

FEDERAL LAW ENFORCEMENT OFFICERS

Background

Every year 300 Federal law enforcement officers sustain line of duty injuries during violent physical encounters. Many more are injured in performance of their duties from vehicle accident, training, hazardous materials, and during enforcement operations both at home and abroad. Federal law enforcement officers injured in the line of duty typically suffer more serious injury than their civilian Federal employee counterparts. Unfortunately, they are all treated the same:

- When injured the officer is required to report the injury and file forms with the Department of Labor's Office of Workers Compensation Programs (OWCP). Annually the OWCP handles over 100,000 claims from all Federal employees.
- The officer can remain with their agency for up to 45 days to recuperate with full pay and benefits. If the injury takes longer than 45 days to resolve itself, the officer has a choice. He or she can either use additional accrued sick and annual leave or be referred to OWCP.
- Once referred to OWCP's Division of Federal Employees' Compensation is responsible for paying for both the officer's medical bills and salary. If the officer has no dependants, they will receive 2/3 of their salary tax free and 3/4 of pay if they have dependents. During that time the officer loses the ability to accrue time towards retirement cannot contribute to the Thrift Savings Program and loses access to earned benefits.

Problems with OWCP

The problems with OWCP's performance in handling Federal employee claims are legion and have been subject of numerous Congressional Oversight hearings and General Accounting Office Reports and Investigations. Common complaints of OWCP's performance include delays and inconsistent delivery of pay, delays in processing paperwork, difficulty in reaching OWCP staff, receiving inconsistent advice from OWCP staff, difficulty in obtaining legal representation, and difficulty in getting procedures approved and physicians paid in a timely manner.

FLEOA Proposal

In the areas of pay, retirement benefits, relocation and transfer, and physical standards Federal Law Enforcement Officers are treated differently than their civilian counterparts. This is due to the unique operational requirements of law enforcement agencies.

FLEOA believes that Federal Law Enforcement Officers should also be treated differently when they are injured in the line of duty. Specifically, FLEOA recommends:

- *The removal of Federal Law Enforcement Officers from the Division of Federal Employees Compensation, and the creation of a fifth division under OWCP that will handle Federal Law Enforcement Officer Claims exclusively.* Currently, Federal Law Enforcement Officers suffer severe financial hardship while their cases are being evaluated, often placing them in jeopardy of losing their homes and forcing them to turn to family and friends for their economic survival.

The current system simply does not take into account the fact that most Federal Law Enforcement Officer's injuries are more severe than those sustained by their civilian counterparts. In many cases, officers are so badly injured that they themselves are incapable of making the application and loved ones, many of whom have no experience with federal employee issues, fill out the paperwork. Aggregating all law enforcement claims in one area will allow OWCP to not only focus its resources but allows for greater accountability and transparency on how these cases are handled.

- *Allowing Federal Law Enforcement Officers to stay with their agency in a continuation of pay status for up to one year.* Currently, officers can remain in continuation of pay status for 45 days. For those officer's assaulted by a suspect, exposed to a toxic substance or injured by a firearm or explosive this time frame would allow a proper period of evaluation time necessary to determine if a return to work will be possible.

One of the most common complaints from injured officers is that OWCP does a poor job processing pay. Anecdotally, we know that in many cases the pay is incorrectly calculated and repeatedly delivered late. Allowing law enforcement officers to remain on their agency's payroll will remove them from this morass and will also have two other key benefits:

1. It will get officers back to work quicker. Injured officers enrolled in OWCP are detached from their agency and often feel isolated. Law enforcement is not just a job it is a way of life. This change will allow many officers to come back to work earlier in a light duty/restricted duty status and allow the agency to derive a benefit from their experience and training during their continued employment.

2. It allows officers to continue to contribute to their Thrift Savings Program. Unlike most federal employees, officers face mandatory retirement at age 57. The TSP is a large component of their retirement and working longer and contributing more is not an option for officers.

Our Federal Law Enforcement officers are a highly motivated and highly trained group of professionals who are held to a higher standard than any other Federal employee. They routinely place themselves in harm's way for the protection of society and for the defense of their country. If Federal law Enforcement officers are to continue facing the daily dangers that their occupation brings, they need to do so with the knowledge that they will be taken care of in the event of a catastrophe.