



**NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
IAMAW, AFL-CIO**



NFFE-IAM Supports the First Responder FAIR Retire Act (H.R. 521 / S. 129)

Position: Under current Office of Personnel Management (OPM) guidance, employing agencies are not required to protect injured Federal Law Enforcement Officers and Firefighters from professional and financial harm after they are injured on duty. The Frist Responder FAIR Retire Act would require agencies to place injured first responders who return to work with injuries into “equivalent positions” as described in 5 USC 8151(b), thereby protecting their employment and retirement status. DOL guidelines (5 CFR 353, 302, 330) also require a return to equivalent defined benefits, of which retirement is one. **This is a technical fix to the law.** This is not an expansion of benefits of any kind.

In addition, the Act will prevent the first responder from losing thousands of dollars from forfeited retirement contributions that were paid by the employee at a higher than standard rate. And, the Act maintains the standard of retirement at age 50 with 20 working years instead of the 30 working years required under non-6c retirement systems. Forcing an injured first responder to potentially work an additional 10 years because they got injured is simply cruel. NFFE-IAM *strongly supports* the First Responder FAIR Retire Act.

Federal firefighters (FF) and law enforcement officers (LEO) put their lives on the line for America every workday. In acknowledgement of the strenuous and hazardous nature of work, Congress created an accelerated retirement system for these positions to maintain the veracity of the workforce. The hallmarks of this special system (commonly referred to as “6c” for the section of the law it is contained in) is a shorter length of service (20 years) and higher employee contributions to the retirement system. The higher contribution allows an employee to make the same contributions to the system over 20 years as would be made in the standard 30-year timeframe of CSRS/FERS retirement systems to allow for the shorter career length of service.

If a federal first responder is injured on the job, under a glitch in the current law, a supervisor can reassign the injured employee into a non-6c position. Upon doing so, the first responder forfeits and permanently loses thousands of dollars in retirement contributions/benefits and may need to work an additional 10 years to retire under the non-6c system, all as a consequence of dedicated service which caused an on-the-job injury. This glitch in the law also provides unparalleled power and leverage to a local supervisor who can use the threat of reclassification into a non-6c position to wrongfully coerce employees or promote unethical behavior. This kind of authority does not exist anywhere else in government.

While this glitch in the law affects a very small number of injured first responders (most are simply reassigned into 6c positions), when a supervisor places these employees into non-6c positions—often without merit—the results can be devastating. This legislation is supported also by **the Federal Law Enforcement Officers Association (FLEOA)** and the **International Association of Fire Fighters (IAFF)**.

How the current law harmed real-life first responders who return to work after injuries:

(Continues...)

- Greg, a disabled veteran, got his first appointment with Forest Service in 2001 as a Recreation Technician. In 2004, he applied for and received a Law Enforcement Officer position. He was injured in the line of duty. In 2013, he was deemed unable to perform the duties of his position. He was assigned to a fleet management position. He lost his 6c retirement and nine years of extra contributions into the 6c system.
- Bob, a smoke jumper, was assigned to fires in the Selway Bitterroot Wilderness area. After he jumped, the wind suddenly changed, and he was taken into the top of a 120-foot tall Grand Fir tree. As trained, Bob started to rappel down the tree, but the top broke off the tree. Bob fell 80 feet to the ground, with the broken top landing on him. It took five hours to get him to emergency medical care. His back was broken in five places; he was told he might never walk again. Bob eventually recovered and was placed in an engineering technician position. He lost his 6c retirement and 12 years of extra contributions into the 6c system.
- Lana was just five years old when she decided she wanted to be a firefighter. She got a position with the Forest Service in 2005 and she was on her way. During the 2009 season, Lana sustained a serious leg injury that left her unable to carry weight over 10 pounds. This ended her dream career, but she could still work. Lana was placed in an administrative support clerk position. She lost her 6c retirement and extra thousands of dollars of out-of-pocket contributions.
- Walt was born and raised in a logging family living on the Klamath National Forest. Forest Service firefighters were the heroes of his childhood. Much to the dismay of his parents, he always knew he was going to be a firefighter. Walt got out of the Army in 1978 and started in a temporary firefighting position with the Forest Service in 1980. In 1987 he got a permanent position in fire. He had achieved his dream. While working with the Lassen Hotshots in 1991, he was injured while fighting a fire in Alaska. As Walt says:

“My firefighting career was over. I was devastated, my life was over. I have talked to many employees who know what happens when they get hurt. They hide injuries that could have been treatable to not lose their jobs. I knew an engine captain that was given a job as a GS/4 mail room clerk. I know for a fact that he was considering suicide when he finally just quit the agency.”

Walt was placed in timber contracting position, losing his 6c retirement and his extra contributions into that system. After seven years, he worked his way back to a position in fire dispatch, but it had taken too long; he was no longer eligible for firefighter retirement in the secondary position because of his break in service in a 6c position.

- Ernest started as a federal fire fighter in June 1991. In 2011, he reinjured a previous on-duty injury to his back. In 2012 it was determined that he could no longer perform the duties of his position, and he was placed in a non-6c retirement position, issuing badges. Although he had 21 years of service, he had not yet reached age 50, so was not eligible to retire. Over time the damage from his injuries have deteriorated his physical condition such that he cannot perform his current job full-time. He also has not yet reached the minimum retirement age for the standard retirement system. He lost his 6c retirement and 20 years of extra contributions into the 6c system and has been forced into a 30-year career rather than the 20-year career promised and paid for by him.