods out of doors in severe conditions. Men were recruited from law enforcement organizations such as the Texas Rangers and the sheriff's departments in the Southwest. These men were furnished with a badge and pistol. At first, they were not uniformed and provided their own horses and saddles; the government provided oats and hay.

In 1933, the first corps of immigration investigators was formed in New York City to combat immigration fraud, alien smuggling, and racketeering. As concern grew over national security, this group of investigators was expanded nationwide in 1940 to promote more effective control over aliens. The same law that authorized the expansion of the Special Investigations Division authorized the hiring of detention guards. Thus, with the founding of both the uniformed and non-uniformed enforcement functions within INS, present-day enforcement has grown into a complex, 5,800-member organization.

Today, Border Patrol agents use many of the skills—tracking, horse-back patrol—their predecessors used. They also use such modern devices as airplanes; helicopters; boats; and infrared, seismic, and electronic sensor devices. INS special agents also employ various sophisticated equipment as well as traditional investigative techniques to combat illegal immigration. Other law enforcement organizations use INS and benefit from its ethnic and alien communities in the United States. Since the INS enforcement branch has begun detaining aliens awaiting deportation, INS officers have assumed roles similar to those of corrections, probation, and parole officers. INS officers also supervise private organizations that contract with INS to detain aliens.

DEA was established within the Bureau of Internal Revenue in response to a 1915 narcotics act that required registering and taxing narcotics used for medical purposes. In 1930, the Federal Bureau of Narcotics was established. In 1968, President Johnson reorganized the Bureau of Drug Abuse Control and the Federal Bureau of Narcotics under the Department of Justice as the Bureau of Narcotics and Dangerous Drugs. Two years later, under the Comprehensive Drug Abuse Prevention and Control Act, enforcement authority rested on the authority of Congress to regulate interstate commerce. DEA as we know it today was formally established on July 1, 1973.

The IRS Criminal Investigations Division and Office of Inspections each had their origins in the Bureau of Internal Revenue, Intelligence Unit, which was established in 1919 with a staff of six former postal inspectors. These agents were charged with exposing employee corruption and investigating violations (e.g., tax fraud and tax evasion) of the revenue laws. During World War II, agents participated in locating and freezing funds and assets belonging to Axis power aliens living in the United States. After the war, agents became more involved in organized crime and tax-fixing cases.

In 1952, the Intelligence Unit was divided into two distinct units: the Intelligence Division and the Inspection Division. The Intelligence Division, renamed the Criminal Investigations Division in 1978, is primarily responsible for investigating all tax-related violations. The Inspection Division is primarily responsible for investigating agency employees, employee backgrounds, bribery or attempted bribery of an agency employee, and matters involving the general integrity of the agency.

The Bureau of Alcohol, Tobacco, and Firearms, established in 1972, also originated in the Bureau of Internal Revenue. With the repeal of Prohibition, liquor law violations once again became a tax matter and, in 1934, the Alcohol Tax Unit was established. Within a few years, the large-scale liquor syndicates of the Prohibition era were scaled down. Following World War II, enforcement efforts turned to the “moonshiners” and the large distillers. In 1941, enforcement of the National and Federal Firemans Acts, created under taxing authority, became the responsibility of the Alcohol Unit. In 1951, enforcement of the tobacco taxes was added. Today, ATF enforces federal laws involving excise taxes on alcoholic substances, control of firearms and explosives, and regulation of the tobacco industry.

The most recent additions to the ranks of federal law enforcement are the criminal investigators of the Offices of the Inspectors General. Military inspectors general have existed since the nation’s inception; however, the first civilian inspector general, created by the Secretary of Agriculture, was only first named in 1962. The Department of Housing and Urban Development established an Inspector General by administrative action in 1972. Congress, seeing a need for the Inspectors General to be independent from program officials, established the first statutory Inspectors General at the Department of Health, Education and Welfare in 1976, and at the Department of Energy in 1977. The Inspector General Act of 1978 significantly increased the number of statutory Inspectors General. Today, there are 24 statutory Inspectors General in federal executive agencies.

Inspectors General conduct and supervise criminal investigations and audits relating to agency programs and operations. The approximately 1,900 criminal investigators within the Inspector General community investigate fraud, public corruption, and related offenses. Criminal investigations of contractors, program participants, and government employees have led to successful prosecutions for bribery, bid-rigging, collusion, embezzlement, contract fraud, forgery, conspiracy, and a variety of other offenses. Since fiscal year 1981, over 27,000 successful prosecutions have been accomplished by the Offices of the Inspectors General, either independently or with other federal or nonfederal agencies.

Federal Law Enforcement Pay and Benefits Survey

To gather information on federal pay and benefits, the Commission distributed questionnaires to 55 departments and agencies, one of which did not respond. Of the 54 responding, a total of 47 organizations in 28 departments and agencies had employees within the scope of our study (i.e., covered by the special retirement provisions for law enforcement officers). Since some organizations had employees in more than one occupation, we received a total of 63 responses from the 47 organizations with employees within the scope of our study. From our survey instrument, a total of 56,721 federal employees were reported to be in positions covered by the scope of our study. Table III.1 summarizes the distribution of employees by organization and occupation. These occupations are listed in Appendix I. Tables III.3, III.4, III.8, III.9, III.11 and III.13 list the departments and agencies participating in this survey and also summarize responses by agency. For purposes of our analysis, an "organization" includes subdivisions of a department or agency, such as FBI within the Department of Justice and the Office of the Inspector General within the Environmental Protection Agency. We received data on 19 different occupations having covered employees.

**Appendix III
Federal Law Enforcement Pay and
Benefits Survey**

**Table III.1: Number of Law Enforcement
Employees by Occupation and Agency**

	GS 1811	GS 007	GS 1896	Probation	Postal inspector
Justice	15,581	5,653	4,209		
Treasury	10,494				
U.S. Courts				2,390	
Postal Service					1,902
Interior	176				
Navy	1,077				
State	35				
Agriculture	389				
DOD	309				
HHS	273				
Commerce	103				
Labor	179				
GSA	105				
EPA	97				
HUD	80				
Air Force	70				
Veterans Affairs	66				
Transportation	62				
Dept. of Education	57				
NRC	45				
NASA	38				
Small Business Admin.	37				
Energy	26				
GAO	25				
Inter. Dev. Coop. Agy.	25				
Railroad Retirement Bd.	15				
FEMA	10				
GPO	8				
USIA	6				
Smithsonian Inst.	4				
EEOC	3				
Securities & Exch. Comm.	3				
FHLBB	1				
Army					
Total	29,399	5,653	4,209	2,390	1,902

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Treasury uniformed division	State diplomatic security	GS 006	Interior park police	GS 1802	GS 1801	GS 082	GS 2181	GS 083	GS 1884	GS 1812	Other	Total
		676		572	331	467	66				7,459 ^a	35,014
1,010					147		297		104			12,052
												2,390
												1,902
			638					298				1,112
												1,077
	805											840
												389
					1							310
												273
										90		193
												179
												105
					1							98
												80
								15				85
												66
												62
												57
												45
												38
												37
												26
												25
												25
												15
												10
												8
												6
												4
												3
												3
												1
											191 ^b	191
1,010	805	676	638	572	480	467	363	313	104	90	7,650	56,721

^aLess-traditional law enforcement positions in BOP.

^bLess-traditional law enforcement positions at Ft. Leavenworth Disciplinary Barracks.

General Information

While most of the 47 organizations reported that their covered positions are in the competitive service, 14 organizations reported that they have at least some covered positions in the excepted service. These organizations are as follows:

- Air Force—excepted service for some appointments,
- Bureau of Alcohol, Tobacco and Firearms—excepted service for some appointments,
- Bureau of Indian Affairs—excepted service for Indian preference appointments,
- Commerce—excepted service for overseas appointments,
- Defense—excepted service for some appointments,
- Diplomatic Security—excepted service agency,
- Drug Enforcement Administration—excepted service for entry level appointments,
- FBI—excepted service agency,
- General Accounting Office—excepted service agency,
- Labor—excepted service for some appointments,
- Naval Investigative Service—excepted service agency,
- Nuclear Regulatory Commission—excepted service agency,
- Secret Service—excepted service for some appointments, and
- U.S. Courts—excepted service agency.

Those organizations with positions in the excepted service and those with pay systems other than the General Schedule all have appropriate specific statutory authority exempting them from the competitive service and/or the General Schedule.

Eight occupations were reported to have special salary rates currently in effect.¹ These special salary rates cover specific grades (usually entry-level) and geographic locations, and they were authorized by OPM in response to requests from each agency that demonstrated recruitment and retention problems. Special salary rates have been approved for occupations as indicated in Table III.2.

¹Accountants in BOP have special salary rates and are included in this group. However, these positions are included in a broader special salary rate program for accountants which is not unique to law enforcement agencies. Special salary rates also apply to some law enforcement occupations in our universe not included in the Federal Pay and Benefits Survey. These positions include some medical officers, secretaries, legal technicians, etc., in BOP.

**Appendix III
Federal Law Enforcement Pay and
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Table III.2: Special Salary Rates

Occupation	Grades and Rates	Locations
Detention Officer	GS-2	\$14,169 Eastern, MA
	GS-3	15,150
	GS-4	16,092
	GS-5	16,972
	GS-6	18,712
	GS-7	20,143
	GS-8	22,310
	GS-1	11,013 CT
	GS-2	12,216
	GS-3	13,513
	GS-4	15,172
	GS-5	16,972
	GS-6	18,919
	Border Patrol Agent	GS-5	18,363 CA,AZ,FL,LA
GS-7		21,443 NM,TX,AL,MS
Deputy Marshal	GS-5	17,638 Washington, DC
	GS-7	20,598 New York, NY
	GS-9	24,435 Los Angeles, CA Miami, FL Alexandria, VA
Correctional Officer	GS-6	21,637 Otisville, NY
	GS-7	22,743 New York, NY
	GS-8	23,750 Danbury, CT Lompoc, CA Los Angeles, CA Terminal Island, CA
	GS-5	18,407 Nevada
	GS-5	24,450 Washington, DC New York, NY San Francisco, CA
Police	24,450	Washington, DC
Park Police	24,450	Washington, DC
Secret Service Uniformed Div.	24,450	Washington, DC

Note: Twenty accountants in the Bureau of Prisons are covered by a special salary rate in given locations. Because accountant salaries are compared with state departments of corrections and private industry in Appendix V, they are not included in this table.

Entry-Level Hires and Pay

Federal agencies were asked to list their entry-level grades, the number of hires in calendar year 1988 at each entry-level grade, and the average salary offered to new hires in calendar year 1988 at each entry-level grade.

True entry-level grades are usually defined as those levels at which there is no required experience or graduate education specific to the field. Under the General Schedule, entry level is usually GS-5 and/or GS-7.

Table III.3 summarizes the entry-level grades and salaries reported by organizations for each occupation. More than half of the respondents (38 out of 63, or 60 percent) reported minimum entry levels of GS-5 and/or GS-7, or their equivalent, with other reported entry-level grades ranging from GS-3 through GS-13. Qualifications requirements followed appropriate OPM qualifications standards for each grade level (i.e., employees hired at GS-5 are required to have a college degree or 3 years' general experience, or a combination of education and experience totaling 3 years).

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**Appendix III
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Table III.3: Entry-Level Grades and Salaries—General Schedule

Agency	Bureau	Occupation
Agriculture	Forest Service	1811-Criminal Investigator
	Inspector General	1811-Criminal Investigator
Air Force	Not Applicable	0083-Police
	Office of Special Investigations	1811-Criminal Investigator
Commerce	Bureau of Export Administration	1811-Criminal Investigator
	Inspector General National Oceanic and Atmospheric Administration	1811-Criminal Investigator 1812-Game Law Enforcement
Defense	Office of the Secretary of Defense and Defense Agencies	1801-General Inspection, Investigation
		1811-Criminal Investigator
Education	Inspector General	1811-Criminal Investigator
Energy	Inspector General	1811-Criminal Investigator
EPA	Inspector General	1801-General Inspection, Investigation
		1811-Criminal Investigator
Federal Emergency Management Agency	Not Applicable	1811-Criminal Investigator
Federal Home Loan Bank Board	Not Applicable	1811-Criminal Investigator
General Accounting Office	Not Applicable	1811-Criminal Investigator
GSA	Inspector General	1811-Criminal Investigator
	Public Buildings Service	1811-Criminal Investigator
HHS	Inspector General	1811-Criminal Investigator
Interior	Bureau of Indian Affairs	0083-Police
		1811-Criminal Investigator
	Bureau of Land Management	1811-Criminal Investigator
	Fish and Wildlife Service	1812-Game Law Enforcement
	Inspector General	1811-Criminal Investigator
Justice	BOP	0006-Correctional Institution Admin. ^a
		0007-Correctional Officer
		0180-Psychologist
		0510-Accountant
		0603-Physician's Assistant
	DEA	1811-Criminal Investigator
	FBI	1811-Criminal Investigator

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Mean entry-level salary									
GS-3	GS-4	GS-5	GS-6	GS-7	GS-9	GS-10	GS-11	GS-12	GS/GM-13
				\$21,580	\$25,800				
		\$15,774		19,026					
		15,546							
		15,118		18,726			\$27,716		
		15,118							
		15,118		18,726					
		15,118							
				18,726	22,907				
		15,118							
				18,726	22,907				
		14,067							
12,138				20,910					
		15,118							
		15,118		18,726					
		15,118	16,851						
							27,716	33,218	
		15,118		18,726					
				18,726	22,907				
				18,838	23,323				
									\$25,226

(continued)

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Agency	Bureau	Occupation
	INS	1801-General Inspection, Investigation
		1802-Compliance Inspection and Support
		1811-Criminal Investigator
		1896-Border Patrol
		2181-Aircraft Pilot
	Marshals Service	0082-Deputy U.S. Marshal
		1811-Criminal Investigator
Labor	Inspector General	1811-Criminal Investigator
NASA	Inspector General	1811-Criminal Investigator
Navy	Naval Investigative Service	1811-Criminal Investigator
Railroad Retirement Board	Inspector General	1811-Criminal Investigator
Small Business Administration	Inspector General	1811-Criminal Investigator
State	Inspector General	1811-Criminal Investigator
Transportation	Inspector General	1811-Criminal Investigator
Treasury	Alcohol, Tobacco, and Firearms	1811-Criminal Investigator
	Customs Service	1801-General Inspection, Investigation
		1811-Criminal Investigator
		1884-Customs Patrol Officer
		2181-Aircraft Pilot
	IRS - Criminal Investigation Division	1811-Criminal Investigator
	IRS - Inspection Service	1811-Criminal Investigator
	Secret Service	1811-Criminal Investigator
U.S. Information Agency	Inspector General	1811-Criminal Investigator
Veterans Affairs	Inspector General	1811-Criminal Investigator

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Mean entry-level salary									
GS-3	GS-4	GS-5	GS-6	GS-7	GS-9	GS-10	GS-11	GS-12	GS/GM-13
		15,738		19,493					
13,513		15,118	16,851						
		15,118		18,726					
		17,638		20,598					
		16,378		19,662					
		15,738		19,493	22,458		28,592		
		15,118							
				18,726	22,907				
				18,726					
				21,846	26,727				
		15,118							
		15,118		18,726					
		15,118		18,726					
		15,118		18,726					
							27,716		38,753
		15,118		18,726	26,171				
		15,118		18,726	22,907		33,967		
		15,118		19,029					
									45,208
				18,726			27,716		

^aCorrectional Institution Administrators are promoted from within the Bureau of Prisons. Therefore, no entry grade is indicated.

Source: Survey responses received from 47 federal law enforcement organizations.

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Table III.4: Entry-Level Grade and Salaries—Other

Agency	Bureau	Occupation	Mean entry-level salary										
			EAS-17	FP-7	GG-5	GG-11	JPS-7	JPS-9	JPS-11	LE-1	SP-1		
Government Printing Office	Not Applicable	1811-Criminal Investigator											
Interior	U.S. Park Police	Park Police											\$23,487
Nuclear Regulatory Commission	Office of Inspector and Auditor	1811-Criminal Investigator											
	Office of Investigations	1811-Criminal Investigator											
Postal Service	Postal Inspection Service	1811-Criminal Investigator	\$31,066										
State	Diplomatic Security	2501-Security Officer		\$19,693									
Treasury	Secret Service	Uniformed Division, Secret Service								\$22,626			
U.S. Courts	Probation Division	Probation and Pretrial Services Officer					\$19,298	\$23,014	\$27,876				

Source: Survey responses received from 47 federal law enforcement organizations.

Sixteen agencies reported minimum entry levels at other than GS-5 and/or GS-7:

- Six organizations indicated that they hired employees at grades higher than usual entry levels. Such employees are required to have appropriate specialized experience as required by OPM qualifications standards and, therefore, are not truly entry-level employees. (Included in this group are psychologists at the Bureau of Prisons and pilots with the Immigration and Naturalization Service and the U.S. Customs Service.) These organizations reported entry-level grades of GS-9 through GS-13.
- As an excepted service agency, FBI has the authority to hire its own employees. Accordingly, it hires special agents at GS-10. Special agents enter on duty at the GS-10 grade based on the difficulty of the duties and responsibilities assigned to the position. Special agents must perform work at the grade GS-10 level immediately upon assignment to a field office following completion of an extensive course of training. FBI uses

the Handbook X-118 Qualifications Standards as guidelines in determining the requirements established for its positions, even though it is excepted from following this guidance.

- The Bureau of Prisons hires correctional officers primarily at GS-6 (requiring a college degree and 6 months' experience, or 3-1/2 years of experience) and occasionally at GS-5.
- Police in the Bureau of Indian Affairs have an entry level of GS-3.
- Detention enforcement officers at INS have an entry level of GS-4.
- Six respondents reported pay systems outside of the General Schedule. Of these, two (Probation Office of the U.S. Courts and Government Printing Office) have set rates identical to the General Schedule for their entry-level law enforcement personnel. (The U.S. Courts and Government Printing Office both reported entry levels equivalent to GS-5 and/or GS-7.) Entry-level rates for the other four organizations are shown in Table III.5.

**Table III.5: Entry-Level Rates Outside of
the General Schedule**

Position	Salary
Postal Inspector	\$31,006
Park Police	24,450
Uniformed Division of the Secret Service	24,450
Diplomatic Security	19,693

In calendar year 1988, organizations reported hiring 6,034 entry-level law enforcement personnel. (See Table III.6.) Border Patrol reported the most hires (1,350);² 17 organizations reported no hires in 1988.

²The Bureau of Prisons hired 2,830 employees in 1988. However, our survey only collected data on five occupations in BOP.

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**Table III.6: Calendar Year 1988 Federal
Law Enforcement Hires by Grade Level**

Grade	Number hired	Percentage of hires
GS-3	4	0.1
GS-4	130	2.0
GS-5	2,150	36.0
GS-6	923	15.0
GS-7	1,148	19.0
GS-9	360	6.0
GS-10	635	10.5
GS-11	310	5.0
GS-13	28	0.4
Other	346	6.0
Total	6,034	100.00

A summary of 1988 hires by organization is shown in Table III.7.

**Table III.7: Federal Law Enforcement
Hires by Organization**

Calendar year 1988		
Organization	Number of hires	Percentage of hires
Dept. of Justice		
BOP	904 ^a	15
DEA	217	3
FBI	635	11
INS	2,040	34
USMS	263	4
Department subtotal	4,059	67
Dept. of Treasury		
ATF	405	7
Customs	422	7
IRS	312	5
Secret Service	158	2
Department subtotal	1,297	21
Other		
Defense	64	1
Interior	100	2
Postal Service	92	2
State	53	1
U.S. Courts	280	5
Misc.	89	1
	678	12
Total	6,034	100

^aReflects hiring in five occupations that represent 50 percent of BOP's workforce.

Agencies vary in the salaries they offer to new hires. This variance is a result of (1) different grade levels at which employees are hired, although most agencies reported hiring under the General Schedule at GS-5 and/or GS-7; (2) instances where an agency has received approval to offer special salary rates that are unique to a particular occupation and location; and (3) salaries offered under pay systems outside of the General Schedule. Tables III.8 and III.9 provide a summary of the average entry-level salaries offered by federal organizations for each occupation.

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**Table III.8: Entry And Full Performance
Level Salaries and Overtime**

Agency	Bureau	Occupation
Agriculture	Forest Service	1811-Criminal Investigator
	Inspector General	1811-Criminal Investigator
Air Force	Not Applicable	0083-Police
	Office of Special Investigations	1811-Criminal Investigator
Commerce	Bureau of Export Administration	1811-Criminal Investigator
	Inspector General	1811-Criminal Investigator
	National Oceanic and Atmospheric Administration	1812-Game Law Enforcement
Defense	Office of the Secretary of Defense and Defense Agencies	1801-General Inspection Investigation
		1811-Criminal Investigator
Education	Inspector General	1811-Criminal Investigator
Energy	Inspector General	1811-Criminal Investigator
EPA	Inspector General	1801-General Inspection, Investigation
		1811-Criminal Investigator
Federal Emergency Management Agency	Not Applicable	1811-Criminal Investigator
Federal Home Loan Bank Board	Not Applicable	1811-Criminal Investigator
General Accounting Office	Not Applicable	1811-Criminal Investigator
Government Printing Office	Not Applicable	1811-Criminal Investigator
GSA	Inspector General	1811-Criminal Investigator
	Public Buildings Service	1811-Criminal Investigator
HHS	Inspector General	1811-Criminal Investigator
Interior	Bureau of Indian Affairs	0083-Police
		1811-Criminal Investigator

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Mean entry-level base salary			Mean full performance base salary	Overtime compensation				
				AUO	Scheduled	Unscheduled	Comp. time	Other
\$21,580	\$25,800		\$30,409		X	X	X	
15,774	19,026		36,853	X		X		
15,546			16,152			X		
15,118	18,726	27,716	31,227	35,254	X	X	X	X
15,118			43,241	X	X	X	X	
15,118	18,726		34,891		X			X
15,118			36,636	X	X			
			46,605	X				
18,726	22,907		35,924	X		X	X	
15,118			39,635	47,976		X		X
						X		
					X	X	X	X
			39,851		X	X	X	X
			33,218			X	X	X
			41,121			X		X
			35,156		X	X	X	X
			34,580			X	X	
18,726	22,907		36,539		X	X	X	X
14,067			32,700				X	X
			39,392		X	X	X	
12,138			18,456		X			
20,910			29,144		X			

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Agency	Bureau	Occupation
	Bureau of Land Management	1811-Criminal Investigator
	Fish and Wildlife Service	1812-Game Law Enforcement
	Inspector General	1811-Criminal Investigator
	U.S. Park Police	Park Police
Justice	BOP	0006-Correctional Institution Admin. ^a
		0007-Correctional Officer
		0180-Psychologist
	BOP	0510-Accountant
		0603-Physician's Assistant
	DEA	1811-Criminal Investigator
	FBI	1811-Criminal Investigator
	INS	1801-General Inspection, Investigation
		1802-Compliance Inspection Support
		1811-Criminal Investigator
		1896-Border Patrol
		2181-Aircraft Pilot
	Marshals Service	0082-Deputy U.S. Marshal
		1811-Criminal Investigator
Labor	Inspector General	1811-Criminal Investigator
NASA	Inspector General	1811-Criminal Investigator
Navy	Naval Investigative Service	1811-Criminal Investigator
Nuclear Regulatory Commission	Office of Inspector and Auditor	1811-Criminal Investigator
	Office of Investigations	1811-Criminal Investigator
Postal Service	Postal Inspection Service	1811-Criminal Investigator

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Mean entry-level base salary		Mean full performance base salary		Overtime compensation			
				AUO	Scheduled	Unscheduled	Comp. time	Other
		30,950		X			
15,118		37,285		X			
15,118	18,726	40,690			X	X	X
23,487						X	X
							X
15,118	16,851	24,199			X	X	X
27,716	33,218	37,019					X
15,118	18,726	25,866			X	X	X
18,726	22,907	31,914			X	X	X
18,838	23,323	46,625		X	X		
25,226		47,828		X			
15,738	19,493	32,099	37,386	X	X	X	X
13,513	15,118	16,851	21,883	X	X	X	X
15,118	18,726	37,099		X	X	X	X
17,638	20,598	24,995		X	X	X	X
		39,556		X	X	X	
16,378	19,662	24,418			X	X	X
		30,947			X	X	X
15,738	19,493	22,458	28,592	38,293	X	X	
15,118	47,676				X		X
18,726	22,907	38,039		X	X		
		43,178				X	X
		45,687				X	X
31,066		47,389					

(continued)

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Agency	Bureau	Occupation
Railroad Retirement Board	Inspector General	1811-Criminal Investigator
Small Business Administration	Inspector General	1811-Criminal Investigator
State	Diplomatic Security	2501-Security Officer
	Inspector General	1811-Criminal Investigator
Transportation	Inspector General	1811-Criminal Investigator
Treasury	Alcohol, Tobacco, and Firearms	1811-Criminal Investigator
		1801-General Inspection, Investigation
	Customs Service	1811-Criminal Investigator
		1884-Customs Patrol Officer
		2181-Aircraft Pilot
	IRS - Criminal Investigation Division	1811-Criminal Investigator
	IRS - Inspection Service	1811-Criminal Investigator
Secret Service	Uniformed Division, Secret Service	
	1811-Criminal Investigator	
U.S. Courts	Probation Division	Probation and Pretrial Services Officer
U.S. Information Agency	Inspector General	1811-Criminal Investigator
Veterans Affairs	Inspector General	1811-Criminal Investigator

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Mean entry-level base salary	Mean full performance base salary	Overtime compensation				
		AUO	Scheduled	Unscheduled	Comp. time	Other
18,726	35,733		X	X	X	
	37,347		X	X	X	
19,693	41,009		X	X	X	
21,846 26,727	37,646		X	X	X	
15,118	37,530		X	X	X	
15,118 18,726	39,381	X	X			
15,118 18,726	29,814	X	X			
15,118 18,726	37,815	X	X			
	29,296	X	X			X
27,716 38,753	35,486 43,834	X	X			X
15,118 18,726 26,171	30,842	X	X		X	
15,118 18,726 22,907 33,967	29,644	X	X		X	
22,626	30,356				X	X
15,118 19,029	37,757	X	X			
19,289 23,014 27,876	39,549					
45,208	45,036		X		X	
18,726 27,716	38,039	X	X		X	

^aThe Correctional Institution Administrator series covers a variety of occupations, all of which are promoted from within the Bureau of Prisons. Therefore, no entry or full performance grades are indicated. Source: Survey responses received from 47 federal law enforcement organizations.

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Table III.9: Full Performance Grade Levels

Agency	Bureau	Occupation	Full Performance Grade Levels	
Agriculture	Forest Service	1811-Criminal Investigator	GS-11	
Agriculture	Inspector General	1811-Criminal Investigator	GS-12	
Air Force	Not Applicable	0083-Police	GS-5	
Air Force	Office of Special Investigations	1811-Criminal Investigator	GS-11	GS-12
Commerce	Bureau of Export Administration	1811-Criminal Investigator	GS-12	
Commerce	Inspector General	1811-Criminal Investigator	GS-12	
Commerce	National Oceanic and Atmospheric Administration	1812-Game Law Enforcement	GS-11	
Defense	Office of the Secretary of Defense and Defense Agencies	1801-General Inspection, Investigation	GS/GM-13	
Defense	Office of the Secretary of Defense and Defense Agencies	1811-Criminal Investigator	GS-12	
Education	Inspector General	1811-Criminal Investigator	GS-12	GS/GM-13
Energy	Inspector General	1811-Criminal Investigator	GS-12	
EPA	Inspector General	1801-General Inspection, Investigation	GS-12	
EPA	Inspector General	1811-Criminal Investigator	GS-12	
Federal Emergency Management Agency	Not Applicable	1811-Criminal Investigator	GS-12	
Federal Home Loan Bank Board	Not Applicable	1811-Criminal Investigator	GS/GM-13	
General Accounting Office	Not Applicable	1811-Criminal Investigator	GS-12	
Government Printing Office	Not Applicable	1811-Criminal Investigator	GS-12	
GSA	Inspector General	1811-Criminal Investigator	GS-12	
GSA	Public Buildings Service	1811-Criminal Investigator	GS-11	
HHS	Inspector General	1811-Criminal Investigator	GS-12	
Interior	Bureau of Indian Affairs	0083-Police	GS-6	
Interior	Bureau of Indian Affairs	1811-Criminal Investigator	GS-11	
Interior	Bureau of Land Management	1811-Criminal Investigator	GS-11	
Interior	Fish and Wildlife Service	1812-Game Law Enforcement	GS-12	
Interior	Inspector General	1811-Criminal Investigator	GS-12	
Interior	U.S. Park Police	Park Police		
Justice	BOP	0006-Correctional Institution Admin. ^a		
Justice	BOP	0007-Correctional Officer	GS-8	
Justice	BOP	0180-Psychologist	GS-12	
Justice	BOP	0510-Accountant	GS-9	
Justice	BOP	0603-Physician's Assistant	GS-11	
Justice	DEA	1811-Criminal Investigator	GS/GM-13	
Justice	FBI	1811-Criminal Investigator	GS/GM-13	

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Agency	Bureau	Occupation	Full Performance Grade Levels	
Justice	INS	1801-General Inspection, Investigation	GS-11	GS-12
Justice	INS	1802-Compliance Inspection and Support	GS-7	
Justice	INS	1811-Criminal Investigator	GS-12	
Justice	INS	1896-Border Patrol	GS-9	
Justice	INS	2181-Aircraft Pilot	GS-12	
Justice	Marshals Service	0082-Deputy U.S. Marshal	GS-9	
Justice	Marshals Service	1811-Criminal Investigator	GS-11	
Labor	Inspector General	1811-Criminal Investigator	GS-12	
NASA	Inspector General	1811-Criminal Investigator	GS/GM-13	
Navy	Naval Investigative Service	1811-Criminal Investigator	GS-12	
Nuclear Regulatory Commission	Office of Inspector and Auditor	1811-Criminal Investigator	GG-13	
Nuclear Regulatory Commission	Office of Investigations	1811-Criminal Investigator	GG-13	
Postal Service	Postal Inspection Service	1811-Criminal Investigator	EAS-23	
Railroad Retirement Board	Inspector General	1811-Criminal Investigator	GS-12	
Small Business Administration	Inspector General	1811-Criminal Investigator	GS-12	
State	Diplomatic Security	2501-Security Officer	FP-3	
State	Inspector General	1811-Criminal Investigator	GS-12	
Transportation	Inspector General	1811-Criminal Investigator	GS-12	
Treasury	Alcohol, Tobacco, and Firearms	1811-Criminal Investigator	GS-12	
Treasury	Customs Service	1801-General Inspection, Investigation	GS-11	
Treasury	Customs Service	1811-Criminal Investigator	GS-12	
Treasury	Customs Service	1884-Customs Patrol Officer	GS-9	
Treasury	Customs Service	2181-Aircraft Pilot	GS-12	GS/GM-13
Treasury	IRS - Criminal Investigation Division	1811-Criminal Investigator	GS-11	
Treasury	IRS - Inspection Service	1811-Criminal Investigator	GS-11	
Treasury	Secret Service	Uniformed Division, Secret Service	LE-1	
Treasury	Secret Service	1811-Criminal Investigator	GS-12	
U.S. Courts	Probation Division	Probation and Pretrial Services Officer	JPS-12	
U.S. Information Agency	Inspector General	1811-Criminal Investigator	GS/GM-13	
Veterans Affairs	Inspector General	1811-Criminal Investigator	GS-12	

Source: Survey responses received from 47 federal law enforcement organizations.

"The Correctional Institution Administrator series covers a variety of occupations. Therefore, no single grade level can be indicated.

**Full Performance Level
Pay**

All responding organizations with positions under the General Schedule reported full performance levels for covered occupations consistent with OPM classification standards.

Thirty-one respondents (49 percent) reported a full performance level of GS-12 or equivalent; (there are, however, more law enforcement personnel at the GS-13 level than at the GS-12 level). As with entry-level grades, organizations reported some variance in full performance level grades. Full performance levels ranging from GS-5 through GS-9 were reported for such occupations as police, Border Patrol agent, and correctional officer. Criminal investigators were reported to have full performance grade levels ranging from GS-11 through GS-13.

Table III.10 summarizes the distribution of full performance level grades reported by organizations on the NACLE study.

Table III.10: Distribution of Federal Law Enforcement Full Performance Levels

Grade	Percentage of respondents indicating this grade
GS-5	2
GS-6	2
GS-7	4
GS-9	6
GS-11	18
GS-12	51
GS-13	15
Other	2
Total	100

Premium Pay

Agencies were asked to indicate (1) the types of overtime pay available to their law enforcement personnel—scheduled overtime, unscheduled overtime, AUO, compensatory time, etc., and (2) the average number of overtime hours for which employees were compensated. While organizations were able to report the various types of overtime compensation available to their personnel, they were not always able to report the average number of overtime hours worked by employees.

There were significant variations in overtime compensation as reported by organizations. For example, postal inspectors and probation and pre-trial services officers are exempt from governmentwide provisions and do not receive any form of overtime pay, regardless of the number of

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hours worked. Other agencies reported that they pay only AUO for all overtime, some pay AUO plus scheduled (and sometimes unscheduled) overtime, still others pay scheduled and unscheduled overtime, but not AUO.

Agencies were also asked to report on other types of premium pay differentials that may be available to law enforcement personnel. This includes holiday pay, Sunday pay, hazardous duty pay, shift differential, foreign language differential, etc. A summary of responses is provided in Table III.11.

Table III.11: Pay Differentials

Agency	Bureau	Occupation	Pay differentials						
			Holiday	Hazardous duty	Sunday	Cost of living	Shift/night	Foreign language	Other
Agriculture	Forest Service	1811-Criminal Investigator	X		X			X	
	Inspector General	1811-Criminal Investigator	X						
Air Force	Not Applicable	0083-Police	X		X			X	
	Office of Special Investigations	1811-Criminal Investigator	X		X			X	
Commerce	Bureau of Export Administration	1811-Criminal Investigator	X	X	X			X	
	Inspector General	1811-Criminal Investigator	X	X	X			X	
	National Oceanic and Atmospheric Administration	1812-Game Law Enforcement	X	X	X			X	
Defense	Office of the Secretary of Defense and Defense Agencies	1801-General Inspection, Investigation							
		1811-Criminal Investigator	X	X	X			X	
Education	Inspector General	1811-Criminal Investigator							
Energy	Inspector General	1811-Criminal Investigator							
EPA	Inspector General	1801-General Inspection, Investigation	X	X	X			X	
		1811-Criminal Investigator	X	X	X			X	

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Agency	Bureau	Occupation	Pay differentials						
			Holiday	Hazardous duty	Sunday	Cost of living	Shift/night	Foreign language	Other
Federal Emergency Management Agency	Not Applicable	1811-Criminal Investigator	X		X			X	
Federal Home Loan Bank Board	Not Applicable	1811-Criminal Investigator							
General Accounting Office	Not Applicable	1811-Criminal Investigator	X	X	X				
Government Printing Office	Not Applicable	1811-Criminal Investigator			X			X	
GSA	Inspector General	1811-Criminal Investigator	X		X				
	Public Buildings Service	1811-Criminal Investigator	X		X				
HHS	Inspector General	1811-Criminal Investigator	X						
Interior	Bureau of Indian Affairs	0083-Police	X		X			X	
		1811-Criminal Investigator	X		X			X	
	Bureau of Land Management	1811-Criminal Investigator	X		X			X	
	Fish and Wildlife Service	1812-Game Law Enforcement	X						
	Inspector General	1811-Criminal Investigator	X						
	U.S. Park Police	Park Police	X						X
Justice	BOP	0006-Correctional Institution Admin.	X		X			X	
		0007-Correctional Officer	X		X			X	
		0180-Psychologist						X	
		0510-Accountant							
		0603-Physician's Assistant	X		X			X	
	DEA	1811-Criminal Investigator	X	X	X			X	X
	FBI	1811-Criminal Investigator	X		X			X	X

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Agency	Bureau	Occupation	Pay differentials						
			Holiday	Hazardous duty	Sunday	Cost of living	Shift/night	Foreign language	Other
	INS	1801-General Inspection, Investigation	X		X			X	
		1802-Compliance Inspection and Investigation Support	X		X			X	
		1811-Criminal Investigator	X	X	X			X	
		1896-Border Patrol	X		X			X	
		2181-Aircraft Pilot	X		X			X	
Justice	Marshals Service	0082-Deputy U.S. Marshal	X		X			X	
	Marshals Service	1811-Criminal Investigator	X		X			X	
Labor	Inspector General	1811-Criminal Investigator							
NASA	Inspector General	1811-Criminal Investigator							
Navy	Naval Investigative Service	1811-Criminal Investigator	X		X			X	
Nuclear Regulatory Commission	Office of Inspector and Auditor	1811-Criminal Investigator	X		X			X	
	Office of Investigations	1811-Criminal Investigator	X		X			X	
Postal Service	Postal Inspection Service	1811-Criminal Investigator					X		
Railroad Retirement Board	Inspector General	1811-Criminal Investigator	X		X			X	
Small Business Administration	Inspector General	1811-Criminal Investigator							
State	Diplomatic Security	2501-Security Officer	X	X	X			X	X
	Inspector General	1811-Criminal Investigator	X	X					X
Transportation	Inspector General	1811-Criminal Investigator	X						
Treasury	Alcohol, Tobacco, and Firearms	1811-Criminal Investigator	X		X			X	

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Agency	Bureau	Occupation	Pay differentials						
			Holiday	Hazardous duty	Sunday	Cost of living	Shift/night	Foreign language	Other
Treasury	Customs Service	1801-General Inspection, Investigation	X	X	X			X	
		1811-Criminal Investigator	X	X	X			X	
		1884-Customs Patrol Officer	X	X	X			X	
		2181-Aircraft Pilot	X	X	X			X	
	IRS - Criminal Investigation Division	1811-Criminal Investigator	X		X			X	
		1811-Criminal Investigator	X						
	Secret Service	Uniformed Division, Secret Service	X						X
		1811-Criminal Investigator	X		X			X	
U.S. Courts	Probation Division	Probation and Pretrial Services Officer							
U.S. Information Agency	Inspector General	1811-Criminal Investigator							
Veterans Affairs	Inspector General	1811-Criminal Investigator	X						

Source: Survey responses received from 47 federal law enforcement organizations.

Employee Benefits

All responding organizations except the Federal Home Loan Bank Board provide health insurance under the standard governmentwide FEHB. In addition, all agencies provide life insurance under the governmentwide FEGLI.

All but three organizations reported that their employees are covered under the standard governmentwide retirement system: CSRS for employees hired prior to January 1984 and FERS for employees hired since that date. The State Department reported that its diplomatic security officers are covered by a retirement system unique to the Foreign Service. Park Police and Uniformed Division employees of the Secret Service hired prior to January 1984 are covered by the Washington, DC Metropolitan Police Department retirement system. Certain eligible criminal investigators of the Secret Service who are covered by CSRS,

may elect to transfer into the DC Metropolitan Police Department retirement system. However, all new hires of the Secret Service and Park Police are covered by FERS.

Table III.12 is a summary of the law enforcement personnel retirements reported by organizations for the past 3 fiscal years and the average age of the retirees during this period.

**Table III.12: Number and Average Age of
Law Enforcement Retirees by Fiscal Year**

Fiscal year	Total number	Average age
1986	925	53.4
1987	738	53.3
1988	841	53.3

Organizations were also asked if they provided other types of benefits to their law enforcement personnel (i.e., use of government car, child care facility, uniform allowance, etc.). Table III.13 provides a summary of these responses.

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Table III.13: Other Benefits

Agency	Bureau	Occupation	Home to work authority	Off-duty use of gov't car	Uniform	Uniform allowance	Cleaning allowance	Shoe repair allowance
Agriculture	Forest Service	1811-Criminal Investigator	X					
	Inspector General	1811-Criminal Investigator	X					
Air Force	Not Applicable	0083-Police			X	X		
	Office of Special Investigations	1811-Criminal Investigator						
Commerce	Bureau of Export Administration	1811-Criminal Investigator	X					
	Inspector General	1811-Criminal Investigator						
	National Oceanic and Atmospheric Administration	1812-Game Law Enforcement						
Defense	Office of the Secretary of Defense and Defense Agencies	1801-General Inspection 1811-Criminal Investigator	X					
Education	Inspector General	1811-Criminal Investigator						
Energy	Inspector General	1811-Criminal Investigator						
EPA	Inspector General	1801-General Inspection						
	Inspector General	1811-Criminal Investigator						
Federal Emergency Management Agency	Not Applicable	1811-Criminal Investigator						
Federal Home Loan Bank Board	Not Applicable	1811-Criminal Investigator						
General Accounting Office	Not Applicable	1811-Criminal Investigator						
Government Printing Office	Not Applicable	1811-Criminal Investigator						
GSA	Inspector General	1811-Criminal Investigator	X					
	Public Buildings Service	1811-Criminal Investigator	X					

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Tuition allowance	Workers' compensation	Other leave for job illness/injury	Death benefits	Physical fitness facility	Annual medical exams	Child care facility	Relocation program	Housing assistance	Other
		X	X				X		
		X	X	X	X		X		
		X	X	X	X				
		X	X	X		X	X		
X		X		X	X	X	X		X
		X		X		X			
		X			X		X		
		X		X	X	X	X		
		X	X			X	X		
		X	X	X			X		X
		X	X	X	X	X	X		X
		X	X				X		
X		X	X	X	X				
X		X	X						
X		X	X	X		X	X		X
		X	X			X			

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Agency	Bureau	Occupation	Home to work authority	Off-duty use of gov't car	Uniform	Uniform allowance	Cleaning allowance	Shoe repair allowance
HHS	Inspector General	1811-Criminal Investigator	X					
Interior	Bureau of Indian Affairs	0083-Police	X		X	X		
		1811-Criminal Investigator	X					
	Bureau of Land Management	1811-Criminal Investigator						
	Fish and Wildlife Service	1812-Game Law Enforcement	X					
Justice	Inspector General	1811-Criminal Investigator						
	U.S. Park Police	Park Police	X		X			
		BOP	0006-Correctional Institution Administration					
		0007-Correctional Officer				X		
		0180-Psychologist						
		0510-Accountant						
		0603-Physician's Assistant						
	DEA	1811-Criminal Investigator	X					
	FBI	1811-Criminal Investigator	X					
	INS	1801-General Inspection, Investigation		X			X	
1802-Compliance Inspection and Support						X		
1811-Criminal Investigator		X						
1896-Border Patrol						X		

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Tuition allowance	Workers' compensation	Other leave for job illness/injury	Death benefits	Physical fitness facility	Annual medical exams	Child care facility	Relocation program	Housing assistance	Other
				X		X	X		
	X		X		X		X	X	
	X		X		X		X	X	
	X		X		X		X		
	X		X	X	X		X		X
	X	X	X	X			X		
	X		X	X	X	X	X		
	X		X	X	X	X	X		
	X		X	X	X	X	X		
X				X	X		X	X	X
X	X	X		X	X		X	X	
	X		X		X		X	X	
	X		X		X				
	X		X		X		X		
	X		X		X		X		

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Agency	Bureau	Occupation	Home to work authority	Off-duty use of gov't car	Uniform	Uniform allowance	Cleaning allowance	Shoe repair allowance
		2181-Aircraft Pilot				X		
	Marshals Service	0082-Deputy U.S. Marshal	X					
		1811-Criminal Investigator	X					
Labor	Inspector General	1811-Criminal Investigator	X					
NASA	Inspector General	1811-Criminal Investigator						
Navy	Naval Investigative Service	1811-Criminal Investigator				X		
Nuclear Regulatory Commission	Office of Inspector and Auditor	1811-Criminal Investigator						
	Office of Investigations	1811-Criminal Investigator						
Postal Service	Postal Inspection Service	1811-Criminal Investigator						
Railroad Retirement Board	Inspector General	1811-Criminal Investigator						
Small Business Administration	Inspector General	1811-Criminal Investigator						
State	Diplomatic Security	2501-Security Officer	X					
	Inspector General	1811-Criminal Investigator						
Transportation	Inspector General	1811-Criminal Investigator						
Treasury	Alcohol, Tobacco, and Firearms	1811-Criminal Investigator	X					
	Customs Service	1801-General Inspection, Investigation	X		X	X		
		1811-Criminal Investigator	X		X	X		
		1884-Customs Patrol Officer	X		X	X		
		2181-Aircraft Pilot	X		X	X		

**Appendix III
Federal Law Enforcement Pay and
Benefits Survey**

Tuition allowance	Workers' compensation	Other leave for job illness/injury	Death benefits	Physical fitness facility	Annual medical exams	Child care facility	Relocation program	Housing assistance	Other
		X	X		X		X		
X	X		X	X	X		X		X
X	X		X	X	X		X		X
X	X			X		X	X		
	X	X	X	X	X	X	X		
	X		X	X	X		X		
	X				X		X		
	X				X		X		
X	X	X	X	X	X		X		
X	X	X	X				X		
	X				X				
X	X				X				
X	X		X	X	X	X	X		X
X	X		X	X	X		X		
X	X		X	X			X		
X	X		X	X			X		
X	X		X				X		

(continued)

**Appendix III
Federal Law Enforcement Pay and
Benefits Survey**

Agency	Bureau	Occupation	Home to work authority	Off-duty use of gov't car	Uniform	Uniform allowance	Cleaning allowance	Shoe repair allowance
	IRS -Criminal Investigation Division	1811-Criminal Investigator	X					
	IRS -Inspection Service	1811-Criminal Investigator	X					
	Secret Service	Uniformed Division, Secret Service			X			
		1811-Criminal Investigator	X					
U.S. Courts	Probation Division	Probation and Pretrial Services Officer						
U.S. Information Agency	Inspector General	1811-Criminal Investigator						
Veterans Affairs	Inspector General	1811-Criminal Investigator						

**Appendix III
Federal Law Enforcement Pay and
Benefits Survey**

Tuition allowance	Workers' compensation	Other leave for job illness/injury	Death benefits	Physical fitness facility	Annual medical exams	Child care facility	Relocation program	Housing assistance	Other
X	X			X	X	X	X		
X	X		X	X	X	X	X		
X	X	X	X	X	X				
X	X		X	X	X		X		
X	X			X	X				
	X		X		X				
	X			X					

Source: Survey responses received from 47 federal law enforcement organizations.

State and Local Law Enforcement Pay and Benefits Survey

To gather information on state and local law enforcement pay and benefits, surveys were sent to approximately 700 state and local law enforcement organizations. All 50 states were included in this survey as were all locations where federal law enforcement officers are employed. Through FBI's Uniform Crime Reporting Unit, copies of the survey instrument were hand delivered to the state and local organizations. Completed questionnaires were returned to FBI and entered into a computer data base. Survey responses were received from 585 law enforcement organizations—a response rate of approximately 82 percent.

Organizations were asked to complete a survey instrument for each of four major employee categories appropriate to their organization. The four categories of employees are:

- uniformed officer—includes sworn police personnel (sheriff, patrol officer, Park Police, harbor patrol, and other paid uniformed police personnel);
- non-uniformed officer—includes plainclothes detectives and criminal investigators;
- correctional officer—includes personnel responsible for guarding, housing, and counseling prison inmates; and
- probation officer—includes personnel responsible for investigation, guidance, and counseling of criminal offenders in community correction or pretrial programs.

In some instances, state and local organizations reported that they do not make distinctions between their uniformed and non-uniformed officers. Survey responses for these organizations were included in a “joint” category.

General Information

A total of 1,188 responses were received from state and local organizations. Information collected from this survey covers 374,277 paid full-time permanent law enforcement personnel (the median number of employees was reported to be 73). (See Table IV.1.)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

Table IV.1: Number of State and Local Responses and Employees in Each Job Category

Category	Number of responses	Number of employees
Uniformed	478	158,713
Non-uniformed	479	40,338
Joint	46	32,177
Probation	54	15,165
Correctional	131	127,884
Total	1,188	374,277

Table IV.2: State and Local Law Enforcement Pay Systems

	Responses											
	All responses		Uniformed		Non-uniformed		Joint		Probation		Correctional	
	%	#	%	#	%	#	%	#	%	#	%	#
Collective bargaining												
All salary is negotiated	40	460	42	197	40	186	58	26	22	12	31	39
Salary is partially negotiated	15	182	17	82	17	79	18	8	11	6	5	7
No negotiation	45	519	41	195	43	195	43	11	67	36	64	82
	100	1,161	100	474	100	474	100	45	100	54	100	128
Separate pay system for law enforcement:												
Yes	51	594	57	269	55	251	60	27	21	11	29	36
No	49	562	43	265	45	207	40	18	79	42	71	90
Total	100	1,156	100	474	100	458	100	45	100	53	100	126

Source: State and Local Pay and Benefits Survey.

Table IV.3: Qualifications Required for New Hires

	Responses											
	All responses		Uniformed		Non-uniformed		Probation		Correctional		Joint	
	%	#	%	#	%	#	%	#	%	#	%	#
High school diploma or equivalent	95	1,023	98	454	96	391	72	28	87	110	93	40
Bachelor's Degree	6	58	2	7	4	15	76	34	2	2	0	0
Written test	86	932	92	427	84	337	63	32	76	92	100	44
Psychological test	79	850	89	414	78	313	26	12	59	70	91	41
Physical standard	90	978	96	452	88	358	63	30	82	94	98	44
Minimum age	92	944	95	424	91	342	53	24	94	109	100	45
Maximum age	37	339	41	165	43	142	5	2	17	16	34	14

Source: State and Local Pay and Benefits Survey.

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

Table IV.4: State and Local Responses

	Responses by job category											
	Uniformed		Non-uniformed		Joint		Probation		Correctional		All	
	% responses	# of responses	%	#	%	#	%	#	%	#	%	#
Geographic transfer?												
yes	14%	68	14%	63	13%	6	13%	7	10%	13	14	157
Do you have problems recruiting law enforcement personnel?												
Some problem	39	181	28	121	47	21	30	16	39	48	34	387
Great problem	9	43	7	29	11	5	7	4	6	7	8	88
Do you have problems retaining law enforcement personnel?												
Some problem	37	169	29	126	44	20	39	21	46	56	35	392
Great problem	5	22	4	17	4	2	11	6	21	25	6	72
Factors affecting recruitment and retention problems												
Primarily pay	20	53	20	38	17	5	25	7	21	18	20	121
Pay and other factors	45	120	49	96	40	12	61	17	54	46	48	291
Factors other than pay	35	93	31	59	43	13	14	4	42	21	31	190

Regarding pay systems, 55 percent of the respondents (642 out of 1,161 respondents) in our survey indicated that law enforcement salaries are at least partially negotiated through collective bargaining. Over half (51 percent) of the respondents (594 out of 1,156 responses) indicated that law enforcement personnel are covered by a pay system separate from non-law enforcement employees. Table IV.2 summarizes pay system responses by job category.

Ninety-five percent of the respondents indicated that a high school diploma or equivalent is required for employment; only 6 percent require a college degree. However, in the probation officer category, 76 percent of the respondents indicated that a bachelor's degree is required for new hires. Although 92 percent of the respondents reported that they have a minimum age requirement for employment (with an average reported minimum age of 20), only 37 percent reported having a maximum age requirement. Table IV.3 summarizes responses on qualifications for new hires.

Only 14 percent of the survey respondents indicated that employees are required to transfer from one geographic area to another. Over half (58 percent) said they have no difficulty recruiting employees; 59 percent said they have no difficulty retaining employees. Of those organizations

reporting at least some difficulty in recruiting and retaining employees, only 20 percent indicated that these problems stem primarily from pay. A summary of responses regarding transfer, recruitment, and retention is shown in Table IV.4.

The average number of paid holidays reported by respondents was 10.8. Reported holidays ranged from 0 (reported by 16 respondents) to 21. The midpoint and the mode were both 11 holidays.

Entry-Level and Full Performance Level Salaries

State and local organizations were asked to report the minimum and maximum yearly base entry level and full performance level salaries, as well as the average 1988 gross salary and the average 1988 base salary at the entry and full performance levels. Almost all organizations reported minimum and maximum base salaries, but a large percentage did not report the average base and gross salaries. Our analysis, therefore, is based on the minimum and maximum reported salaries. Tables IV.5 and IV.6, summarize responses concerning entry and full performance level salaries.

Overtime Compensation

Eighty-nine percent of the state and local survey respondents (1,027 out of 1,150 responses) indicated that overtime pay is provided to law enforcement personnel. Of those respondents providing overtime pay, 94 percent pay time-and-a-half for all overtime hours worked, and 93 percent indicated that there is no limit on the amount of overtime pay an employee can receive. (See Table IV.7.)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

Table IV.5: Weighted Mean Minimum, Maximum, and Midpoint Entry-Level Salaries for MSAs With 40 or More Federal Employees

MSA	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Weighted Mean Entry-Level Salaries		
				Minimum Entry-Level Salary	Maximum Entry-Level Salary	Midpoint Entry-Level Salary
Oakland, CA	220	1	101	\$33,060	\$33,060	\$33,060
San Francisco, CA	758	2	1,483	32,629	37,677	35,153
Los Angeles, CA	1,423	15	16,702	31,839	39,960	35,899
Boston, MA	528	7	2,427	31,812	34,224	33,018
New Haven, CT	92	1	315	31,716	31,716	31,716
Santa Ana, CA	194	5	586	30,492	38,112	34,302
Riverside, CA	186	7	698	28,815	36,883	32,849
Fresno, CA	77	4	829	28,030	33,497	30,763
Philadelphia, PA	784	1	4,063	26,984	30,687	28,836
New York, NY	2,720	10	35,531	26,908	36,472	31,690
Chicago, IL	1,236	9	583	26,605	30,886	28,746
Bakersfield, CA	56	5	1,134	26,559	32,324	29,442
Santa Barbara, CA	219	4	291	26,498	28,443	27,471
Seattle, WA	334	7	897	26,311	27,290	26,801
San Antonio, TX	243	5	1,554	26,274	26,314	26,294
Washington, DC	5,413	5	4,704	25,996	37,451	31,723
Rochester, NY	42	4	729	25,987	28,890	27,438
Detroit, MI	611	1	98	25,826	32,441	29,134
Minneapolis, MN	209	8	1,396	25,287	34,820	30,053
Miami, FL	1,257	7	4,993	25,283	28,946	27,114
Portland, OR	153	2	611	24,997	26,524	25,760
Omaha, NE	74	1	458	24,801	25,719	25,260
Las Vegas, NV	160	6	396	24,758	31,236	27,997
Fort Lauderdale, FL	121	6	794	24,712	33,793	29,252
Duluth, MN	48	2	125	24,494	32,112	28,303
Denver, CO	435	4	476	24,454	26,131	25,293
Milwaukee, WI	129	2	1,559	24,355	31,361	27,858
Newark, NJ	486	2	206	24,307	24,307	24,307
Suffolk County, NY	105	6	3,586	24,200	39,840	32,020
San Diego, CA	1,260	8	3,453	23,962	30,997	27,480
Sacramento, CA	176	8	1,743	23,927	25,819	24,873
Dayton, OH	53	3	288	23,834	29,401	26,617
Pittsburgh, PA	210	2	1,151	23,419	30,301	26,860
Providence, RI	74	3	295	23,418	24,893	24,155
Grand Rapids, MI	65	5	371	23,383	25,714	24,548
Des Moines, IA	50	4	344	23,341	25,733	24,537

(continued)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

MSA	Weighted Mean Entry-Level Salaries					
	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Minimum Entry-Level Salary	Maximum Entry-Level Salary	Midpoint Entry- Level Salary
Hillsborough, FL	219	6	1,510	\$23,251	\$30,603	\$26,927
Corpus Christi, TX	66	1	347	23,136	28,248	25,692
Fort Worth, TX	212	8	553	23,040	25,628	24,334
Dallas, TX	593	9	3,305	23,009	30,567	26,788
Atlantic City, NJ	90	2	376	23,000	37,117	30,059
Houston, TX	561	1	2,282	22,986	22,986	22,986
Palm Beach, FL	83	3	1,224	22,947	26,716	24,831
Danbury, CT	108	2	135	22,881	29,151	26,016
Cleveland, OH	282	2	85	22,611	22,719	22,665
Spokane, WA	46	3	303	22,389	28,612	25,501
Honolulu, HI	212	1	1,314	22,272	22,272	22,272
Saint Louis, MO	269	6	2,275	22,220	23,586	22,903
Albany, NY	99	3	405	22,184	23,748	22,966
Baltimore, MD	373	3	448	21,956	26,666	24,311
Atlanta, GA	751	4	1,761	21,933	30,092	26,012
Kansas City, MO	504	8	1,464	21,744	23,132	22,438
Cincinnati, OH	124	3	70	21,355	26,229	23,792
Tucson, AZ	321	4	612	21,122	28,171	24,647
Jacksonville, FL	179	4	1,633	20,836	22,989	21,912
Ann Arbor, MI	142	4	284	20,716	26,186	23,451
Tallahassee, FL	140	1	137	20,515	28,281	24,398
Raleigh, NC	61	3	694	20,175	24,174	22,175
Birmingham, AL	88	7	725	19,961	21,631	20,796
Oklahoma City, OK	346	7	1,761	19,806	21,925	20,865
Richmond, VA	245	3	329	19,678	30,614	25,146
Nashville, TN	92	4	1,102	19,619	21,525	20,572
Springfield, MO	245	4	244	19,461	22,925	21,193
Phoenix, AZ	416	5	3,823	19,423	26,672	23,047
Charlotte, NC	110	4	853	19,368	25,290	22,329
Buffalo, NY	192	4	1,149	19,354	25,374	22,364
Austin, TX	90	5	1,307	19,260	25,849	22,554
Virginia Beach, VA	255	6	664	19,251	25,879	22,565
Williamsport, PA	46	2	53	19,212	25,516	22,364
Sanford, FL	85	2	80	19,070	28,675	23,873
Indianapolis, IN	145	4	545	18,998	21,141	20,070
Parkersburg, WV	127	2	59	18,925	18,925	18,925
San Angelo, TX	46	4	171	18,857	22,141	20,499
Greensboro, NC	61	3	444	18,648	27,196	22,922
Salt Lake City, UT	125	4	380	18,214	19,919	19,067

(continued)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

MSA	Weighted Mean Entry-Level Salaries					
	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Minimum Entry-Level Salary	Maximum Entry-Level Salary	Midpoint Entry-Level Salary
Columbus, OH	80	1	45	\$18,139	\$18,139	\$8,139
Orange County, NY	144	1	70	17,887	24,931	21,409
Savannah, GA	74	4	448	17,819	21,525	19,672
Bowie, TX	106	1	54	17,564	18,267	17,916
Charleston, SC	98	1	198	17,340	24,399	20,870
Memphis, AR	247	6	1,900	17,138	18,793	17,965
Laredo, TX	198	2	138	17,089	17,089	17,089
Louisville, KY	96	2	710	17,007	21,439	19,223
Montgomery, AL	81	2	35	16,924	23,912	20,418
Brownsville, TX	198	2	148	16,905	16,905	16,905
Pensacola, FL	51	1	81	16,822	24,570	20,696
McAllen, TX	155	1	120	16,515	16,515	16,515
Harrison, MS	42	4	146	16,496	18,535	17,515
Mobile, AL	124	6	571	16,339	25,355	20,847
Huntington, WV	130	5	191	16,118	16,118	16,118
El Paso, TX	690	3	423	16,041	22,522	19,281
Little Rock, AR	106	3	145	15,979	21,698	18,838
Jackson, MS	78	1	364	15,876	15,876	15,876
Lexington, KY	194	4	473	15,512	21,374	18,443
Albuquerque, NM	161	3	1,051	15,494	16,683	16,089
Las Cruces, NM	59	1	70	15,192	17,777	16,485
Terre Haute, IN	194	1	82	14,443	17,094	15,769
New Orleans, LA	389	5	549	13,406	18,074	15,740
Bellingham, WA	60	0	.	.	.	.
Lexington, SC	88	0	.	.	.	.
Panama City, FL	40	0	.	.	.	.
San Jose, CA	119	0	.	.	.	.
Springfield, IL	52	0	.	.	.	.

Note: Mean salaries are weighted by the number of full-time officers.

Source: Survey responses from 585 state and local law enforcement organizations.

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

Table IV.6: Weighted Mean Minimum, Maximum, and Midpoint Full Performance Level Salaries for MSAs With 40 or More Federal Employees

MSA	Weighted Mean Full Performance Level Salaries					
	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Minimum Full Performance Level Salary	Maximum Full Performance Level Salary	Midpoint Full Performance Level Salary
Atlantic City, NJ	90	2	376	\$42,187	\$45,001	\$43,594
Spokane, WA	46	4	382	37,445	37,445	37,445
San Francisco, CA	758	3	1,587	37,347	40,202	38,774
Rochester, NY	42	4	729	35,237	35,414	35,325
Oakland, CA	220	4	1,030	35,153	38,646	36,900
Los Angeles, CA	1,423	17	17,956	35,019	44,845	39,932
Boston, MA	528	8	2,544	34,989	40,412	37,701
Santa Ana, CA	194	6	421	34,125	43,291	38,708
Denver, CO	435	8	1,958	33,884	36,165	35,025
Detroit, MI	611	2	168	33,131	33,131	33,131
New Haven, CT	92	2	425	32,607	32,607	32,607
Duluth, MN	48	2	125	32,112	32,112	32,112
Portland, OR	153	4	850	31,483	35,794	33,638
Seattle, WA	334	8	923	31,369	35,187	33,278
Milwaukee, WI	129	2	1,559	31,361	31,361	31,361
Suffolk County, NY	105	6	3,586	31,124	44,022	37,573
San Antonio, TX	243	6	1,578	30,961	31,013	30,987
Danbury, CT	108	2	135	30,654	31,029	30,841
Pittsburgh, PA	210	3	1,161	30,647	30,647	30,647
San Jose, CA	119	2	1,028	30,555	40,934	35,745
Riverside, CA	186	9	767	30,449	38,624	34,536
Fresno, CA	77	4	829	30,258	36,203	33,231
Philadelphia, PA	784	2	4,584	29,746	31,036	30,391
San Diego, CA	1,260	10	3,521	29,694	36,366	33,030
Newark, NJ	486	6	554	29,675	32,448	31,062
Springfield, IL	52	1	167	29,519	32,471	30,995
Raleigh, NC	61	5	769	29,030	32,791	30,911
Albany, NY	99	5	431	28,971	30,237	29,604
Cincinnati, OH	124	5	961	28,772	34,153	31,462
New York, NY	2,720	12	35,690	28,717	38,312	33,515
Houston, TX	561	1	2,282	28,661	28,661	28,661
Corpus Christi, TX	66	1	347	28,248	31,116	29,682
Omaha, NE	74	2	613	28,104	32,440	30,272
Miami, FL	1,257	13	5,415	28,087	35,342	31,714
Bakersfield, CA	56	7	1,207	28,071	36,708	32,389

(continued)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

MSA	Weighted Mean Full Performance Level Salaries					
	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Minimum Full Performance Level Salary	Maximum Full Performance Level Salary	Midpoint Full Performance Level Salary
Santa Barbara, CA	219	6	447	\$27,954	\$32,474	\$30,214
Dallas, TX	593	13	3,461	27,845	37,304	32,575
Phoenix, AZ	416	8	3,908	27,242	33,743	30,493
Minneapolis, MN	209	10	1,716	27,242	36,052	31,647
Austin, TX	90	6	1,355	27,224	29,055	28,140
Bellingham, WA	60	1	81	27,216	33,456	30,336
Las Vegas, NV	160	10	1,574	27,214	35,652	31,433
Sacramento, CA	176	10	1,940	27,075	33,549	30,312
Grand Rapids, MI	65	8	391	26,877	32,229	29,553
Chicago, IL	1,236	15	12,604	26,846	40,460	33,653
Dayton, OH	53	4	492	26,798	29,431	28,115
Ann Arbor, MI	142	3	224	26,547	33,147	29,847
Washington, DC	5,413	6	4,754	26,428	38,087	32,257
Palm Beach, FL	83	7	1,615	26,377	35,896	31,136
Baltimore, MD	373	4	534	26,322	29,417	27,869
Providence, RI	74	4	308	26,167	26,198	26,182
Williamsport, PA	46	3	58	25,800	26,640	26,220
Honolulu, HI	212	2	1,820	25,008	33,096	29,052
Fort Lauderdale, FL	121	7	738	24,981	35,381	30,181
Des Moines, IA	50	5	427	24,945	28,748	26,846
Jacksonville, FL	179	5	1,849	24,638	30,505	27,572
Saint Louis, MO	269	8	2,295	24,469	30,436	27,453
Cleveland, OH	282	4	1,867	24,410	25,834	25,122
Indianapolis, IN	145	5	634	24,284	25,675	24,979
Fort Worth, TX	212	10	1,393	23,893	30,665	27,279
Tucson, AZ	321	6	1,349	23,663	31,656	27,660
Oklahoma City, OK	346	7	1,761	23,514	26,673	25,094
Kansas City, MO	504	8	1,456	23,482	34,599	29,040
Atlanta, GA	751	6	1,843	23,328	32,073	27,701
Virginia Beach, VA	255	8	1,310	23,156	33,781	28,468
Hillsborough, FL	219	11	2,950	23,034	31,972	27,503
Springfield, MO	245	4	244	22,641	23,333	22,987
Birmingham, AL	88	7	862	22,479	24,935	23,707
Memphis, AR	247	7	2,260	22,448	23,899	23,173
Buffalo, NY	192	5	1,170	22,221	26,537	24,379
Laredo, TX	198	2	138	21,350	21,350	21,350
Little Rock, AR	106	6	490	21,210	25,871	23,541
Richmond, VA	245	6	1,028	21,142	35,624	28,383
Tallahassee, FL	140	2	185	21,028	28,281	24,655

(continued)

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

MSA	Weighted Mean Full Performance Level Salaries					
	Number of Federal Employees	Number of Records Used	Number of Positions Represented	Minimum Full Performance Level Salary	Maximum Full Performance Level Salary	Midpoint Full Performance Level Salary
Parkersburg, WV	127	2	59	\$20,820	\$20,820	\$20,820
Nashville, TN	92	5	1,111	20,652	27,643	24,148
Greensboro, NC	61	4	525	20,551	31,724	26,138
San Angelo, TX	46	5	213	20,493	23,129	21,811
Sanford, FL	85	2	80	20,215	28,675	24,445
Louisville, KY	96	2	57	20,154	20,154	20,154
Charlotte, NC	110	4	853	19,875	26,874	23,375
Savannah, GA	74	4	448	19,835	25,595	22,715
Albuquerque, NM	161	5	1,173	19,750	25,292	22,521
Pensacola, FL	51	1	81	19,370	27,014	23,192
Orange County, NY	144	1	70	19,282	28,509	23,896
Jackson, MS	78	1	364	19,056	30,168	24,612
Bowie, TX	106	2	78	18,996	21,370	20,183
Columbus, OH	80	6	1,422	18,836	30,141	24,489
Charleston, SC	98	2	242	18,207	26,900	22,554
Mobile, AL	124	2	370	18,012	27,936	22,974
Las Cruces, NM	59	2	97	17,777	25,761	21,769
Harrison, MS	42	2	66	17,510	21,867	19,689
Salt Lake City, UT	125	2	60	17,500	28,300	22,900
Brownsville, TX	198	3	159	17,379	20,868	19,123
Lexington, KY	194	4	473	17,243	22,231	19,737
Huntington, WV	130	7	222	16,865	19,247	18,056
El Paso, TX	690	2	350	16,431	21,506	18,969
McAllen, TX	155	5	92	16,021	20,440	18,230
Terre Haute, IN	194	2	114	15,505	17,763	16,634
New Orleans, LA	389	5	811	14,875	18,946	16,911
Lexington, SC	88	0				
Montgomery, AL	81	0				
Panama City, FL	40	0				

Note: Mean salaries are weighted by the number of full-time officers.

Source: Survey responses from 585 state and local law enforcement organizations.

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

Table IV.7: Overtime Pay

	Responses											
	All		Uniformed		Non-uniformed		Probation		Correctional		Joint	
	%	# of Responses	%	#	%	#	%	#	%	#	%	#
Percent paying overtime	89	1,027	93	437	91	415	35	18	89	112	98	45
Percent with no limit on overtime pay	93	1,045	95	444	93	415	68	28	94	116	93	42

Source: State and Local Pay and Benefits Survey.

Only 533 of 1,027 responses answered the question in our survey concerning percent of employees receiving overtime compensation; only 426 of 1,027 responses answered the question in our survey concerning average number of hours. Eighty-six percent of the respondents reported that their law enforcement personnel received overtime compensation in calendar year 1988. The average number of overtime hours for which compensation was provided in that year was 120 hours per employee.

Organizations reported that 40 hours is the average number of hours in a base work week. Responses ranged from 34 hours to 56 hours; both the midpoint and the mode were 40 hours.

Pay Differentials

Table IV.8 summarizes responses from organizations concerning various types of pay differentials provided to law enforcement personnel (e.g., shift differential, hazardous duty pay, foreign language differential). While shift differentials and Sunday pay are not available in most organizations, holiday pay is provided by 60 percent of the respondents (684 out of 1,146 responses).

**Appendix IV
State and Local Law Enforcement Pay and
Benefits Survey**

**Table IV.8: State and Local Pay and
Benefits Survey—Pay Differentials**

Pay differential	Percentage providing pay differential	Number of responses
Shift differential—evening	30%	341
Shift differential—midnight	30	340
Holiday pay	60	684
Sunday pay	3	31
Hazardous duty pay—SWAT team	12	134
Hazardous duty pay—Bomb Squad	12	133
Hazardous duty pay—Motorcycle	14	149
Hazardous duty pay—general	4	48
Retention bonus	4	46
Foreign language differential	6	62
Technician pay	18	197
Pilot	7	76

All but 37 percent of the respondents (437 responses) provided longevity pay to their law enforcement personnel. On average, organizations reported that a minimum longevity pay increase (either as a percentage of base salary or as a flat dollar amount) is provided after 5 years of service; a maximum longevity pay differential is provided after 20 years of service. (See Table IV.9.)

**Table IV.9: State and Local Pay and
Benefits Survey—Those Respondents
Not Providing Longevity Pay**

Category	Percentage not providing longevity pay	Number of responses
Uniformed	34	162
Non-Uniformed	34	162
Joint	40	18
Probation	50	27
Corrections	52	68
Total	37	437

State and local organizations also reported that periodic step increases are provided to employees in their pay systems. The average number of steps within a pay range was reported to be 5 for entry level and 6 for full performance level. The average waiting period between steps was reported as 11 months at entry level and 13 months at full performance level.

Correctional Administrator and Support Staff Pay

State and local organizations responsible for the operation of prisons and/or correctional facilities were asked to respond to a series of questions concerning staff pay. Employees included in this group are correctional administrators and managers as well as other employees working within correctional facilities (e.g., as psychologists, physicians, physician assistants, accountants, secretaries, cooks, and plumbers).

According to the surveyed organizations, 33 percent said the pay system for correctional administrators is

- the same as that for correctional officers, 36 percent indicated that the pay system for administrators is the same as for noncorrectional administrators, 13 percent said that it is specifically designed for correctional administrators, and another 18 percent indicated none of the above responses.

Surveyed organizations reported the following on the retirement system for correctional administrators:

- 129 respondents reported that the retirement system for administrators is the same as for correctional officers,
- 77 respondents reported that the retirement system for administrators is the same as for non-correctional administrators,
- 6 respondents reported that they have a retirement system just for correctional administrators, and
- 39 respondents reported none of the above.

For support staff, responses are as follows:

- 81 respondents reported that the pay system is the same as for correctional officers,
- 9 respondents reported that the pay system for some employees is the same as for correctional officers,
- 114 respondents reported that the pay system is the same as that for similar kinds of support positions in the governmentwide pay system,
- 5 respondents reported that the pay system for some employees is the same as that for similar kinds of support positions in the governmentwide pay system,
- 22 respondents reported that all support employees are included under a separate system for correctional support staff; and
- 17 respondents reported that some support employees are included under a separate system for correctional support staff.

Twenty-five percent of the respondents (53 out of 212 responses) indicated that blue collar and white collar support employees are paid under different compensation systems. Ninety-five percent (191 of of 292 responses) reported that the pay for support staff is based on the performance of the primary support duty only. In addition:

- 37 respondents indicated that a grade for correctional related work is added to the grade assigned for the performance of the primary support duty;
- Four respondents indicated that a premium is added for correctional related work; and
- One respondent indicated that a cash bonus is regularly paid.

The responsibility of state and local correctional support employees for the custody of inmates and the security of the facility is as follows:

- 48 percent (108 out of 226 responses) have no significant security or control responsibility;
- 24 percent (55 out of 226 responses) supervise inmates without the immediate presence of correctional officers but are not required to personally handle inmate incidents in their immediate work area;
- 12 percent (26 out of 226 responses) supervise inmates without the immediate presence of correctional officers and personally handle inmate incidents in their work areas, but they are not required to respond to general disturbances in the institution;
- 8 percent (18 out of 226 responses) supervise inmates without the immediate presence of correctional officers and are required to respond to both inmate incidents and general disturbances in the institution; and
- 8 percent (19 out of 226 responses) described other kinds of responsibilities.

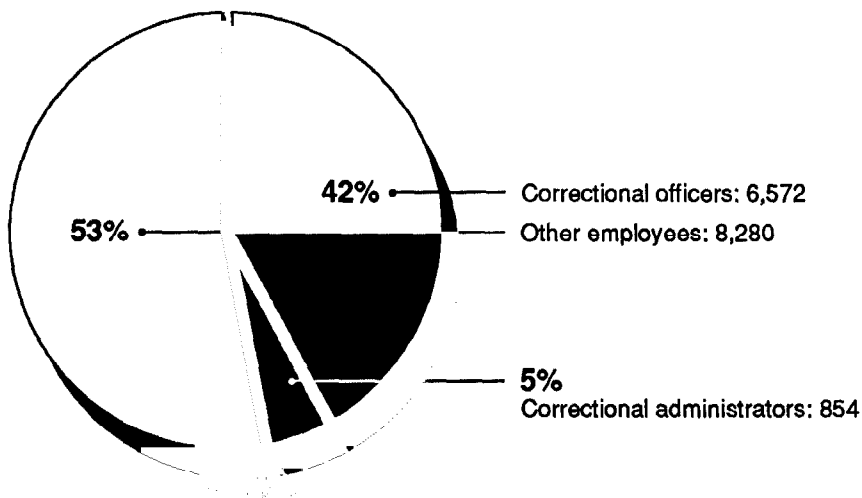
Compensation of Law Enforcement Positions in the Federal Bureau of Prisons

Introduction

The Commission's study could not reasonably examine all of the approximately 250 law enforcement occupations in the study universe in the time allotted for the project. Because the Bureau of Prisons has the largest number and widest variety of law enforcement positions in the federal law enforcement community, the Commission staff requested that the Bureau of Prisons study and provide data on a number of its "less traditional" law enforcement positions that are included in the study universe.

The Bureau of Prisons (BOP) is a Department of Justice agency employing 16,000 staff nationwide. The nature of the correctional environment requires BOP to replicate most of the services found in a community. As a result, BOP staff includes occupations ranging from psychologist, recreation specialist, dietitian, and budget analyst to plumber, factory foreman, electronics technician, and cook. (See Fig. V.1). All employees in federal correctional institutions have primary responsibility for the custody, control, and supervision of convicted felons.

Figure V.1: Breakdown of Bureau of Prisons Staff Size as of 11/27/89 by Occupation



Source: Federal Bureau of Prisons.

BOP has traditionally considered all employees in its institutions—regardless of position title—as correctional workers or law enforcement officers first, and then as occupational specialists. This premise is not a technicality: it is evident in everyday duties. Thus, all BOP staff (1) have clear and active responsibilities for the custody and supervision of

inmates, (2) respond to emergencies, (3) participate in fog and escape patrols, (4) respond to institutional disturbances, (5) assume correctional officer posts when necessary, (6) maintain professional relationships with inmates, (7) actively participate in maintaining the security of the institution and supervising inmates, and (8) supervise inmates on work details.

Because their direct and frequent daily contact with inmates puts BOP staff at the same risk and requires the same skills as more traditional law enforcement personnel, all BOP institutional employees are subject to the same employment screening process as correctional officers. Further, they also must attend basic training at the Federal Law Enforcement Training Center in Glynco, Georgia.

Due to the primary responsibility for the custody, control and supervision of incarcerated felons, over 93 percent of BOP staff—regardless of their secondary duties—are covered by the federal law enforcement retirement system. The validity of the inclusion of less traditional law enforcement personnel into the special retirement system has been supported by Congress, public law, the courts, and in the policy and practices of the Department of Justice and the Bureau of Prisons. The practice of assigning correctional responsibilities to all staff members allows BOP to operate its facilities with a lean staff complement: BOP has a higher inmate to correctional officer ratio than all but one of the state correctional systems.

Impact of Recruitment and Retention on Correctional Work

The variety of occupations in BOP makes it unique in the federal law enforcement community. While most of the federal organizations studied have only 1 or 2 law enforcement occupations, BOP has nearly 200 law enforcement position classifications. BOP's occupational profile requires it to compete not only with other federal law enforcement agencies and state and local law enforcement organizations, but with the private sector as well. Several other factors unique to BOP also affect its recruitment and retention of correctional law enforcement officers. These are described in the following paragraphs.

Recruitment

The projected rapid expansion of BOP requires that its work force more than double from year-end 1989 to 1994. During this period, BOP is expected to grow 132 percent from a workforce of 16,598 employees to 38,623 employees. The majority of these positions—13,525, 61 percent—will be for new institutions while 8,500, 39 percent, will be added to

existing institutions. BOP turnover trends suggest that between 1989 and 1994, over 32,000 employees will either leave BOP or transfer at least once into other occupations within BOP. Thus, despite a phenomenal growth of 22,025 positions, it is estimated that BOP will need to recruit (from both internal and external sources), develop, and train over 54,000 employees for its various occupations.

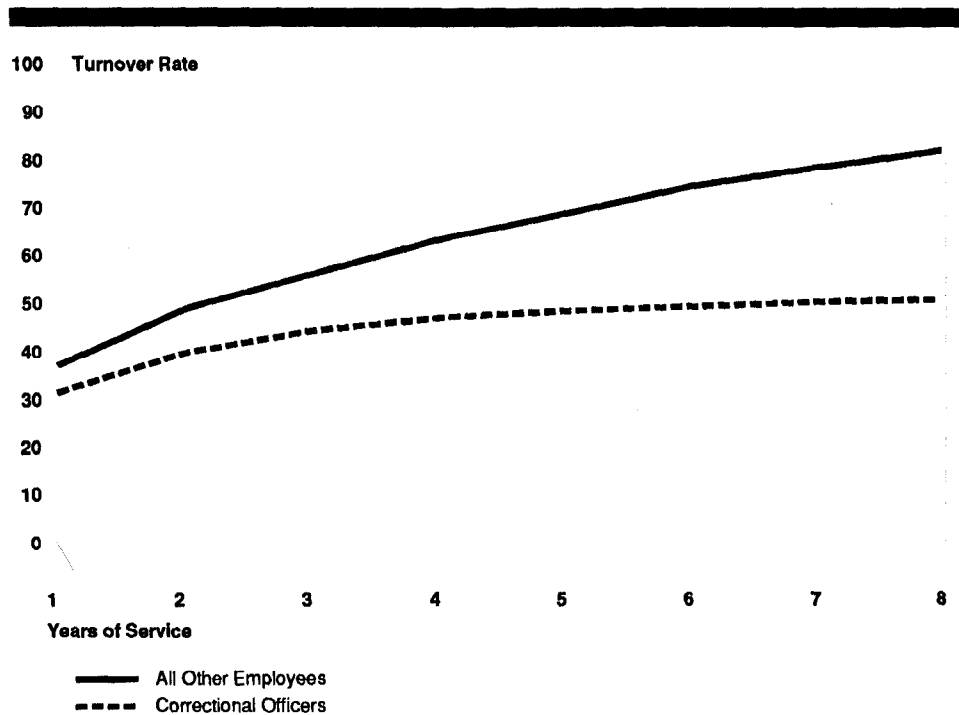
Staffing BOP will be such a critical and difficult job that this task was listed in a Government Executive magazine article¹ as one of the most important domestic challenges facing the President in the 1990s. BOP's ability to provide adequate pay and benefits to employees will be significant in determining its ability to succeed in this massive expansion. Recruitment problems due to this buildup will be exacerbated by similar expansion in other correctional systems and by demographic predictions of an aging and shrinking labor pool.

Retention

Regarding retention, like other law enforcement organizations, BOP is plagued with excessive first-year turnover rates. Approximately 30 percent of its entry-level correctional officers leave the organization each year. It is worth noting, however, that BOP has found that over 81 percent of non-correctional officer/non-correctional administrator employees leave BOP within their first 7 years of service. (See Fig. V.2.)

¹Elaine Orr "Diversity in the Domestic Departments," Government Executive (Nov. 1988).

Figure V.2: Federal Bureau of Prisons
Cumulative Turnover Rates From 1980-
87 by Years of Service



Source: Federal Bureau of Prisons.

A problem also stems from BOP's tradition of mobility. Geographical transfers are critical to management development. BOP believes it is important for potential and current managers to experience the breadth of operations in the agency. Almost 1,500 employees were transferred within BOP last year. For fiscal year 1990, 3,500 moves are projected.

Nature of Correctional Work

The influx of drug offenders in federal prisons has created an increasingly sophisticated inmate population with greater sentence lengths, making the need for experienced correctional personnel more acute since the risks of escape and assault become higher. The explosion in the inmate population will significantly increase the current overcrowding in the federal prisons. This will in turn increase the need for a stable and experienced work force since severe overcrowding increases the volatility of the prison environment and places extreme stress and burdens on staff.

Recently implemented sentencing guidelines were accompanied by the abolition of parole in the federal system and a major reduction in "good

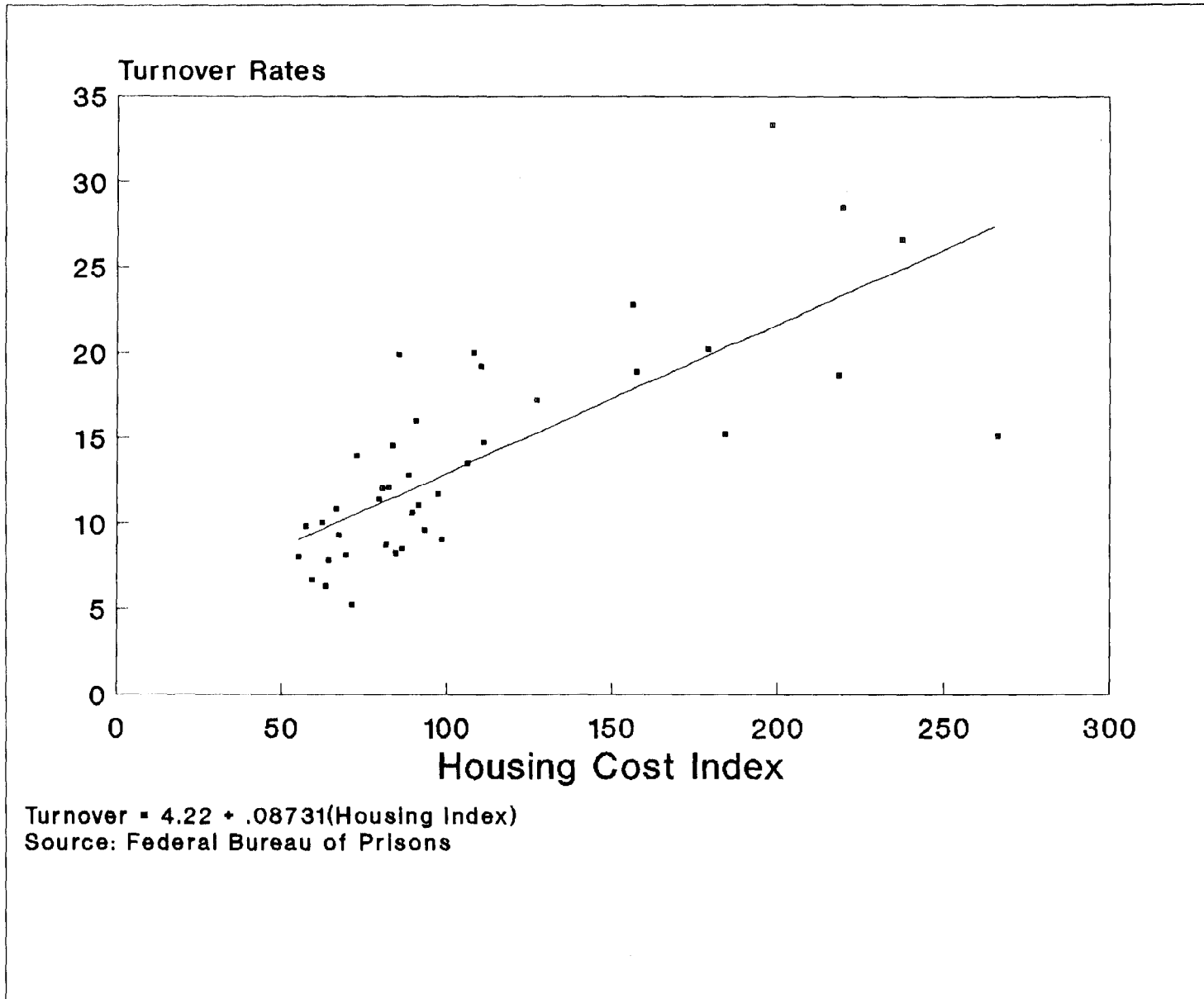
time” credit available to inmates. These reductions in the ability of an inmate to influence his/her release date affect the motivation and incentive of inmates.

The dramatic increase in the number of unsentenced inmates has compelled BOP to locate facilities in major metropolitan areas. (Turnover rates in major urban areas such as New York and Los Angeles continually exceed 20 percent. Turnover rates in the correctional facility in Manhattan continually exceed 30 percent). This makes staffing even more difficult because of the turnover rates. At the same time, emphasis on the use of current and former military bases for low-security inmates means that many of BOP’s other sites are in remote areas.

Linking turnover rates with housing costs presents an interesting perspective. The housing index for 44 metropolitan areas where BOP institutions are located were regressed against the turnover rate at those institutions. Figure V.3 displays a plot of the housing cost index² and the institution turnover rates. The chart clearly indicates that institutions experience high turnover in metropolitan areas that have high housing costs.

²Data on Housing Cost Index was obtained from the “Places Rated Almanac” by Richard Boyer and David Savageau. The Housing Cost Index is a measure of the relative cost of a single-family house in the United States. Boyer and Savageau cite that the National Association of Realtors reported that in 1989, an existing single-family house carried a median price tag of \$91,600. Thus, an index of 100 = U.S. average.

Figure V.3: Housing Costs and Turnover Rates



Inadequate staffing levels and inexperienced staff may result in several legal and administrative problems for BOP, including

- potential escape, riot, and hostage situations that can result from having an increasingly large and sophisticated inmate population managed by inexperienced personnel;
- a decline in the quality of service delivery systems in the areas of medical services, psychological services, and inmate management;
- loss of accreditation by the Commission on Accreditation of the American Correctional Association; and
- exorbitant expense in overtime costs, in that all correctional posts must be manned.

Commission Study of Bureau of Prisons Law Enforcement Occupations

At the onset of our study, it was mutually agreed upon by the Commission staff and the Bureau of Prisons that it would be impractical for the Commission staff to study all of BOP occupations in the time frame established for the study. It was decided that only one occupation—correctional officer—would be examined in the job equivalency portion of the study. Five BOP occupations—correctional officer, correctional institution administrator, psychologist, accountant, and physician’s assistant—were chosen to be included in the Federal Pay and Benefits Survey, the Federal Recruitment and Retention Survey, and the Federal Employee Survey. It was agreed that BOP would gather information on its most populous occupations other than correctional officer and correctional institution administrator and provide the information for this report.

BOP Report on Compensation of 19 Positions

The following sections compare the compensation of 19 occupations between BOP, state correctional systems, and the private sector. Each of the 19 occupations studied had at least 100 employees. Salary data for 27 state and 13 county governments in areas in which federal institutions are located were collected during July 1989 through a compensation survey. All 27 states and 10 of the 13 counties responded to the survey, representing a response rate of 93 percent. County data were excluded from this report because of their inconsistency with BOP and

state data (e.g., job titles and descriptions appeared significantly different from both BOP and state data). Salary information for the private sector was obtained from several sources, depending on the occupation.³

Two important points on the study methodology should be noted: (1) unlike the base of comparison in the occupations intensely reviewed in the Commission study, the salary information used in the BOP study was not weighted on the basis of the size of the respondents' workforce; and (2) the BOP survey asked respondents to report the midpoint salary, as opposed to the full performance level salary. Differences may exist in the responses that may make direct comparisons between these positions and those studied most intensely by the Commission inaccurate.

Results of Salary Study

Table V.1, at the end of this appendix, presents the salary ranges of the 19 occupations studied in BOP and an average of the 27 state correctional departments. Table V.1 also shows the percentage by which BOP's salaries exceed or lag behind state salaries. Table V.2, also at the end of this appendix, contrasts the salary ranges of the various occupations in BOP with the salaries paid in the private sector. It also shows the percentage by which BOP salaries exceed or lag behind the private sector.

Entry-Level Salaries

Tables V.1 and V.2 show that the entry-level salaries (shown on the tables as minimum salary) for BOP lag behind those offered by state governments and private industry for several occupations. In fact, BOP entry-level salaries were lower than state salaries in 10 of 19 occupations by more than 9 percent, and they were lower than private sector salaries in 12 of 19 occupations by more than 10 percent. It should be noted that state entry-level requirements for the 10 positions are generally higher than BOP minimum qualifications for the same positions. In spite of this, the fact that BOP entry-level salaries lag behind those paid by the state and the private sector may have a significant impact on

³Data for "secretary" and "accountant" were obtained from the National Survey of Professional, Administrative, Technical, and Clerical Pay: Private Nonservice Industries, March, 1988, published by the U.S. Department of Labor, Bureau of Labor Statistics, Bulletin #2317. These data were adjusted to 1989 standards using the 1989 BLS Employment Cost Index (4.5 percent). Data for "physician assistant" were obtained from the American Academy of Physician Assistants 1989 Salary Report. Data for "psychologist" was obtained from Salaries in Psychology, 1987, published by the American Psychological Association. These data were updated to 1989 standards using the 1988 and 1989 BLS Employment Cost Index (5.2 percent and 4.5 percent, respectively). Data for the remaining occupations were obtained by Hewitt Associates from different sources by matching BOP job descriptions against published salary surveys that reported similar job duties and responsibilities. When necessary, data from different surveys were adjusted to the same time frame (August 1989) using an update factor computed by Hewitt Associates' 12th Annual Survey of Salary Increases.

BOP's ability to recruit and retain employees at the entry level. If beginning salaries are not competitive with both state government and private industry, it is difficult to expect to attract and keep the best qualified employees.

Table V.3, at the end of this appendix, presents comparable entry-level salaries for BOP, state correctional departments, and the private sector. It also shows the first-year separation rate of employees in select occupations within BOP. Interestingly, some BOP occupations that experience very high first-year separation rates also tend to lag behind the state and/or private industry entry-level salaries. These positions include case managers, recreation specialists, personnel management specialists, secretaries, physician's assistants, legal technicians, and teachers. As documented in Table V.3, these positions have first year separation rates that exceed 19 percent. It is possible to conclude that one reason individuals in these occupations leave BOP is that they can obtain a much higher first-year salary with the state or private industry.

There are some exceptions to this trend in that accounting technicians, nurses, utility systems repair foremen, and maintenance worker foremen all have relatively high first-year separation rates (greater than 17 percent), but BOP entry-level salaries either exceed or are equivalent to those of states and/or the private industry. Perhaps issues with little relation to compensation (i.e., working conditions) also compel individuals in these occupations to leave BOP. It should be noted, however, that according to BOP exit interview statistics, more than 70 percent of separating employees state they liked their jobs with BOP. The major reasons these same employees cite for leaving are pay and better job opportunities.

Full Performance Level Salaries

The results shown in Table V.1 indicate that BOP salaries meet or exceed the midpoint of full performance salaries paid to state employees across all occupations with the exception of contract specialists. While it is not as obvious when comparing BOP with the private sector (see Table V.2), it appears that BOP equals—and, in most instances, surpasses—the mid-level salaries paid in the private industry. It is worth noting that four BOP occupations fall behind private industry at all salary levels. These occupations are psychologists, personnel management specialists, secretaries, and accountants. Thus, there is evidence that a number of BOP occupations have pay scales that appear to be noncompetitive with private industry regardless of career tenure.

Geographical Differences

The BOP study was done on a nationwide basis only. Data demonstrate that more dramatic salary discrepancies exist in a number of the state departments of corrections. For example, business managers in BOP have average minimum salaries of \$30,776 up to a full performance salary of \$41,310. In contrast, the California state system pays a minimum salary of \$42,864 up to \$47,304 for mid-level salaries, and the Pennsylvania State Department of Corrections pays \$32,411 at the entry level and \$40,039 for business managers at the full performance level. Case managers in the New York Department of Corrections start at \$30,657 as compared to \$15,738 for BOP employees. Similarly, the New York Department of Corrections pays an entry-level salary of \$21,939 for teachers; BOP pays \$15,738. No full performance level salary information was provided by the New York Department of Corrections, which had an impact on the data. While the national averages used in the BOP study present a broad view of pay comparability, geographical differences are significant and can directly affect recruitment and retention.

Conclusion⁴

By far, the most significant finding in the BOP study of the 19 occupations is that BOP entry-level salaries tend to be lower than those salaries offered by states and private industry. This finding extends our conclusion to a whole range of law enforcement occupations in the Commission's study universe not studied by our surveys and reinforces the validity of our recommendation that entry-level salaries must be increased nationwide for all law enforcement occupations. Clearly, if beginning salaries are not competitive with both state governments and private industry, it is difficult to recruit the best qualified applicants.

The study of the full performance level positions indicates that BOP salaries meet or exceed the midpoint of salaries paid to state employees across all occupations with the exception of contract specialists. The BOP study was done on a nationwide basis only. Data demonstrate that salary discrepancies exist in a number of the state departments of corrections. This finding again confirms the results of our State and Local Salary and Benefits Survey that show that full performance levels are not as problematic on a national basis but a pay disparity exists in some

⁴When BOP results are examined, a few cautionary notes require mentioning. First, data for each occupation were viewed on a nationwide basis. It is likely that greater salary discrepancies would emerge if broken down by geographic locations. Second, BOP occupations were matched to state department of corrections and private industry occupations may be the basis of relatively condensed BOP job descriptions. It is likely that some occupations may not be exact matches as a result of the small amount of information that was provided.

major employment areas. Both findings coincide to justify our recommendation of locality pay.

Some BOP occupations fall behind private industry at all salary levels. These include psychologists, personnel management specialists, secretaries, and accountants. Thus there is evidence that a number of BOP occupations have pay scales that appear to be noncompetitive with private industry regardless of career tenure.

While BOP's exit interview program reveals that pay, not working conditions, is the greater cause of turnover, the correctional institution environment cannot be dismissed as a negative factor in the recruitment and retention of employees. Even where the salaries are competitive, working conditions discourage recruitment. Unlike other federal and most private industry employment, BOP work is rarely performed in a safe and secure office setting. Besides the threat of assault, additional risks involve contact in a relatively close environment with inmates who have communicable diseases such as hepatitis B, tuberculosis, or acquired immune deficiency syndrome (AIDS). Even the comparison of job responsibilities to state departments of corrections shows that BOP requires added duties from its employees. In addition to being responsible for their specific job duties, all BOP staff must also maintain institution security, supervise inmates, respond to emergencies, and face the daily possibility of assault. Our State and Local Government Salary and Benefits Survey for Corrections revealed that only 8 percent of respondents indicated that non-correctional officer employees supervise inmates without the immediate presence of correctional officers and are required to respond to both inmate incidents and general disturbances in the institution.

**Appendix V
Compensation of Law Enforcement Positions
in the Federal Bureau of Prisons**

Table V.1: Comparison of Bureau of Prisons' Salaries With State Departments of Corrections Salaries, 1989

Occupation	BOP salary range ^a			State departments of corrections salary range ^b			Differences between BOP and state salaries	
	Minimum	Midpoint	Number of employees	Minimum	Midpoint	Number of employees	Minimum	Midpoint
Case manager	\$15,738	\$28,852	408	\$22,158	\$25,627	NA	-29.0%	12.6%
Psychologist	28,852	45,921	111	26,739	33,286	NA	7.9	38.0
Recreation specialist	15,738	26,231	133	19,558	23,958	NA	-19.5	9.5
Personnel officer	34,580	40,733	70	24,616	29,809	NA	40.5	36.6
Personnel management specialist	19,493	24,641	117	22,414	27,196	NA	-13.0	9.4
Secretary	12,531	17,313	672	14,930	17,765	NA	-16.1	-2.5
Business manager	30,776	41,310	66	27,094	32,960	NA	13.6	25.3
Accountant	15,738	24,641	174	21,652	24,955	NA	-27.3	-1.3
Accounting technician	15,738	19,493	203	15,781	18,803	NA	0	3.7
Physician's assistant	19,493	31,738	341	24,610	28,954	NA	-20.8	9.6
Nurse	23,846	29,761	123	23,301	26,096	NA	2.3	14.0
Legal technician	15,738	21,659	487	18,015	21,469	NA	-12.6	8
Contract specialist	15,738	26,231	210	24,507	30,230	NA	-35.8	-13.2
Food service admin.	28,852	37,510	119	23,197	28,053	NA	24.4	33.7
Teacher	15,738	32,219	236	21,420	26,922	NA	-26.5	19.7
Util. sys. repair foreman	25,211	31,889	197	20,213	22,675	NA	24.7	40.6
Maintenance worker foreman	24,272	33,204	291	20,496	23,660	NA	18.4	40.3
Warehouse worker foreman	16,279	24,001	339	17,894	21,046	NA	-9.0	14.0
Cook foreman	24,272	31,159	454	17,193	20,827	NA	41.2	49.6

Note: NA = Not available.

^aEntry-level salary information for BOP is the average of the lowest reported salaries within each occupation.

^bSalaries included in this column are from 27 states and 10 counties in which federal prisons are located. All 27 states responded to the survey. They are AL, AZ, CA, CO, CT, FL, GA, IL, IN, KY, LA, GA, CO, CT, AZ, NM, KS, KY, LA, MI, MN, MO, NC, NM, NY, OK, OR, PA, SD, TN, TX, VA, WI, WV. Salaries are an average across all states of the lowest reported salaries within each occupation.

**Appendix V
Compensation of Law Enforcement Positions
in the Federal Bureau of Prisons**

Table V.2: Comparison of Bureau of Prisons' Salaries With Private Industry Salaries, 1989

Occupation	BOP salary range ^a			Private industry ^b			BOP/private percentage	
	Minimum	Midpoint	Number of employees	Minimum	Midpoint	Number of employees	Minimum	Midpoint
Case manager	\$15,738	\$28,852	408	\$20,200	\$24,300	945	-22.1	18.7
Psychologist	28,852	45,921	111	34,953	52,563	3,064	-17.5	-12.6
Recreation specialist	15,738	26,231	133	20,400	24,700	570	-22.9	6.2
Personnel officer	34,580	40,733	70	34,900	NA	161	-0.9	NA
Personnel management specialist	19,493	24,641	117	29,400	37,200	949	-33.7	-33.8
Secretary	12,531	17,313	672	17,840	23,375	355,845	-29.8	-25.9
Business manager	30,776	41,310	66	39,200	NA	50	-21.5	NA
Accountant	15,738	24,641	174	22,950	39,184	147,170	-31.4	-37.1
Accounting technician	15,738	19,493	203	14,600	16,300	10,331	7.8	19.6
Physician's assistant	19,493	31,738	341	25,000	32,500	NA	-22.0	-2.3
Nurse	23,846	29,761	123	22,900	27,700	5,341	4.1	7.4
Legal technician	15,738	21,659	487	20,200	25,000	286	-22.1	-13.4
Contract specialist	15,738	26,231	210	22,300	NA	188	-29.4	NA
Food service admin.	28,852	37,510	119	32,300	NA	24	-10.7	NA
Teacher	15,738	32,219	236	NA	NA	NA	NA	NA
Util. sys. repair foreman	25,211	31,889	197	20,200	24,600	216	24.8	29.6
Maintenance worker foreman	24,272	33,204	291	21,400	26,400	436	13.4	25.8
Warehouse worker foreman	16,279	24,001	339	18,200	22,300	316	-10.6	7.6
Cook foreman	24,272	31,159	454	18,100	21,900	1,068	34.1	42.3

Note: NA = Not available.

^aEntry-level salary information for BOP is the average of the lowest reported salaries within each occupation.

^bSalaries included in this column are from 27 states and 10 counties in which federal prisons are located. All 27 states responded to the survey. They are AL, AZ, CA, CO, CT, FL, GA, IL, IN, KY, LA, GA, CO, CT, AZ, NM, KS, KY, LA, MI, MN, MO, NC, NM, NY, OK, OR, PA, SD, TN, TX, VA, WI, WV. Salaries are an average across all states of the lowest reported salaries within each occupation.

**Appendix V
Compensation of Law Enforcement Positions
in the Federal Bureau of Prisons**

Table V.3: Comparison of Entry-Level Salaries

Occupation	BOP first-year separation rate (percent)	Salary information		
		BOP ^a	State Department of Corrections ^b	Private industry ^c
Case Manager	19.0	\$15,738	\$22,158	\$20,200
Psychologist	7.7	28,852	26,739	34,953
Recreation Specialist	28.6	15,738	19,558	20,400
Personnel Officer	0.0	34,580	24,616	34,900
Personnel Management Specialist	25.0	19,493	22,414	29,400
Secretary	23.6	12,531	14,930	17,840
Business Manager	NA	30,776	27,094	39,200
Accountant	11.1	15,738	21,652	22,950
Accounting Technician	18.5	15,738	15,781	14,601
Physician Assistant	23.6	19,493	24,610	25,000
Nurse	38.1	23,846	23,301	22,900
Legal Technician	27.3	15,738	18,015	20,200
Contract Specialist	6.7	15,738	24,507	22,300
Food Services Administrator	0.0	28,852	23,197	32,300
Teacher	26.7	\$15,738	\$21,420	NA
Utility Systems Repair Foreman	17.2	\$25,211	\$20,213	\$20,200
Maintenance Worker Foreman	35.0	\$24,272	\$20,496	\$21,400
Warehouse Worker Foreman	8.0	\$16,279	\$17,894	\$18,200
Cook Foreman	13.2	\$24,272	\$17,193	\$18,100

Note: NA = Not available.

^aEntry-level salary information for BOP is the average of the lowest reported salaries within each occupation.

^bSalaries included in this column are from 27 states and 10 counties in which federal prisons are located. All 27 states responded to the survey. They are AL, AZ, CA, CO, CT, FL, GA, IL, IN, KY, LA, GA, CO, CT, AZ, NM, KS, KY, LA, MI, MN, MO, NC, NM, NY, OK, OR, PA, SD, TN, TX, VA, WI, WV. Salaries are an average across all states of the lowest reported salaries within each occupation.

^cMost of the data for private industry was obtained from Hewitt Associates. Data for 'secretary' and 'accountant' were obtained from the National Survey of Professional, Administrative, Technical, and Clerical Pay: Private Nonservice Industries, March, 1988 (PATC), published by the U.S. Department of Labor, Bureau of Labor Statistics, Bulletin #2317. The data were adjusted to 1989 standards using the 1989 BLS Employment Cost Index (4.5%). This figure was obtained from BLS's Employment Cost Trends section. Data for 'physician assistant' was obtained from the American Academy of Physician Assistants 1989 Salary Report. The figures were extrapolated from a table that reported average salary ranges by years of experience. Therefore, the 'min' represents the lowest salary. The 'mid' is simply the middle number between the 'min' and maximum salaries. Data for 'psychologists' were obtained from Salaries in Psychology, 1987, published by the American Psychological Association. Identical to the approach used to determine the data for physician assistant', the figures were extrapolated from a table that reported average salary ranges by years of experience. These data were adjusted to 1989 standards using the 1988 and 1989 BLS Employment Cost Index (5.2 percent for 1988; 4.5 percent for 1989).

Additional Data for Comparison of Federal and State and Local Law Enforcement Retirement Benefits

The Federal Employees Retirement System has been the exclusive retirement plan for employees whose continuous federal service began on or after January 1, 1984. In addition, employees who entered on duty before that date and were therefore covered by the Civil Service Retirement System had a one-time opportunity to irrevocably switch to FERS. Since the future law enforcement workforce will be covered by FERS, the present comparison of retirement benefits focuses on FERS.

FERS benefits are derived from three components: a defined benefit plan or annuity, a thrift plan, and Social Security. Additionally, to support the retirement of personnel before Social Security eligibility, FERS provides a special supplemental annuity that is in addition to the basic pension and any proceeds from the thrift plan. Note that two-thirds of police organizations surveyed have defined contribution plans rather than plans that include a Social Security component. On the other hand, 80 percent of correctional and probation organizations have plans with Social Security coverage.

Table VI.1: Comparison of Contribution Rates Including Social Security

	Percent of salary employee contributes to retirement plan	Social Security rate in 1988	Combined
State and local agencies with no social security coverage	6.37	0%	6.37
State and local agencies with social security	3.51	6.06	9.57
FERS	1.44	6.06	7.50
FERS with 2 percent thrift fund contribution	3.44	6.06	9.50
FERS with 5 percent thrift fund contribution	6.44	6.06	12.5

Note: When comparing contribution rates, 37 percent of all law enforcement organizations with Social Security coverage require no employee contributions on their retirement.

Effect of Earned Income Offset

In 1988, the earnings test would have reduced any benefit where earned income exceeded \$6,120 per year at a rate of \$1 of benefit reduction for every \$2 of excess earnings. For example, a retired GS-7 corrections officer would probably find his or her FERS benefits reduced to the basic annuity and thrift fund annuity (approximately 36 percent of final salary where no employee contribution to the thrift fund had been made) if he or she had been over 55 and earned more than about \$13,800. No such reduction was reported by any of the state and local retirement plans surveyed.

Contributions to the Thrift Plan

Contributions to the thrift plan give the employee an opportunity to enhance retirement benefits to a large extent. With the Supplement and a thrift plan contribution of 2 percent of salary, the FERS benefits may exceed the average state and local retirement benefit. But if the FERS retiree works full time after retirement, the benefits will be offset and likely will be inferior unless the employee greatly increases his or her contribution to the thrift plan. At least a 4-to 5-percent contribution must be made to make FERS benefits comparable without the supplement. That in turn makes the employee contribution to his or her retirement much more costly than the average. (See Table VI.2.)

Table VI.2: Comparison of FERS Benefits With Additional Thrift Fund Contributions

	FERS annuities as a percentage of final salary at	
	20 years of service	25 years of service
FERS without supplement	36	41
With contributions at rates comparable to average state and local employees (about 2 percent of pay)	40	46
With 5-percent contribution	48	57

Among the law enforcement agencies, the rate of participation in the thrift plan by FERS employees is between 38 percent and 53 percent, according to the Federal Employees Thrift Investment Board. A 1988 study by the board found that, generally, those who do participate contribute 5 percent or more of their salary. The study also found that participation varies with employee salary and that the most common reason given for not participating was that the employee believed he or she could not afford to contribute.

In an August 1989 survey by the BOP, the participation rate of correctional officers (paid at GS-7 or GS-8 levels) was found to be 27 percent, well below the average. This survey also found that the correctional officers in a high cost of living area, as determined by eligibility for special salary rates, were much less likely to participate in the thrift fund than those in a "low" cost of living area. Average participation rates were 19 percent in high cost compared to 45 percent in the low cost areas, although the contributions averaged near 5 percent regardless of the cost of living.

Those who do participate generally contribute enough to benefit from the whole matching contributions of the federal employer, and, in this way, assure themselves maximum potential benefits. But if employee

participation rates do not change, large numbers may receive substantially lower benefits. Lower paid workers may be particularly vulnerable.

Cost of Living Adjustments

FERS has a much more generous cost of living adjustment than those afforded retirees in state and local law enforcement. Four out of 10 state and local law enforcement agencies provide no cost of living adjustments at all. Of those that do, few provide full adjustment to the Consumer Price Index (CPI). Many provide adjustments only at the discretion of the pension trust or state legislature or local government. If automatic adjustments are made, they are typically capped at 3 or 4 percent per year; they are sometimes limited to a lifetime maximum increase. FERS also has a limited adjustment: no adjustment is paid on thrift proceeds except those subject to actuarial reduction; no cost of living is paid on the supplement; and the cost of living on the basic annuity is cut by one percentage point if the CPI is more than 2 percent. Nonetheless, FERS maintains the value of its benefit dollars better than other state and local plans.

Table VI.3: Estimated Effect of Inflation on Retirement Benefits

	Retirement annuities as a percentage of final salary at		
	age 50	age 62	age 75
State and local agencies with no Social Security coverage ^a	46	37	27
State and local agencies with Social Security ^a	42	33	24
FERS without supplement	36	32	27
FERS (without supplement plus 2-percent contribution to thrift plan)	40	35	29

Note: Inflation in these calculations is assumed at 4 percent average annually, as used by the Social Security Trustees in their standard economic assumptions.

^aAssumes a COLA equal to CPI minus 2 percent.

The value of this adjustment cannot be underestimated. Once Social Security benefits begin, the FERS employee is essentially as well off with his or her retirement income as the state and local employee. In real dollars, and as a percentage of final salary, the FERS retirement benefit will actually “catch up” with that of the average state and local employee.

Comparing Retirement Benefits by Group

It is difficult to make a simple overall comparison of retirement benefits because (1) the federal plan is so different from those of state and local law enforcement organizations and (2) the predominant practices among them vary considerably by the different occupations in our universe.

Among police, more than two-thirds of the retirement plans are not covered by Social Security. The age of retirement and years of service requirement are typically the same as in FERS. However, the benefits are even more generous than the average cited above. Even if the federal employee contributes 5 percent of his or her salary to the thrift plan, that level of benefit would not be achieved. And with such a contribution, the deduction from pay would rise to 12.5 percent—more than twice what these police employees have taken from their pay for retirement.

The predominant retirement plan among more than 80 percent of prisons is covered by Social Security. Retirement benefits are, on average, 40 percent of salary with 20 years of service and 50 percent of salary with 25 years of service. However, many organizations reported in our survey that they pay even more. Compared to these, FERS benefits are less generous, even with increased contributions to the thrift fund, which it appears some correctional employees may have difficulty making.

State and local probation officers are generally not covered by a special law enforcement retirement plan as they are in the federal government. Typically, they retire at a much older age (the average is 58), and their benefits average 36 percent for 20 years of service and 44 percent from 25 years, rates that are only slightly better than FERS.

Staff of the National Advisory Commission on Law Enforcement

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Lorraine Gentile, Special Agent, EPA/OIG
Robert Hengstebeck, Special Agent, DOD
Sara Herlihy, Special Agent, GAO/OSI
Jeff Johns, Assistant Inspector, Secret Service
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Regina Sullivan, Deputy Personnel Director, BOP
Drew Valentine, Staff Director, GAO
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Stu Kaufman, Social Science Analyst, GAO
Joanne Parker, Social Service Analyst, GAO

Additional Views of Commissioners

ADDITIONAL VIEWS OF CONGRESSMAN DON EDWARDS,
CONGRESSMAN WILLIAM J. HUGHES, FBI DIRECTOR WILLIAM S. SESSIONS,
DEA ADMINISTRATOR JOHN C. LAWN, AND ERNEST J. ALEXANDER, NATIONAL
PRESIDENT OF THE FEDERAL CRIMINAL INVESTIGATORS ASSOCIATION

The Commission's report convincingly documents the need for immediate improvements in the pay and benefits of federal law enforcement officers. However, due to the specific legislative language defining the scope of the Commission's jurisdiction, certain employees in law enforcement could not be included in the Commission's formal recommendations. The support personnel at covered agencies are one group that was excluded from the study universe. Yet support employees face the same financial burdens as law enforcement officers and are just as deserving of relief.

Support personnel are critical to the mission of law enforcement agencies. They hold positions of the highest trust. These are the employees who translate and transcribe intercepted conversations. In some cases, they monitor Title III's and conduct certain types of surveillance. They have custody of evidence and seized property, and they maintain equipment inventories worth millions of dollars. They run their agencies' manual and computerized information databases, where they have access to electronic surveillance indexes, intelligence data, and the names of targets and informants. In many cases, they are privy to sensitive information before the case agent knows it; in few cases does information not pass through their hands. At the FBI, all support employees require a Top Secret clearance.

These employees face the same financial burdens as agent personnel. Indeed, if anything their situation is more acute,

since support personnel are trying to make ends meet on \$14,000 or \$17,000. The problem is particularly acute in the high cost-of-living cities. In several major cities, the FBI collected data comparing its salaries with salaries paid by state and local agencies and private employers. The results are dramatic. For example, in San Francisco, city and county law enforcement agencies pay support personnel \$4,000 to \$15,000 more than the FBI.

SALARY SURVEY

<u>BASIC PAY IN GRADE</u>	<u>CITY</u>	<u>FBI</u>
Secretary I	\$19,120	\$14,822
Senior Telephone Operator	19,400	13,248
Secretary II	22,120	18,174
Executive Secretary	24,240	20,806
Legal Stenographer	25,980	14,822
Administrative Secretary	27,120	23,723
Senior Legal Stenographer	28,580	18,174
Confidential Secretary	33,980	18,174

The above salary information was from the following offices:

District Attorney	Public Defender
City Attorney	Fire Department
Sheriff's Office	Police Department
Probation Office	City of San Francisco
San Francisco International Airport	

3

These figures translate into shortages in support personnel, and problems in retaining qualified, experienced employees. In Newark, FBI support staff vacancies were recently 7% of targeted staffing levels. Resignation rates for the support staff equaled 12.3% in fiscal year 1988. The Newark office was able to add 8 part time employees only after testing 145 candidates. In New York City, the FBI found that, for each support employee hired, more than 100 prospects started the application process. These problems are repeated in other agencies and in other major cities.

To respond to this developing crisis, the Commission's recommendation on locality pay should be extended to all employees of law enforcement agencies in geographical areas covered by the locality pay recommendation. If locality pay is not adopted government-wide, this proposal will produce a differential between support personnel in law enforcement agencies and support personnel in other agencies. But the greater unfairness would result if agent personnel got a locality pay differential and support personnel in the same agency did not. One of the bases for the Commission's recommendations is that law enforcement, because of the sensitivity and importance of its work, is facing a personnel crisis and deserves special attention. Those justifications apply equally to support personnel.

4

There is also a serious morale issue. In 1988, the FBI was statutorily authorized to pay additional compensation to agents in New York City. The exclusion of a large percentage of support employees caused deep morale problems.

In response, Congress approved legislation in 1989 to extend the program to all FBI employees in New York City. At a hearing on whether to extend the program before the Subcommittee on Compensation and Employee Benefits of the House Committee on Post Office and Civil Service, Suzanne Bender, the physical security specialist and a senior support employee at the FBI's New York Field Office, testified:

"I feel, as do a lot of people that I represent, that it has been a gross inequity, what has happened to us in the office. The agents go out, collect information, solve the cases, but we are the backbone of that office. We handle all that information that comes in. There is no judicial proceeding that you can handle without documented evidence.

We take care of everything that comes into that office, handle it, send it out to the other offices, process it for the U.S. Attorney. People feel that they have been unfairly handled, unfairly taken care of. They feel that they work hand-in-hand with the agents and that they should be compensated in the same way."

Her comments apply equally to support personnel in other agencies.

What does it benefit law enforcement if we increase the compensation of agents only to find them typing routine documents because their agencies cannot attract and retain qualified support personnel?

5

The views expressed herein are directed only to the Commission's locality pay recommendation. Extending that one recommendation to support personnel in the 10 or 11 cities that would be covered should not increase the overall cost of the Commission's package so much as to jeopardize the package's chances of being adopted. The Commission estimates that locality pay for law enforcement officers would cost between \$50-75 million annually. Extending it to support personnel would cost about half that much, i.e., \$25-37 million annually.

**Appendix VIII
Additional Views of Commissioners**



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

February 23, 1990

BY LIAISON

Honorable Charles A. Bowsher
Chairman, National Advisory Commission
on Law Enforcement
General Accounting Office
Washington, D.C.

Dear Chairman Bowsher:

The National Advisory Commission on Law Enforcement was established to study pay and benefit issues facing Federal law enforcement agencies, to identify any disparity, and to make recommendations necessary or appropriate to rectify any inequities identified. Pay disparity and the high cost of living in certain areas has had a negative impact on the morale and lifestyle of FBI personnel and on our operational responsibilities. The FBI has devoted a great deal of time and energy to address these problems. However, recognizing that there was much to be gained by a comprehensive study of these pay and benefits issues, I was pleased to cooperate with the Commission's efforts.

In a relatively short period of time, the Commission staff have undertaken the difficult task of compiling the necessary data and information and preparing a report with recommendations. The end result of the Commission's work are recommendations which will generally address concerns of various Federal law enforcement agencies. Although I support the Commission's work, it is important to again bring to your attention some concerns which I have identified with the report and certain recommendations as they apply to the FBI.

With regard to the report, I previously communicated my concern that the Commission has not sufficiently distinguished the various Federal law enforcement organizations. Generalizations about the work and responsibilities of Federal law enforcement agencies may leave the erroneous impression that all are performing generally similar duties. The report, in certain areas, divides Federal law enforcement into four



FBI/DOJ

Honorable Charles A. Bowsher

categories: nonuniformed officers, uniformed officers, corrections officers, and probation officers. For this report, FBI Special Agents are grouped in the nonuniformed officers category. I believe the category of nonuniformed officers is too broad and unwieldy to afford fair or accurate comparisons.

Even the report implies that this grouping may be unwieldy. The report notes that the duties and responsibilities of Federal uniformed officers, correctional officers and probation officers are essentially equivalent to their state and local counterparts. However, the duties and responsibilities of Federal nonuniformed positions generally exceed those of state and local nonuniformed officer positions. Specifically, 53 percent of the Federal nonuniformed positions were evaluated to be above state/local positions. The work of FBI Agents is multijurisdictional and very complex, often involving years of extensive investigation. FBI Special Agents should not be grouped with other Federal investigators who have narrow, less-complex responsibilities.

This issue of grouping jobs or positions becomes particularly important if that is the basis upon which pay adequacy or disparity is evaluated. For example, I note that the report states that the pay gap was found to be most extensive at the entry level, but that there is data to show that the pay gap exists at the full performance level in certain geographic areas. I believe that the pay gap at both the entry and the full performance levels is more pervasive with regard to those Federal nonuniformed investigators whose jobs or responsibilities were found to be more complex or difficult than the state and local group with whom they were compared. Therefore, the report's conclusions and recommendations regarding pay deserve additional scrutiny by both the Administration and Congress. More difficult, complex responsibilities justify higher pay at both the entry and full performance levels.

The report contains a proposal that all entry-level grades GS 3 through GS 10 receive special salary rates. The proposal compresses pay among these entry-level positions. This recommendation seems to base the increases solely on a comparison of the individual grade to the state and local average salaries for all positions as opposed to a comparison of the pay of specific Federal jobs to specific state and local jobs. Such general comparisons disadvantage those Federal law enforcement agencies which hire law enforcement officers at higher grades due to the complex and difficult nature of the work performed.

Also, with regard to the special salary rate proposal, it is noted that no increases are proposed for employees in

Appendix VIII
Additional Views of Commissioners

Honorable Charles A. Bowsher

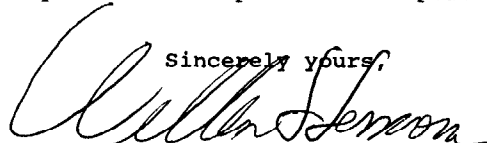
grades above GS 10. This recommendation will also compress pay among GS 10 through GS 15 Federal law enforcement officers. In addition, in a short time newer Federal law enforcement officers will be earning more than those with more seniority. The FBI therefore believes that legislation enacting this Commission recommendation must incorporate percentage increases for those law enforcement officers in positions above GS 10. Further, raising the pay cap as it applies to overtime should also be considered.

A major concern with the Commission's report is the fact that the report does not sufficiently address the pay disparity and cost-of-living problems which are facing Federal law enforcement support employees. I join with Congressman Don Edwards and others in recommending that the locality pay proposal be expanded to cover all law enforcement support employees in those locations where Federal law enforcement officers would receive locality pay.

Finally, in my letter to you dated February 21, 1989, I identified certain other pay and benefit issues which have not been addressed in the Commission's report. For example, I communicated certain problems in the Federal Employees Compensation Act (FECA) or the regulations implementing that Act. I noted that certain organs should be added to the list of organs for which lump sum compensation will be paid if there is a loss of or injury to the organ. I understand that, on behalf of the Commission, you will be communicating support of certain changes in the FECA. In my letter, I also noted that the reimbursement permitted for the relocation expenses of new Agents is less than that allowed for employees already working for a law enforcement agency. Such disparity creates financial difficulties for those new Agents who are relocated to their first office. This situation should also be addressed.

I look forward to cooperating with Congress as it pursues legislation to address these and other problems. There remains much to be done before the pay problems facing the FBI and other Federal law enforcement agencies can be adequately addressed. Thank you for your leadership in these important Commission endeavors.

Sincerely yours,



William S. Sessions
Director



Federal Criminal Investigators Association

Office of the President
P.O. Box 691145
San Antonio, Texas 78269-1145

Ernest J. Alexander
National President



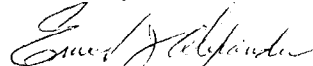
February 5, 1990

The Honorable Charles A. Bowsher
Chairman, National Advisory
Commission on Law Enforcement
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Bowsher:

Please accept the enclosed as my additional comments to the
Commission's final report.

Sincerely,


Ernest J. Alexander
Commissioner, N.A.C.L.E.

"Dedicated to Recognition of Criminal Investigation as a Profession"
Member - National Law Enforcement Council
Member - National Law Enforcement Officer's Memorial Fund



Federal Criminal Investigators Association

Office of the President
P.O. Box 691145
San Antonio, Texas 78269-1145

Ernest J. Alexander
National President

Additional views of Ernest J. Alexander, National President
Federal Criminal Investigators Association
February 5, 1990

This Commission's report sets the stage for the Congress to act on these extremely important issues impacting on federal law enforcement. My concern and that of this Association is the manner in which we have played down the overtime issue and have taken the position that HR-215 (the recently passed AUO bill) has resolved the problem. IT HAS NOT.

The Commission study clearly points out that State and Local law enforcement in most all cases compensates its officers for overtime work at time and a half their regular hourly rate. Federal officers working overtime today receive overtime pay at the straight rate of the base of a GS-10. In simpler terms, the GS-12 or GS-13 street agent receives a cut in pay after the first forty hours of the work week. Current overtime law also limits the amount of overtime to 25%. Again, in simpler terms, the agent works his forty hours at his regular salary, is compensated for the next 10 hours (25%) at less than his regular rate, and from then on works for nothing other than love of the job. HR-215 corrected this inequity somewhat by allowing the agent to be paid his regular rate for the 10 hours after 40. He will continue to receive NO compensation from fifty (50) hours and beyond. This is a good deal for the government and the agent is not really complaining because HR-215 at least corrected the situation where his pay won't be reduced after forty hours. But, the street agent must wait until October 1, 1990 for HR-215 to provide this relief. THAT STILL IS NOT THE PROBLEM.

To further complicate this situation, AUO (administratively uncontrollable overtime) is the only form of compensation which is added to an agent's base salary in calculating his/her high three for retirement. Now for the REAL PROBLEM. AUO has not been funded. Consequently each agency is looking for money it will need after October 1, 1990 to pay the increased AUO rate. What is even worse is that some agencies, INS for example, have removed agents from the list of those eligible to receive AUO. This has created a situation for many who are within three years or less from retirement of having this \$6000.00 plus figure removed from their retirement calculation.

"Dedicated to Recognition of Criminal Investigation as a Profession"
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**Appendix VIII
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Can you picture the situation wherein you have worked for twenty plus years and planned your retirement (and planned retirement income) and with the stroke of a pen someone lops two or three thousand dollars a year off of your retirement income. This is actually happening to many individuals out here and creating tremendous bitterness and morale problems. Other agencies are conducting studies to remove even more agents from AUO.

This Commission was established under a law when the Congress recognized that a problem existed in the method of compensation for FEDERAL law enforcement. The intent of the Commission, the Congress, and HR-215 are all very honorable. But that has not solved the problem. Anybody working in law enforcement today realizes that no one puts people in jail by simply putting in his forty hours a week. State and local governments have allowed their law enforcement to work part time jobs to augment their incomes. Most federal agents are not allowed this privilege and probably to the betterment of the people. Crime is constantly going up in the nation, not down. Let us continue to hire only the cream of the crop for federal law enforcement. Let us continue to be the premier group of all law enforcement. But, please provide us with the funds necessary to accomplish these proud goals.

My sincere thanks to the Director, Office of Personnel Management for appointing me to the Commission. It has been an honor to this Association and a great personal experience to both witness the working efforts of the fine members of the Commission and to contribute to the end result.

Appendix VIII
Additional Views of Commissioners

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO



John N. Sturdivant
National President

Allen H. Kaplan
National Secretary-Treasurer

Joan C. Welsh
Director, Women's Department

6f/NACLE

February 12, 1990

Mr. Charles A. Bowsher
Chairman, National Advisory
Commission on Law Enforcement
441 G Street, NW
Washington, DC 20548

Dear Mr. Bowsher:

I am taking the opportunity to present additional views of AFGE pertaining to the Commission's final recommendations. I would respectfully request that these recommendations be included as part of the final Commission Report submitted to Congress and the President.

Sincerely,

John N. Sturdivant
National President

5
80 F Street, N.W. Washington, DC 20001 (202) 737-8700

ADDITIONAL VIEWS OF THE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

1. The Exclusion of Traditional Law Enforcement Occupations

The American Federation of Government Employees strongly believes that any implementing legislation must expand the scope of the covered occupations to include the following occupational categories:

1. Immigration Inspectors, Series 1816
2. Customs Inspectors, Series 1890
3. Federal Protective Service Officers, Series 083
4. Department of Defense Police, Series 081, 085

We also understand that various agency police personnel in job series 803 will be included in the scope of the study if they are currently eligible for law enforcement retirement benefits. However, other comparable police positions in series 803 will be excluded from the study because they are currently ineligible for law enforcement retirement benefits.

We strongly recommend that all police in series 803 be included in the Commission's study, irrespective of retirement status. All of these employees have roughly similar job duties and responsibilities compared with law enforcement coverage criteria.

No assessment of the status of Federal Law Enforcement pay and overtime provisions would be complete without including the approximately 2,000 officers in job series 1816. Although most 1816 officers are not, at the present time, included within the provisions of Public Law 80-168 or the provisions of Section 8336(c), Title 5, U.S.C. [6(c)], there is ample evidence that all Immigration and Customs Inspectors meet and exceed the criteria for inclusion. Inspectors routinely apprehend, arrest, and detain criminals. Immigration and Customs Inspectors are Primary Law Enforcement Officers and any complete study of law enforcement in the Federal Sector must include these employees. There are bills in both Houses of Congress to include these officers under the provisions of 6(c) retirement. At both the Department level and the Agency level, efforts are on going to seek administrative inclusion.

"Inspection personnel are available for duty day or night, weekdays, Sundays, or holidays, at the need of the traveling public entering the country via highway, ferryboat, steamship, aircraft, or train in all kinds of weather without commensurate consideration for the employee's personal and family life. The job requires that the employee be on standby for call out any hour of the day or night, any day of the year. The inspection

**Appendix VIII
Additional Views of Commissioners**

employee is the first to greet the traveler from abroad; he must be pleasant and at the same time thorough and discreet in conducting intensive examinations. His duty is at times hazardous to his health and life."

The above quote appears in a report to Congress by the Assistant Attorney General for Administration.

One word has been the greatest hurdle for the inclusion of Immigration and Customs Inspectors under 6(c). That word is INSPECTOR. OPM at one time said that the very word inspector does not fall within the Congressional intent of investigation, apprehension, or detention. A dictionary definition of inspection is, "a critical examination, close and careful scrutiny, a strict or prying examination or an investigation."

Inspectors are considered law enforcement officers by all other law enforcement officers. Both the National Fraternal Order of Police and the Federal Law Enforcement Officers Association accept Immigration and Customs Inspectors as active members. Both organizations restrict membership to full-time law enforcement officers.

Inspectors' duties have shifted in the direction of law enforcement in recent years according to an OPM study conducted in 1981:

Without a doubt, the duties of the Customs and Immigration Inspector have changed in the past few years from the public image of a "meeter and greeter" to an employee more involved in law enforcement ... Inspectors perform their duties undaunted by the problems and dangers involved. Their hours of work far exceed the normal 40-hour work week. And, during those few hours they have off for rest and recreation, they are often called back to work, even though they may have just completed a 12 to 16 hour shift, and are due back to work in less than 8 hours. We observe a highly professional work force.

Since that OPM finding in 1981, the duties and responsibilities of the Inspector have grown increasingly hazardous and complex. Anyone in the world, whether a tourist or a terrorist, is less than 24 hours away from a United States Port of Entry. This, coupled with the increased sophistication in drug smuggling and counterfeit documents, has required a change in the manner and the means that Inspectors use in their investigations. Agencies have equipped most ports of entry with up-to-date equipment to detect criminal activities. The Inspector routinely uses equipment that was not in existence ten years ago. Inspectors are linked to data bases in Washington, D.C., Dallas, and San Diego by a modern computer

**Appendix VIII
Additional Views of Commissioners**

network that did not exist seven years ago. He uses a stereo microscope with fiber optic lighting, an infrared video analyzer, and a photo phone that were only dreams a decade ago.

As drug smuggling and document fraud have become more sophisticated, so has the Inspector. In 1984 Immigration Inspectors detected 9,152 fraudulent passports or visas. In 1988 that number grew to 24,222, an increase of 165%. In 1984 total document fraud was 18,569, but in 1988 that figure swelled to 51,690, an increase of 178%. In 1985 Immigration Inspectors refused admission to 585,000 inadmissible applicants, but just three years later that number swelled to 803,000, an increase of 37%. There have been increases in all statistical areas, but the greatest increases have been in the area of sophisticated document fraud. This type of fraud is a favorite of both terrorist and drug smuggler. Statistics from early fiscal 1989 indicated that the detection of fraudulent documents will increase another 100% in 1989 at United States airports. In 1988, Immigration Inspectors alone made 2,335 arrests for drug violations and seized drugs worth \$55,000,000. Also, in 1988 Immigration Inspectors seized 5,693 vehicles worth \$15,500,000. These vehicles had been used to attempt to smuggle aliens into the USA.

Inspection Stations are connected by computer link to the FBI's National Crime Information Center (NCIC). This computer link provides access to approximately two million records of criminals and fugitives. Using this and other systems, Inspectors apprehend, arrest, and detain fugitives. In recent years, these inspectors have accounted for 7% of all NCIC arrests. This 7% is greater than any other single law enforcement entity in the country. What clearer demonstration of primary law enforcement responsibilities can be made? The Inspector is the first person to meet and greet the visitor to the United States and the returning United States citizen. While doing this, he must also determine who among the 409 million yearly applicants for admission is attempting to smuggle drugs or violate U.S. criminal law. He does this six days a week and often 12 hours a day. Inspectors work more than 80% of all holidays and weekends. The Inspector misses many family events because he is working. The strain that the job places on his family life is enormous. The Inspector's job (Series 1816) and the Customs Inspectors (1890) should be studied by this Commission.

In addition, we believe it is appropriate to include the Federal Protective Service Officers (Series 083) and the various Agency Police Incumbents (Series 081 and 085) in the scope of the Commission's study.

The FPO's intense training and hazardous assignments, we believe, qualify them as fully fledged law enforcement personnel on par with the Capitol Police or Secret Service. Crime against persons and property has skyrocketed in federal buildings. When cabinet officials receive threats, not contract guards, but FPS officials

are asked to protect them. We believe, therefore, that it would be prudent to include the approximately 700 FPO's in the scope of the Commission's study.

2. The Need for Competitive Salaries at the Full Performance Level.

The Draft Commission recommendations document the serious pay disparities between Federal law enforcement occupations and state and local government employees at the entry-level. We believe the proposed increases at the entry levels are appropriate and necessary to close the gap.

However, AFGE believes that the pay differentials are equally as serious at the full performance level, where state and local law enforcement officials may reach the "journeyman" level in as short a period of time as two years, whereas federal employees do not reach this level until 18 years. Therefore, we will seek, as part of any new legislation, appropriate increases at the GS-11 through GS-13 levels. As you know, specific increases for these levels of work were not specified in the Commission's recommendations.



OFFICE OF THE DIRECTOR

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT

WASHINGTON, D.C. 20415

March 8, 1990

Mr. Charles A. Bowsher
Chairman, National Advisory Commission
on Law Enforcement
Room 7000
General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Bowsher:

The Report of the National Advisory Commission on Law Enforcement provides a comprehensive picture of the inadequacies of the Federal Government's compensation program, and the recruitment, retention, and management problems these inadequacies are creating for law enforcement agencies. I compliment the Commission staff and my fellow Commissioners for the thoroughness of this effort.

I appreciate the problems currently faced by the Federal law enforcement community that are related to pay, and I agree with the basic purpose of the recommendations made by the Commission for dealing with these problems: higher entry-level salaries, more flexibility for recruiting and retaining personnel with critical skills, and greater distinctions in salaries to reflect local labor markets. I must, however, register two major concerns:

- The pay-related problems of law enforcement personnel identified in the report are not unique; rather they are indicative of problems affecting the Federal workforce generally.
- The recommendations, whether limited to law enforcement personnel or extended Government-wide, are extremely costly and do not represent the best use of scarce payroll dollars.

Many of the problems identified by the Commission derive from basic inadequacies in the structure of the Federal pay system: low entry-level salaries; lack of sensitivity to pay rates in the labor markets in which the Federal Government competes for personnel; lack of pay flexibility to deal with special situations involving critical skills; inadequate incentives for

Mr. Charles A. Bowsher

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high-quality performance; inadequate incentives to accept geographic relocations. These problems affect all Federal employees and Federal agencies, not just law enforcement personnel and agencies.

Some members of the Commission expressed concern about the problems that would occur if support personnel in law enforcement agencies did not benefit from the Commission's recommendations along with personnel in core law enforcement occupations. This concern should be extended to the problems that will occur if one segment of the workforce is dealt with in isolation from the remainder. It is essential that we view the problems of the law enforcement community in the broad context in which these problems exist, and that we consider the consequences of our recommendations for the Government's hundreds of thousands of non-law enforcement public servants -- including nurses, medical researchers, occupational safety and health specialists, environmental specialists, air traffic controllers, food inspectors -- who are, like law enforcement personnel, engaged in the critical tasks of protecting the nation's health, safety, and security. Singling out workers in law enforcement occupations for preferential treatment would raise a serious issue of equity, and would create widespread morale and management problems throughout the Federal community.

While I appreciate the fact that in the course of its work the Commission did make an effort to narrow the scope of its review so that only the most critically-needed actions would be addressed, I am nevertheless concerned about the cost implications of the recommendations and the fact that little attention was given to identifying actions that might help to offset the cost of the recommendations that are made. We should bear in mind that the costs identified would be in addition to increases totaling nearly \$100 million for administratively uncontrollable overtime that were enacted recently, to be effective in October 1990. Moreover, the identified costs are understated, since there is little justification for limiting these changes to the law enforcement community. For example, the ceiling on the base rate that is used for the computation of overtime is one that applies to all employees, not just to law enforcement personnel. Thus, the removal of this ceiling for all exempt white-collar employees (non-exempt employees already receive full time-and-a-half) could cost as much as \$100 million, rather than the \$6 million identified.

For many of the occupations and locations, the total package of recommended increases would be more than is needed to recruit and retain a well-qualified workforce. When added together, some employees would, under these recommendations,

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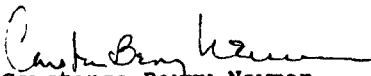
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receive immediate pay increases of more than 50 percent. Increases of this magnitude at a time of severe budget constraints and widespread pay problems are difficult to justify.

The Administration is already moving to address the pay-related problems identified by the Commission in a comprehensive and equitable way. The President's Fiscal Year 1991 Budget proposes initial steps toward a reformed and restructured white-collar pay system that is responsive to occupational and geographical labor market differences. These steps include increases in starting salaries for college entry-level occupations; authority to hire at pay rates above the minimum; bonuses to recruit, retain, or relocate critical-skill workers; and geographic differentials in certain high-cost metropolitan areas. The Administration's proposals address basic flaws in the current pay system, and will contribute to solving pay-related staffing problems for all Federal agencies, including law enforcement agencies.

In summary, while I share my fellow Commissioners' concerns about the shortcomings of the Federal pay system and the problems they cause for Federal law enforcement agencies, I would urge the Congress to use the Commission's report not as a blueprint for immediate changes, but as an important background document against which the Administration's more comprehensive and cost-effective proposals for solving the problems of the Federal pay system -- including the problems of law enforcement personnel -- can be judged.

Sincerely,


Constance Berry Newman
Director