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HAZARDOUS DUTY RETIREMENT PROVISIONS FOR FIREFIGHTERS

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HEARING
BEFORE THE
SUBCOMMITTEE ON RETIREMENT, INSURANCE,
AND HEALTH BENEFITS
OF THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

S. 1507

AN ACT TO INCLUDE FIREFIGHTERS WITHIN THE PROVISIONS OF SECTION 8336(c) OF TITLE 5, UNITED STATES CODE, RELATING TO THE RETIREMENT OF GOVERNMENT EMPLOYEES ENGAGED IN CERTAIN HAZARDOUS OCCUPATIONS

JULY 23, 1968

Serial No. 90-41

Printed for the use of the Committee on Post Office and Civil Service



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1968

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¹ Deceased, July 14, 1968.

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HAZARDOUS DUTY RETIREMENT PROVISIONS FOR FIREFIGHTERS

TUESDAY, JULY 23, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RETIREMENT,
INSURANCE, AND HEALTH BENEFITS OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D. C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 209, Cannon House Office Building, Hon. Dominick V. Daniels, chairman of the subcommittee, presiding.

Mr. DANIELS. The Subcommittee on Retirement, Insurance, and Health Benefits is meeting this morning to consider the Senate-passed bill, S. 1507, to extend to Federal firefighting personnel the early-retirement provision of the civil service retirement law applicable to Federal law enforcement personnel.

Section 8336(c) of title 5, United States Code, grants special early retirement privileges to employees serving in positions of which the duties are hazardous and primarily involve the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. After the attainment of age 50 and after having served at least 20 years in such capacity, the employee may retire upon the recommendation of the agency head and the approval of the Civil Service Commission.

To make such early retirement economically feasible, an unreduced annuity is provided equaling 2 percent of the employee's high 5-year average salary, multiplied by his total years of service.

Without objection, copies of S. 1507 and the related agency reports on an identical bill, H.R. 11524, will be inserted into the record at this point.

(S. 1507 and the reports follow:)

[S. 1507, 90th Cong., second sess.]

AN ACT To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

SEC. 2. The provisions of section 8348(g) of title 5, United States Code, shall not be applicable with respect to benefits payable pursuant to the amendment made by this Act.

SEC. 3. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

Passed the Senate December 15, 1967.

Attest:

FRANCIS R. VALEO,
Secretary.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 7, 1967.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on H.R. 11524, a bill "To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations."

Section 8336(c) grants special early retirement privileges to employees serving in positions the duties of which are hazardous and involve primarily the investigation, apprehension, or detention of persons suspected or convicted of criminal offenses. They may retire after attaining age 50 and serving at least 20 years in such capacity. Retirement in each instance must be recommended by the agency head and approved by the Civil Service Commission. Annuity allowable under this provision equals 2% of the employee's high-5 average salary multiplied by his years of service with an 80%-of-average-salary maximum.

H.R. 11524 proposes extending coverage of section 8336(c) to firefighters, who are now subject to the retirement provisions applicable to employees generally. The bill would operate prospectively, applying only to firefighters in service on or after the date of enactment. The cost of the bill is estimated at \$17,500 per employee retiring under the more liberal provisions; assuming about 200 retirements each year, the added annual cost would be \$3.5 million.

Section 8336(c) was initially limited in application to agents and similar employees of the Federal Bureau of Investigation. Later Congresses extended the provision to other employees but the express purpose was always to strictly limit coverage to persons performing duties involving primarily the investigation, apprehension or detention of criminals or suspected criminals.

This restricted purpose is readily apparent in the justifications advanced for the adoption of the more liberal retirement provisions for law-enforcement officers. They were justified, Congress felt, because law-enforcement activity required a staff of active, vigorous, physically capable men, and because they would encourage young men to enter and remain in law-enforcement work and older men to leave it at an earlier age. The more generous method of computing annuity in these cases is provided, not as a reward for the type of service performed or for hazards incident to the employment, but because a more liberal formula is needed to make such earlier retirement (with resultant shorter service) economically possible.

While most firefighters are doubtless subject to hazards not present in the more sedentary occupations, they are nevertheless clearly outside the purpose for which Congress has consistently reserved the special retirement provisions, namely, that of assuring a young, vigorous Federal law-enforcement organization. We can see no justification for departing from the precedent established by Congress and we accordingly do not favor extending the retirement provisions in question to firefighters.

The Commission believes that H.R. 11524 should not be enacted and recommends adverse action on the bill.

In connection with an identical bill, S. 1507, the Bureau of the Budget advised that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., September 1, 1967.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the Committee's request for the views of the Bureau of the Budget respecting H.R. 11524, "To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations."

The purpose of the bill is to extend to firefighter employees the early retirement and higher benefit provisions now provided by the civil service retirement system for law enforcement and investigative personnel under section 8336(c) of title 5, United States Code.

The more liberal retirement benefits of section 8336(c)—retirement at age 50 after 20 years' service, on full annuity computed at two percent for all years of service—are provided employees whose duties are primarily the investigation, apprehension, or detention of criminals or suspected criminals, or whose duties involve frequent direct contact with such persons. From its inception this preferential retirement provision has been restricted to employees in such occupations in order to strengthen law enforcement activities by making possible early retirement, before completion of a full career, to maintain a relatively younger and more vigorous law enforcement staff.

The job of firefighter is not clearly comparable to that of the law enforcement officer and does not fall within the purpose for which Congress reserved the special retirement provisions. There is no apparent need for assuring a younger, more vigorous force than now exists. It has been the Government's longstanding policy to recognize hazard in added pay or higher classification of the job rather than through early retirement provisions. The Bureau of the Budget supports this longstanding policy.

Accordingly, for the reasons stated above, the Bureau of the Budget is strongly opposed to extension of section 8336(c) benefits to firefighter personnel and urges that the Committee not give favorable consideration to H.R. 11524.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

Mr. DANIELS. The subcommittee is pleased to welcome as the first witness the author of S. 1507, the junior Senator from the State of South Carolina, the Honorable Ernest F. Hollings.

TESTIMONY OF HON. ERNEST F. HOLLINGS, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator HOLLINGS. Thank you, Mr. Chairman.

I appreciate very much the opportunity of appearing in behalf of S. 1507, which includes Federal firemen under the hazardous duty provisions of title 5 of the United States Code.

Under section 8336(c) the Congress provided for the retirement and annuity at age 50 and after 20 years' service for this country's public servants who daily risk their lives in the performance of their duties. There is one glaring omission from this group. Although the law covers some 795 U.S. marshals, 2,254 policemen, and 13,125 guards, there are over 11,000 Federal firemen who are not accorded the same benefits.

I cannot find any justification for this exclusion. The lot of the Federal firemen is not by any standard an easy one. They are required to work a 72-hour week for 52 weeks a year, minus leave. This includes holidays and Sundays. In fact, I am told the average Federal fireman works 43 Sundays a year. They do all of this for what, in my opinion, is far substandard wages. That is another problem I hope the Congress will deal with soon, but we are not concerned here with the substandard wages, but with the classification of the job of the Federal firefighter.

The annual IAFF, International Association of Firefighters, survey contains some interesting statistics concerning the degree of hazard involved in the job of the firefighter. Based on reports from 507 cities of all sizes, the analysis shows 55 line-of-duty deaths per 100,000 firefighters last year, thus again ranking the fire service as one of the most hazardous occupations in the world. This figure is in addition to those deaths attributable to occupational diseases.

The firefighters' fatality rate was approximately 2½ times greater than the rate for policemen, listed as 20.9 duty-deaths per 100,000 men. These statistics compare with a rate of 7.2 on-the-job deaths per 100,000 workers engaged in civilian Federal service, and 20 deaths per 100,000 employees in the overall work force.

The survey showed that one out of every eight firefighters, or 12.5 per 100 men, sustained a lost-time injury in 1965. Ranked against 24 other occupations, the lost-time injury rate for firefighters working in major cities was topped only by the rate for those engaged in handling marine cargo.

The report further determined that 55.3 percent of the firefighters' deaths, including retirees, in 1965 resulted from heart and lung diseases.

I could go on citing figures such as these, but I believe those mentioned will suffice to show that by any statistical yardstick, firefighting is a hazardous occupation.

I should like also to make as a second point that my belief that the fireman is engaged in a hazardous occupation is apparently shared by the Civil Service Commission and the Federal Government. Here is my possession I have, and I would like included in the record, a position description for the GS-4, firefighter (general), under the U.S. Civil Service Commission. I will include the entire document.

You will find therein a position summary: "Consequently, this position falls within the category of hazardous duty occupation."

I offer this as evidence that, even though the Civil Service Commission may be opposed to Federal firemen sharing in the benefits of the hazardous duty provisions of title 5, they do admit that firefighting is a hazardous occupation.

Nor is this the only place the Civil Service Commission recognizes the hazard of firefighting. In Federal Personnel Manual Letter No. 550-21, which establishes regulations pursuant to Public Law 89-512, an act to establish a schedule or schedules of pay differentials for irregular or intermittent duty involving unusual physical hardship or hazard, the Civil Service Commission has provided us with a cogent definition of hazardous duty. In addition, section 550.902, subsection "D," of the aforementioned regulations, reads as follows:

Hazardous duty means duty performed under circumstances in which an accident could result in serious injury or death, such as a duty performed on a high structure where protective facilities are not used, or on an open structure where adverse conditions such as darkness, lightning, steady rain, or high wind velocity exists.

I believe this is an accurate description of a major portion of the duties of a firefighter.

This same document goes on to say firefighting as an emergency member of a firefighting crew in fighting fires of Federal Government equipment, installations, or buildings is hazardous duty, and an employee pressed into service to help fight these fires is entitled to an extra 25 percent hazard pay during the time he is engaged in these activities.

Incidentally, the fireman does not receive this extra pay.

Early retirement for hazardous duty became law in 1947, 20 years ago. This means that for 20 years the fireman has been denied the benefit of the law, denied a benefit which, if we are to believe the sta-

tistics cited here, he is more deserving of than the people presently covered.

This is not to say that the people currently under this provision should not be there, but merely to point up the gross inequity suffered by these firemen.

I am told, also, that every major city in this country provides some form of early retirement for its firemen. Every city in the Nation provides retirement after 20 years. Yet, the Federal Government, who should be a leader in providing benefits for its employees, still requires that a fireman retire at the same age as a clerk.

These firemen undergo a rigorous physical examination each year. If at that time they are found to be physically unfit to fight fires or unfit because of some injury contracted in line of duty, then they are either transferred to another job, usually lower paying and not suited to their skills, or forced to retire at greatly reduced annuity.

I believe the case for inclusion of the Federal firemen in the law is a meritorious one. These men are engaged in a hazardous occupation. They recognize it, I recognize it in the proposed bill, S. 1507, apparently the Civil Service Commission recognizes it, and it is time for us in the Congress to recognize it by some legislation. That is why we submitted our proposal. I believe that is why it was passed nearly unanimously by the Senate and is now before you gentlemen here in the House.

I will be glad to try to answer any questions you may have.

Mr. DANIELS. Senator, before going further, I would like to offer, if there is no objection, the optional form 8, July 1959, related to position description, for the record at this point.

Senator HOLLINGS. Thank you very much, Mr. Chairman.
(The form follows:)

Official File copy. *A1-414 (25) RIF 081.00*

Optional Form No. 5 U. S. CIVIL SERVICE COMMISSION Conflict-Free Federal Personnel Standard 5010-108		1. Check one: Dept. <input type="checkbox"/> Field <input checked="" type="checkbox"/>	2. Official headquarters: Gravelly Point, Va.	3. Agency position No. G-1474
POSITION DESCRIPTION		2. Reason for submission: (a) If this position replaces another (i. e., a change of duties in an existing position), identify such position by title, allocation (series, grade), and position number Cancels RA-203 Fire Fighter (General) GS-081-1.		4. C. S. C. certification No.
3. CLASSIFICATION ACTION (1) Other (specify) Reclassification		6. Date of certification 		7. Date received from U. S. C.
4. ALLOCATION BY U. S. Civil Service Commission		CLASS TITLE OF POSITION		CLASS Service Grade Grade INITIALS DATE
5. DEPARTMENTAL, AGENCY, OR ESTABLISHMENT <i>Fire Fighter (General)</i>		<i>45</i>		<i>081 04 JMK 6/10/64</i>
6. Bureau		 		
7. Field office		 		
8. Recommended by listing office		Firefighter (General)		GS 081 L
9. Organizational title of position (if any) Firefighter (General)		10. Name of employee (if vacancy, specify V-1, 2, 3, or 4)		
11. Department, agency, or establishment Federal Aviation Agency		11. Title is complete and accurate description of the duties and responsibilities of the position. <i>Robert K. Bell</i> Charles F. Peteliat <i>4/14/64</i> (Signature of immediate supervisor) (Date)		
12. Title is complete and accurate description of the duties and responsibilities of the position.		13. Title is complete and accurate description of the duties and responsibilities of the position. Chief, Aircraft Rescue & Firefighting Branch <i>John B. Rowland</i> <i>6/10/64</i> (Signature) (Date)		
14. Signature of employee 		15. Signature of immediate supervisor 		
16. Signature of official in charge of bureau, division, field office, or designated representative <i>George M. Dyson</i> <i>4/24/64</i> (Signature) (Date)		17. Signature of official in charge of bureau, division, field office, or designated representative 		
18. Chief, Operations Division		19. Position Classification Specialist		
20. Description of duties and responsibilities I. POSITION SUMMARY. <p>Incumbent in this position serves as a member of the Aircraft Rescue and Firefighting Branch, Operations Division, Washington National Airport. The Branch is responsible for all structural firefighting and for aircraft crash rescue firefighting on a 24-hour basis. Responsibility includes fire protection for high octane fuel facility. Incumbent responds to all aircraft emergencies, structural fires and/or any other type of emergency requiring fire protection services. He is required to work a 72-hour week on a shift basis. He is often expected to perform his duties with utmost proficiency in the face of personal danger. <u>Consequently, this position falls within the category of hazardous duty occupation.</u></p>				

If more space is required, use the other side and additional pages 25 11-76

5010-108-10

II. DUTIES AND RESPONSIBILITIES

A. Responds to all fire alarms or aircraft emergencies with the equipment to which assigned. Upon arrival at the scene of an emergency, vigorously participates in firefighting or rescue operations.

B. Must be fully capable of operating pumps, hoselines, nozzles and turrets and all auxiliary equipment such as forcible entry tools and rescue devices.

C. Must be fully conversant with, and understand the varied uses and characteristics of all types of extinguishing agents, such as foam, dry chemical, CO² and water and water fog.

D. Must be completely familiar with all runways and taxiways and all emergency standby locations.

E. Must be completely familiar with all fire alarm boxes and the fuel shut-down systems—automatic or manual.

F. Must be completely familiar with the location of all hydrants, sprinkler systems, water reservoirs and other sources of water.

G. Must know the fuel capacity, all forcible and emergency exits, the passenger and crew capacity of all aircraft utilizing the airport and its facilities.

H. When assigned to Alarm Room Watch Duty, incumbent must be alert to the Fire Alarm Call Board, radio, telephone alarm system. When necessary, sounds an alarm, relays fire calls, operates automatic control doors of the fire station, operates P.A. system and maintains a log recording all activities of the station.

I. Fills in as acting driver of apparatus when required, as in absence of the assigned driver operator.

J. Must be thoroughly familiar with navigation of the water surrounding the airport, operation of all water rescue craft and serve as crew member, as required, to carry out water rescue operations.

K. Performs standby details, when assigned, to provide a safeguard during such activities as defueling aircraft, or welding or torch operation in hazardous areas.

L. Inspects, tests, and refills all types of fire extinguishers.

M. Must be capable of administering first aid. Must also be capable of operating the emergency first aid wagon and its equipment.

N. Must be familiar with the outlying areas surrounding the airport, all roads that can be used for apparatus and crash equipment in case of an aircraft crash in the surrounding area.

O. Must be familiar with the operation of the two-way radio, the call signs of all emergency units and the code signals for various types of emergencies.

P. Must be able to operate the Explosimeter for detection of explosive vapors.

Q. Must be familiar with radioactivity and the operation of the radiological equipment.

R. Must be familiar with the basic fundamentals of fire department hydraulics and their application.

S. Must be familiar with knowing the standard techniques of rescue work as employed by the fire department.

T. Must be responsible for doing his part in the maintenance and cleaning of the apparatus, tools and equipment. Also be responsible for his part in keeping the fire station clean.

U. Aside from the regular duties, the incumbent shall perform all other duties that may be assigned him by the officer-in-charge.

V. The incumbent must possess a personality and character which will enable him to live and work in harmony with the other firemen. He must be able to work as part of a team under hazardous conditions.

W. Attends lectures and participates in drills to perfect techniques of both structural and crash firefighting and rescue procedures.

X. Reports to the Fire Chief or Captain-In-Charge any discrepancy noted in the condition of equipment or material.

III. SUPERVISION RECEIVED

When not responding to an emergency, the incumbent is directly responsible to the Captain-In-Charge of his shift. During emergency operations, he is directly responsible to the Crew Chief of his assigned apparatus.

Mr. DANIELS. Senator, was it not the intent of the original legislation that this preferential retirement treatment apply primarily to law-enforcement officers?

Senator HOLLINGS. That apparently was all they had in mind, because of the hazardous nature of the law-enforcement officer's employment. I do not think at that particular time firemen were considered. It is our ignorance; the ignorance of Congress in its treatment of the problem. It was not as an assist to get people into law enforcement or as an employment inducement but, rather, considering law enforcement to be a hazardous occupation.

On the basis of hazard, the Congress provided earlier retirement and increased benefits.

Now, after years, we learn as we go along, and through experience that firemen are in 2½ times more hazardous-type positions than policemen ever were.

Mr. DANIELS. I think there is no question that the duties and responsibilities of a firefighter are hazardous. I do not believe anyone would argue that point. It is your attempt by this legislation to extend the same retirement protection to firefighters as is accorded law-enforcement personnel.

Senator HOLLINGS. That is right. It is not my intent to open the door. It is my attempt to correct a door that long since has been opened but the wrong crowd got in, if you want to take it in order of priority. If the door ever was opened, as it was in 1947 by the Congress, the first group to have entered should have been, under what we know to be hazardous, the firefighter.

Mr. DANIELS. Do you have S. 1507 before you?

Senator HOLLINGS. Yes, sir.

Mr. DANIELS. I direct your attention to the proposed amendment starting on line 5, where there appears the language "or are primarily to perform work directly connected with the control or extinguishment of fires or the maintenance and use of firefighting apparatus and equipment." It would appear from this bill that you not only apply the bill to firefighters, but also to persons engaged in the maintenance and use of firefighting apparatus and equipment.

Was it not your intention to limit your bill to firefighters actually engaged in fighting fires?

Senator HOLLINGS. After studying the question and talking to firefighters, this language would extend it to people who are actually in the hazardous occupation of firefighting. When you say "primarily to perform work directly connected with the control and extinguishment or the maintenance and use of firefighting apparatus and equipment," in fact that is one of the great duties of the firefighter during the day when he is not fighting a fire.

Mr. DANIELS. If he performed the duties of maintaining the fire-truck, would you say that is as hazardous as actually engaging in fighting a fire?

Senator HOLLINGS. Obviously not, but those fellows are also called on to go and fight the fire. The truth of the matter is there has been no abundance of personnel present. Right here at Washington National Airport, the experience is otherwise. They call, and many times firefighter groups go out and fight a fire, and they will grab a mechanic or someone else standing around. Those standing around to drive a truck or anything else get the hazardous duty pay, but the fellow actually engaged in firefighting will not get it at all. This really would extend only to firefighters and not just to a maintenance man standing there to repair or maintain a piece of equipment.

Mr. DANIELS. Suppose he does not do any firefighting at all, but just maintains equipment, do you still want to give him the benefits?

Senator HOLLINGS. No, sir. I am trying to get it only for hazardous duty. You could put in a proviso that if a man is not engaged in firefighting but only engaged in maintaining equipment, it would not apply to him. We know from our experience and from all the studies made of those engaged in firefighting that that is the language suggested by legislative counsel, and it never was intended, as your ques-

tion indicates, to give it to maintenance personnel who are not engaged in firefighting or a hazardous occupation.

Mr. DANIELS. You stated there are 11,000 Federal firemen.

Senator HOLLINGS. Yes, sir.

Mr. DANIELS. Have you any statistics setting forth what their age brackets are?

Senator HOLLINGS. I tried to find out exactly what it would cost if all the 50-year-olds took advantage of the legislation and immediately retired. It would be about \$3½ million. I could not get the general age bracket from the Civil Service Commission. I am sorry, Mr. Chairman, I cannot answer that accurately.

Mr. DANIELS. Do you know what the average age is of a person entering the service as a firefighter?

Senator HOLLINGS. I would give a guess, which the Chairman could give better than I, as the early 20's.

Mr. DANIELS. What is your estimate as to the number of firefighters who would take advantage of retiring if this legislation were to be enacted into law?

Senator HOLLINGS. We do not estimate that all would take advantage of it, Mr. Chairman. If they did, as I said, it would cost about \$3½ million. I would think upon the passage of the act it would be somewhere in the vicinity of 15 or 20 percent. It was estimated in our hearings on the Senate side not even that percent of the 11,000, but 200 presently, if we passed the bill tomorrow, would take advantage of the law immediately.

Mr. DANIELS. Report No. 945, accompanying S. 1507, states:

"The proposal would have a cost which we estimate at \$17,500 for each qualified firefighter retiring after enactment of the bill. Assuming about 200 firefighters retire each year, the added annual cost would be \$3.5 million."

I have no further questions. Mr. Henderson, any questions?

Mr. HENDERSON. Knowing that the Senator has several important commitments to keep this morning, I will not detain him by posing any questions. I thank the Senator for his statement. My only concern is whether or not we should give full hearings to some of the other positions that are hazardous, but that can be done later. I certainly agree with you, Senator Hollings, that firefighting is a hazardous duty.

Senator HOLLINGS. I appreciate that very much.

Of course, we had hearings on the Senate side, and Customs and everyone else was included. I am a freshman and just learning. They say from experience over the years, firefighters have always been excluded. All the other groups would come up, but they never could really prove the case that the firefighters can, which really qualifies them ahead of the law enforcement officers. This year for the first time they did. It is not a singling out. As I say, justice delayed is justice denied. It is really giving fair treatment to the firefighters.

Thank you very much.

Mr. DANIELS. Thank you, Senator.

Our next witness is Mr. Andrew E. Ruddock, Director, Bureau of Retirement and Insurance, U.S. Civil Service Commission.

TESTIMONY OF ANDREW E. RUDDOCK, DIRECTOR, BUREAU OF RETIREMENT AND INSURANCE, U.S. CIVIL SERVICE COMMISSION

Mr. RUDDOCK. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear today to present the Civil Service Commission's views on S. 1507, a proposal to grant firefighters the more liberal retirement rights and benefits now accorded only to criminal law enforcement personnel.

S. 1507 as passed by the Senate on December 15, 1967, is identical to H.R. 11524 on which the Commission reported its official position by letter dated August 7, 1967, and addressed to Chairman Dulski of the full committee. I note, Mr. Chairman, you have had the Commission's report made a part of the subcommittee's proceedings.

I shall not take up your time by repeating all of the details included in the Commission's report. However, I do wish to outline the primary reasons for the Commission's opposition to enactment of this legislation.

The Commission believes the law enforcement provisions are intended to accomplish two things for the employees to whom they apply:

1. They make it possible for an employee to retire as early as age 50, if he has served a minimum of 20 years in criminal law enforcement positions; that is, positions the primary duties of which involve the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the United States; and
2. They provide a retirement benefit using a straight 2 percent multiplier in the annuity computation formula.

In other words, while the earliest at which other employees may qualify for service retirement with full benefits is age 55, law enforcement employees may qualify at age 50. And, while other employees must have completed 30 years of service, these employees need only have completed 20 years of law enforcement work. The benefit formula for other employees is 1½ percent of average salary for each of the first 5 years of service, 1¼ percent of average salary for each of the second 5 years of service, and 2 percent of average salary only for years of service in excess of 10; for law enforcers it is 2 percent of average salary for all years of creditable service.

S. 1507 would extend these more liberal retirement rights and benefits to firefighters who retire after the bill is enacted. Similarly, the widow of a qualified firefighter who died after the bill is enacted would have the more liberal annuity formula applied in computing her survivor benefit.

Over the years, there have been numerous proposals, such as S. 1507, to extend the special law enforcement benefits to groups of employees whose duties, while hazardous or arduous, are not related to criminal law enforcement work. Such proposals have never been considered by the Commission to be in keeping with the original intent of the Congress. The law enforcement provisions were originally enacted by Congress, not as a reward for hazardous or arduous duties, but to help assure a staff of active, vigorous, and capable men to carry out police operations involved in the enforcement of Federal criminal laws. Initially, these provisions were available only to agents and similar employees of the Federal Bureau of Investigation. Later, Congress extended them to cover employees of other agencies, but always in

such a way as to restrict the preferred treatment to personnel in the field of law enforcement.

Mr. DANIELS. To whom did Congress subsequently extend the provisions of the original law?

Mr. RUDDOCK. To employees of any agency, provided the principal duty is investigation, apprehension or detention of persons suspected or convicted of violations of criminal laws of the United States.

Mr. DANIELS. It always has been restricted to law enforcement personnel?

Mr. RUDDOCK. Yes. There is no person, no Federal employee, currently entitled to this special treatment who is not in the field of law enforcement.

The Commission has consistently opposed extending the liberal law enforcement retirement provisions to include groups of employees who are not engaged primarily in law enforcement work. We are firmly of the opinion that all Government employees, including firefighters, should be treated alike for retirement purposes. We do not consider preferential retirement benefits to be an appropriate form of compensation for hazardous or arduous duties or for duty entailing other types of hardships. Compensation for such job elements should be reflected in active duty pay, and to the extent pay is increased, the retirement benefit is also increased because the amount of annuity is related to pay as well as to length of service.

Stated simply, we do not believe the civil service retirement system is the appropriate medium for solving the special personnel problems of different occupational groups. We think a chaotic situation could develop rapidly if the retirement law were amended to provide one set of rules for firefighters, another for aircraft pilots, and so on through the various occupations which are found in Government service. Over the years, special retirement provisions have been proposed for customs inspectors, office deputy marshals, civilian marine officers, immigrant inspectors, appraiser guards, Panama Canal ship pilots, coal mine inspectors and investigators, and many other groups of employees whose occupations subject them to unusual hazards. We have not favored enactment of any of these proposals.

In the Commission's August 7, 1967, report on H.R. 11524, we estimated the cost of this proposal at \$17,500 for each qualified firefighter retiring under the law enforcement provisions. Since submission of that report, salary rates have increased twice and, should the present bill now be enacted into law, it would cost the taxpayers approximately \$19,000 for each such firefighter who retires after the bill is enacted. Assuming that about 200 firefighters would retire each year, the added annual cost would be \$3.8 million. I should point out that this assumption, while reasonable, is an arbitrary figure since we have no age-service distributions of firefighters in the active work force.

In conclusion, I would like to point out that the subject of extending the liberal law-enforcement retirement provisions to non-criminal law-enforcement groups was one of the items given consideration by the President's Cabinet Committee on Federal Staff Retirement Systems, which was established by the President in 1965. The issues are discussed in Senate Document No. 14, 90th Congress, 1st session, on pages 106 through 108. The Cabinet Committee concluded that no change was warranted and did not recommend any extension of

coverage. We fully agree with the Cabinet Committee's views on the matter.

I thank you for the privilege of appearing this morning. I will be pleased to answer any questions you may have.

Mr. DANIELS. Thank you, Mr. Ruddock, for your statement.

Mr. Ruddock, do you believe that the preferential treatment afforded law-enforcement officers under section 8336(c) has accomplished the intended objective?

Mr. RUDDOCK. Mr. Chairman, the finding of the President's Cabinet Committee on Federal Staff Retirement Systems was along the lines that this provision has not served its intended purpose, at least not in a very good fashion. The basic weakness in the system is that while it is intended to keep the service group young, it is an option that is available to the employee. The employee exercises the option. He needs to have the recommendation of the head of his agency, but our experience has been that agency heads are extremely reluctant to withhold a recommendation from any employee who is motivated to retire. The general experience seems to be and seems to have been that those taking advantage of this provision and retiring at an early age, such as 50, 51, or 52, tend to be the more active, more vigorous, the more competent, qualified people in the work force, because they are the ones who have the opportunity to step out of Government employment and into a job in private industry.

This does not seem to have served the purpose of weeding out those who, let us say, have lessened vigor or ability, where they are no longer fully capable of carrying out the job.

In order to accomplish that purpose, the Cabinet Committee pointed out, the legislation would need to be amended to give the option to the agency head so he could select from among the work force those whose efficiency has diminished, and he could exercise the option to retire them. In that way the objective of keeping the service young could be better served.

Mr. DANIELS. The law today covers U.S. marshals, policemen, prison guards, and FBI agents, et cetera; is that correct?

Mr. RUDDOCK. Yes, sir.

Mr. DANIELS. I understand the law covers at least 795 U.S. marshals, 2,254 policemen, 13,125 prison guards and FBI agents. Are those figures approximately correct?

Mr. RUDDOCK. I would have no reason to question them. We do not maintain separate figures for retirement purposes on the different occupational groups, but all of the figures you have cited sound very reasonable.

Mr. DANIELS. In your opinion, what is the primary purpose of providing more generous treatment to law-enforcement personnel? Is it to facilitate recruitment and retention, or to reward such an employee for the hazard he endures during his active employment?

Mr. RUDDOCK. I think the legislative history is very clear that the objective was to keep the service young and, hence, the provision for the early retirement. The 2-percent computation was not a reward for the hazardous service, but it was in order to make it economically feasible for the individual to retire at an early age. In other words, if you are to have a provision that people retire at 50 with 20 years' service, the regular formula, which back in 1947 was much less liberal than the regular formula today, would have provided an

annuity which would have made it really economically infeasible for an individual to retire. So, the computation was set at 2 percent.

Mr. DANIELS. What is the average age at retirement of those employees covered by this particular provision?

Mr. RUDDOCK. Mr. Chairman, I have a table of annuitants added to the retirement rolls during the fiscal year which ended June 30, 1967. Let me read some of the significant figures on the law-enforcement employees who retired under the 50/20 provision.

There were 436 who retired with an average annuity of \$503 a month. Their average age was 56.3. Their average service was 27 years.

If we may compare them with employees who retired under the provision for optional retirement at age 55 with 30 years of service—this is the earliest service retirement outside the law-enforcement category.

Mr. DANIELS. I was the sponsor of that bill, so I am well familiar with it.

Mr. RUDDOCK. Under that provision, 5,191 employees retired. Their average annuity was \$457 a month, which is less than that of the law-enforcement officers. Their average age was 57.6 years. Their length of service averaged 33.4 years. So, this is a group with almost 6½ years more service than the average of the law-enforcement officers, but retiring with an annuity which averaged \$46 a month less.

Mr. DANIELS. Your figures indicate that the primary objective of this law has not been accomplished because the average age at retirement, of late, has been 56.3 years; is that correct?

Mr. RUDDOCK. Yes, sir; which is 1.3 years less than the average of career employees retiring under the 30/55 provision.

Mr. DANIELS. If firefighters were granted the preferential treatment proposed by this legislation, do you believe they would avail themselves of the opportunity to a greater extent than have the law-enforcement personnel?

Mr. RUDDOCK. I do not know how to speculate on that, Mr. Chairman. I am sorry. I just don't know.

Mr. DANIELS. Do you look upon the duties and responsibilities of firefighters as hazardous?

Mr. RUDDOCK. Yes, sir. I do not think there is any question about that.

Mr. DANIELS. The position of the Civil Service Commission in opposition to this legislation is primarily because firefighters do not come within the category of law enforcement?

Mr. RUDDOCK. Yes, sir; and if we establish a precedent of extending this preferential retirement provision to employees outside the law-enforcement category, then we will have difficulty, it seems to us, in drawing a new line somewhere else.

Let me give you just a few figures. It has been proposed that early retirement at the 2-percent formula be extended to Internal Revenue Service collection officers. There are 13,233 of them.

It has been proposed that it be extended to 2,777 customs inspectors, 1,186 immigrant inspectors, 1,045 aircraft pilots, and 13,386 employees engaged in operating civilian manned vessels and dredges.

There are some other categories—civilian armed guards to maintain security of naval shore establishments, 3,000.

The total of the groups I have enumerated, plus some of the groups which are much smaller, is 37,818 as of a survey made in 1966.

It is extremely difficult, once you move a line of this kind, to find a new place to draw it with equity.

Mr. DANIELS. If my recollection serves me correctly, I believe the Panama Canal ship pilots also desire to come within the provisions of this law.

Mr. RUDDOCK. Yes, sir.

Mr. DANIELS. How many are involved?

Mr. RUDDOCK. There were 68 at the time of this survey in 1966. It is my recollection that the number of Panama Canal ship pilots at the present time is over 100 because of some recruiting within the past 2 years to handle the increased shipping.

Mr. DANIELS. Out of the 11,000 Federal firemen, how many are over age 50 and have served 20 years or more in this capacity?

Mr. RUDDOCK. I am sorry, Mr. Chairman, I do not know.

Mr. DANIELS. Do you know what generally happens when a firefighter fails the periodic medical examination?

Mr. RUDDOCK. One of two things would happen. Either he is assigned to duties in which his impairment will not create a hazard for himself or for others, or he would be retired. If he is retired, it would normally be under the disability provisions of the retirement law. That provision would give him the annuity computation generally available on the basis of his years of service and his salary.

However, if at the time he is retired for disability he is under the age of 60, then his annuity would be the minimum disability annuity which is either 40 percent of his average salary or a lesser amount if he would not have earned the 40-percent annuity by working to age 60. In other words, he is given credit for his actual service plus those years elapsing after he is separated and before he reaches age 60, unless that would push his annuity above the 40-percent mark.

Mr. DANIELS. To make it clear in our minds, would you give us a specific example of how that works out?

Mr. RUDDOCK. Yes, sir. Let us say he is age 40 and has 10 years of service, his annuity would be 40 percent of his average salary for a 5-year period. It would be that same amount whether he had had 5 years, 6 years, or 20 years. If he had 25 years of service, then he would have earned more than the guaranteed minimum, and his annuity would be 46.25 percent of his average salary.

Mr. DANIELS. Since it is indicated that only about 1 percent of law-enforcement personnel retire each year under the existing provisions of law, do you think a real need for such a provision exists today?

Mr. RUDDOCK. Let me answer that indirectly, if I may, Mr. Chairman. The Civil Service Commission and the executive branch have always stopped just short of recommending repeal of the present law enforcement provision. In other words, while we have consistently opposed the extension of that provision, believing that it is not particularly sound legislation, at the same time we have not recommended its repeal.

Mr. DANIELS. Do you feel the opportunity to exercise an early retirement option should be limited to any particular age beyond 50, or length of service beyond 20?

Mr. RUDDOCK. I do not know that there is any magic to any particular age. We have moved in this retirement system from the original act, which had no provision for optional retirement, to a provision which permitted optional retirement if the individual had 30 years of service and was within 2 years of retirement age. We have moved from that through a series of changes until we now have the general provision, which you referred to earlier, for optional retirement at age 55 with 30 years' service.

I do not think there is anything particularly magic about 55-30. I think we have been moving generally in the direction of 30-year retirement without an age provision.

Such a provision, as you know, would be a costly provision, and the wisdom of going that far has been debated from time to time. For law enforcement employees, retirement is optional at 50 with 20 years of service. If firemen are to be given preferential provisions, 50-20 is as good a combination as any.

Mr. DANIELS. Have you any questions, Mr. Henderson?

Mr. HENDERSON. Yes.

Mr. Ruddock, do the firefighters who would be covered by this bill receive hazardous duty pay?

Mr. RUDDOCK. I do not believe they do, except in the sense that the pay of the position is fixed in recognition of the hazard within the occupation. I do not think they receive hazardous pay as do some other employees, when they perform a particular duty, who receive extra pay for performing that particular duty.

Mr. HENDERSON. Could you illustrate some of those that do? I am thinking of ammunition handlers in the Department of Defense. Do they receive hazardous duty pay?

Mr. RUDDOCK. I do not know, sir. I am not very familiar with those provisions.

Mr. HENDERSON. If we were to agree that the Congress was going to enact these additional benefits of early retirement for firemen would the Commission prefer that it be done by a separate provision for them, rather than to amend the law enforcement officers' section, if that could be done?

As I understand it, Mr. Chairman, suppose we have the forces to amend the law-enforcement officers' section of the law, and if we were to recognize that benefits should be given to those in hazardous duty, and then the first step to apply to firemen in the Federal service. Would you prefer that this be done in a separate section of the law, rather than amending the law-enforcement section? As I understand your testimony, you do not feel the two are comparable, and whatever case can be made for the firemen on the basis of hazardous duty is not the same type of hazard as the law enforcement officer has.

Mr. RUDDOCK. If the Congress decides that early retirement is to be extended to the firefighters, I think the method followed in S. 1507 is perfectly acceptable. It does make that whole provision applicable to people who are in the law enforcement field or who are in the fire-fighting field. I would not see any particular virtue in writing in a separate section which would set up early retirement for the firefighters.

Mr. HENDERSON. As I recall, in the hearings we had with regard to the Panama Canal ship pilots 2 years ago, the most impressive testimony we received, Mr. Chairman, I think, was that they did not live

a normal span after retirement. Apparently there is something about working in the Canal Zone that reduces their life expectancy.

Mr. DANIELS. It is a fact, Mr. Henderson, that because of the intense heat and the tension of navigating the ships through the locks—which I personally observed on my trip to Panama—they die at a much earlier age than the normal or average span of life of other individuals.

Mr. RUDDOCK. I remember that testimony, sir.

Mr. HENDERSON. We have not extended benefits to them, but I was so impressed with it that I have remembered it. My question, as it applies here, is: Is there any evidence, or have you heard, that this is true of firefighters?

Mr. RUDDOCK. I have heard no evidence on that point.

Mr. HENDERSON. You mentioned firefighters who could not pass their medical examination. Are they, in that instance, afforded practically the same benefits as are others in the Federal service who are discharged because they cannot pass the physical, such as the FAA personnel, the controllers, and the pilots? You mentioned aircraft pilots. They, too, have to pass an annual physical. In their benefits for disability retirement, are they all treated alike?

Mr. RUDDOCK. Yes, sir; the disability provisions are the same for all employees of the executive branch.

Mr. HENDERSON. Would you feel, if we were to extend additional benefits to firefighters or others who obviously will come before us in the future, and particularly if this legislation is passed, that greater benefits should be granted and limited to disability retirement? Is there a problem with those who are retired under disability retirement? You spoke of trying to get a sufficient annuity that they could live on.

Mr. RUDDOCK. I think the present disability provision is quite generous, and with the guaranteed minimum annuity, there would be no particular objective served, it seems to me, by writing a disability provision into the legislation we are considering this morning.

For example, the legislation we are considering this morning would give a fireman who retired at age 50 with 20 years of service a 40-percent annuity. That is exactly the annuity he would get if he retired on disability.

It is also the annuity he would get if he retired before he reached age 50 and before he had 20 years of service. So, if he is in fact disabled for the position of fireman, the disability provision tends to be more generous than the provision we are considering this morning.

Mr. HENDERSON. Do you know of any of this group who have received disability retirement as a fireman, and who have gone to work for cities as firemen?

Mr. RUDDOCK. I am not aware of any such case, although it could have happened and I would not know it. We do not normally follow the occupation of the individual after he retires.

Mr. HENDERSON. Do you think we should give any consideration to providing that they would lose their early retirement benefits if they were reemployed in a city fire department? I do not know enough about this. The reason I raise the question is that it would seem to me that we would put ourselves in a position to be severely criticized if we provided early retirement for Federal firefighters and

found, after they retired, that they were still young enough, and able enough, to take firefighting positions elsewhere.

I am not thinking a man that age would actually be involved in firefighting as much as he would be employed as a lieutenant, or captain, or in a position of directing active firemen. I think we might ask the question of whether we have had experience along these lines.

Mr. RUDDOCK. Traditionally, there is no bar to reemployment in any private capacity of a person who retires after he has fulfilled the age and service requirements.

Mr. HENDERSON. What has our experience been with retired law enforcement officers? Have they gone to city or State law enforcement positions?

Mr. RUDDOCK. It is my understanding that many of them have. This has been true for 21 years.

Mr. HENDERSON. If we attempt, as the primary objective of Congress, to give the Federal law enforcement force a younger age, then I do not guess the fact that they retire early is contrary to that objective.

Mr. RUDDOCK. No, sir, it is not.

Mr. HENDERSON. But, if we are going on the theory that, because of the hazardous duty they perform for these years, they ought to be given early retirement so as not to feel compelled to continue that hazardous duty beyond a certain age, you do not get that effect if they leave the Federal service and go to State or municipal law enforcement, or State or municipal firefighting.

What would you think of the Civil Service Commission adopting the position, if we were to enact this type of legislation, of requiring a maximum age at which they could enter the service?

Mr. RUDDOCK. The whole trend has been in the direction of getting away from maximum entry ages so we can eliminate some of the present discrimination against the hiring of older workers. So, except where it is necessary because of the particular type of occupation, we are getting away from maximum entry ages.

Mr. HENDERSON. The next question I would ask here could, perhaps, best be answered by the firefighter representatives. I wonder if it is not true that in the Federal service we employ more firemen who have had experience in volunteer departments, or town or city departments, because of some experience and their own motivation; and if we do not find the entry age into Federal service is generally higher than it would be in the city or municipal departments?

Mr. RUDDOCK. I think that is entirely possible.

Mr. HENDERSON. I believe that is all I have, Mr. Chairman.

Mr. DANIELS. The gentleman from New York, Mr. Hanley.

Mr. HANLEY. Thank you, Mr. Chairman.

Mr. Ruddock, back when the Congress was deliberating the preferential treatment benefits for law-enforcement officers, what was the position of the Commission?

Mr. RUDDOCK. The Commission recommended against its enactment.

Mr. HANLEY. It appears to me that obviously we have established a precedent here and we are somewhat inconsistent. You say, "We do not believe the civil service retirement system is the appropriate medium for solving the special personnel problems of different occu-

pational groups." On the other hand, we have already enacted legislation which provides this special treatment.

Mr. RUDDOCK. Yes, sir.

Mr. HANLEY. Further, the implication here is the requirement is not that they be active and vigorous, and I can think of no other area of endeavor where this is more necessary as, for instance, was evidenced by the activity here in Washington back in April. So it appears to me the criteria for the firefighters would be at least equal to those for law-enforcement officers.

Mr. HENDERSON. Would the gentleman yield?

Mr. HANLEY. Yes.

Mr. HENDERSON. You made a point that gives me some concern. I think municipal firefighters, in recent experiences, have been on the front with the police and in the line of fire from snipers, and so on. That would not be true with regard to Federal firefighters, would it?

Mr. RUDDOCK. I am not aware of instances where Federal firefighters have participated in activities such as we had in Washington in April.

Mr. HENDERSON. If they are, I think that should be on the record. I am thinking of some of our firefighters who are on military installations in this country where this probably would not be the case. And I think Congress should give very serious consideration to limiting the authority to send our Federal firefighters into a municipal situation. We will get this information, perhaps, from the employee organization.

Thank you.

Mr. HANLEY. With respect to the hazards and incidents such as took place here in April, I know of a number of communities in the Nation where plastic covers have been required for cabs of firefighting equipment because of exposure to sniper fire, et cetera. I am sure you are familiar with this, too, and possibly this exists in the District. I am not sure, but there certainly is very positive evidence that, in the light of the happenings of the past year, there is a great deal of merit associated with this legislation. And we do have a precedent at hand in that it already applies to law enforcement officers.

I wonder if we have any statistics on hand with respect to the casualties of law enforcement officers as opposed to firefighters that, perhaps, would substantiate a case one way or another?

Mr. RUDDOCK. It is my understanding that very clearly the rate of accident and the rate of death among law enforcement officers is lower than that of duty-connected accidents and deaths of firemen. I think firefighting is the more hazardous of the two.

Mr. HANLEY. Wouldn't this make more valid the merits of this legislation?

Mr. RUDDOCK. If the intent is to have the early retirement or the preferential retirement treatment in recognition of the hazards. One of the anomalies created if we attempt to use retirement as a form of reward for hazards is that it ends up rewarding those who have survived the hazards and not those who have suffered from them.

Mr. HANLEY. I think, more than the hazards, the agility of the individual in fulfilling his duties as a fireman—and I visualize his going up and down ladders and other activities associated with his endeavors. I think great physical prowess is necessary and, as I analyze, this I can only say the more you become involved with this deliberation the more merit appears to be associated with the legisla-

tion. Aside from the hazards, there is the necessity that the individual be very agile, I think even more so, than those in the field of law enforcement.

I don't have any further questions, Mr. Chairman.

Mr. DANIELS. Our colleague, Mr. Waldie, the gentleman from California, while not a member of this subcommittee is present. The Chair will be pleased to entertain any questions he may have.

Mr. WALDIE. Thank you, Mr. Chairman. I did, but I think Mr. Hanley has answered them. I think the essence of this legislation is whether firefighters are engaged in equally as hazardous activities as those covered by this other preferential legislation, and, I think, the conclusion is that firefighters are engaged in perhaps even more hazardous activities than the law enforcement officers who are presently benefiting from this special treatment.

Mr. RUDDOCK. Yes, sir.

Mr. WALDIE. And if that was the intent of Congress when they included law enforcement officers in this treatment, it would appear to me Congress would be well within their rights—and probably have gone overly long in not recognizing the hazards to which firefighters are exposed—in enacting this legislation.

I missed your previous comments as to why the Commission objects to the legislation. I presume it is on the basis of cost, primarily?

Mr. RUDDOCK. No.

Mr. WALDIE. Would the Commission have objected were the original question now before us to include law enforcement officers under this provision?

Mr. RUDDOCK. The Civil Service Commission did recommend against the enactment of the original legislation in 1947.

Mr. WALDIE. Then you are being consistent in your opposition, but I think Congress should be consistent in its support of the inclusion of hazardous occupations in this preferential treatment.

Mr. HENDERSON. Mr. Ruddock, has there been a legislative proposal that these people receive hazardous duty pay? How is hazardous duty pay set? Is it by congressional act?

Mr. RUDDOCK. I suggest either that I be given the opportunity to get that information for the record, or I think you can get it from Mr. Davis. It has been my experience he has all that information at his fingertips.

Mr. HENDERSON. I think you put it in terms it would cost the taxpayers \$19,000 per employee retiring, but if you had hazardous duty pay for the firemen, those we are talking about in this legislation would receive far more than that in compensation over the full life.

Mr. RUDDOCK. I think that is entirely possible.

Mr. DANIELS. To summarize your testimony, your objection is based primarily on the basis that firefighters do not come within the category of law enforcement groups, and further, while they are engaged in a hazardous occupation, that their compensation as firemen includes any extra hazards that might be involved in their work or duty?

Mr. RUDDOCK. Both of those points are true. I would add a strong belief on the part of the Civil Service Commission that all employees should be treated equally for retirement purposes, and we have not accepted the precedent of the law enforcement officers receiving

preferential treatment as a precedent for similar preferential treatment for other groups.

Mr. DANIELS. You said the Commission fell a little short of the recommendation that this legislation be repealed, so do you think if we expanded the legislation it would be making "bad legislation worse," so to speak?

Mr. RUDDOCK. That would be our view, yes, sir.

Mr. DANIELS. Referring to the bill, if it should be the decision of this committee to include firefighters in the present provisions of law, do you have any comment to make about the language extending these benefits to those firemen who are employed for maintenance work on firefighting apparatus and equipment?

Mr. RUDDOCK. I think that could create a little confusion. I would point out that section 8336(c) contains this sentence:

The head of the agency and the Commission shall consider fully the degree of the hazard to which the employee is subjected in the performance of his duties instead of the general duties of the class of position held by the employee.

We have consistently applied this section by finding the employee who is retiring has been subjected to the hazards. If this legislation were enacted and if we had an application for retirement for someone who has had 20 years in the firefighting field but his duty has all been in the maintenance of firefighting equipment, and if we found he had not been subjected to the hazards of firefighting, we would not approve his retirement. So it could be confusing to have the words "connected with the maintenance of firefighting equipment" and have the hazards requirement over and above that.

Mr. DANIELS. I do know that some cities, particularly large cities, have a special department where firefighting equipment is maintained and repaired, and the people in that department are employed as automobile mechanics, or whatever other type of work is involved in that particular maintenance service. They never are called upon to fight a fire. I wonder if we should extend the law to that type of employee. Should they receive the same benefits as those actually exposed to fighting fires, which is certainly more hazardous?

Mr. RUDDOCK. I would think the individual who has not been subjected to hazards should not have the bonus annuity, and we would apply the hazard test to each individual case.

Mr. HENDERSON. You say, in your interpretation, they would have to be exposed to the hazards of firefighting. Suppose we had—and I am not sure we do have in the Federal Government—in the firefighting service, people who were physically handicapped and who were, perhaps, operating communications, but never went to a fire. Is it your interpretation they would not be covered?

Mr. RUDDOCK. Not if that is the only duty they have had.

Mr. HENDERSON. Then, what we are interested in here are firemen exposed to the hazards of fighting fires. Suppose we had employees who did nothing but drive a fire vehicle. In my interpretation that is a part of the hazard.

Mr. RUDDOCK. That is hazardous.

Mr. HENDERSON. I know of one instance where I insisted, as strongly as I could, that a disabled fireman be reemployed as a communications operator. But it seemed the policy in that particular case was that all had to be able-bodied firemen. I want to get the record clear as to

what your interpretation of this would be, so that if we kept in this legislation the maintenance personnel not exposed to the hazards of firefighting, they obviously would not get the benefits of the legislation.

Mr. RUDDOCK. That is right. Let me refer to another provision in this section: "including an employee engaged in this activity who is transferred to a supervisory or administrative position." So if we had an active firefighter who suffered an on-the-job injury and could not engage in active firefighting and he was transferred to a supervisory or administrative position where he no longer had to fight fires, we would consider him to be retirable at age 50 with 20 years of service because he was engaged in the activity and was transferred to a supervisory or administrative position. But an individual originally hired, say, to man the switchboard who stayed in that position for 20 years and was not subject to hazards would not be included.

Mr. HENDERSON. Or if his duties were to maintain the apparatus and he was not exposed to hazards?

Mr. RUDDOCK. We would not consider him retirable under this provision.

Mr. DANIELS. Any further questions?

Thank you, Mr. Ruddock.

Mr. RUDDOCK. Thank you.

Mr. DANIELS. The next witness is Mr. Alvin E. Davis, legislative representative of the International Association of Firefighters, AFL-CIO.

**TESTIMONY OF ALVIN E. DAVIS, LEGISLATIVE REPRESENTATIVE,
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO**

Mr. DANIELS. Mr. Davis, do you have a prepared statement?

Mr. DAVIS. Yes, I do, Mr. Chairman, and I will submit it to the reporter and ask that it be made a part of the record.

Mr. DANIELS. Without objection, your prepared statement will be inserted at this point in the record and I would appreciate it if you would summarize your views in anticipation that a quorum call may require our adjourning.

(The following statement was submitted for the record:)

Mr. Chairman, members of the Committee, I am Alvin E. Davis, Legislative Representative of the International Association of Fire Fighters, AFL-CIO, I appear in behalf of William D. Buck, The President of the Association.

Our organization represents approximately 130,000 paid professional fire fighters in the United States and Canada. We urge the Congress to act favorably on this most deserving legislation.

The occupation of fire fighting is one of the most hazardous in the world. A recent (1967) survey conducted by the I.A.F.F. Research Department of paid Fire Departments in the United States totaling 72,336 firefighters reveals the following:

Death in line of duty.....	68
Number of minor injuries.....	49, 642
Number of lost time injuries.....	23, 802

Mortality.—Number of active fire fighter deaths from diseases of:

Heart.....	102
Lung.....	21
Other.....	59

Total deaths.....	182
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Total deaths of retired fire fighters from occupational disease: 179.

Number forced to leave department or retire as a result of: Occupational disease, 291; on duty injury, 295.

This survey shows the death and injury rate of firefighters is 275% greater than the rate for the overall work force.

We could give you many more statistics regarding the death and injury rate of the occupation of a fire fighter; however, at this point, I believe it most important that I relate some of the hazards encountered by a fire fighter which contribute to the previously mentioned high rate of death and injury.

Fire fighting is a strenuous occupation. A fireman performs his duty 24 hours a day, 365 days a year. He performs during emergency situations, all times of the day and night, exposed to extreme heat and cold. His type of duty is often heavy, performed in extreme high temperatures. Noted physicians say that this is a burden on the cardiovascular system. The pulse rate increases and the stroke volume of the heart decreases.

Fire fighters also perform much of their duties in extreme cold. Authorities in their research have found that this may produce persistent hypertension.

A fire fighter is exposed constantly to carbon dioxide and other poisonous gases which unquestionably do damage to the heart and vascular system.

In recent years the development and use of the many different kinds of chemicals, volatile liquids, fuel propellants, pressurized oxygen and always the possibility of being exposed to radioactive materials have added tremendously to the hazards that fire fighters encounter.

In a nearby Federal activity, the fire fighters last year were called upon to dispose of used chemicals on numerous occasions (as just part of their duties). This process necessitates handling these chemicals several times, some of which are highly explosive and can be set off by a slight shock or change in temperature.

Six (6) explosions resulted and on one occasion two fire fighters were injured and one fire fighter was injured on each of three other explosions.

At another nearby Federal activity, in the past five (5) years, 10% of the fire fighting force have been lost because of heart ailments, the average age of these men being 44 years.

Just in case some are not yet convinced that a Federal Fire Fighter should be allowed to retire at an earlier age than a government clerk, let me quote to you from a Civil Service Standard Form #78 ("Certificate of Medical Examination"):

"The employee may be exposed to excessive heat or cold, dampness, fumes, smoke or gases, electrical energy or dust. He is required to work both inside and outside of buildings during various times of the day or night. Duties may require arduous physical exertion such as heavy lifting and carrying, pulling, pushing, reaching, climbing, crawling, kneeling and repeated bending. The employee *must* possess rapid mental and muscular coordination, as well as emotional and mental stability."

Again I quote from a Civil Service Commission form ("Position Description Form") of a Federal Fire Fighter (General) G.S.-5, who serves as a driver-operator and in most cases this fire fighter would have 10 or 15 years of service and be no youngster:

"* * * the operation of which requires a high degree of mental alertness and physical dexterity. He is expected to perform his duties with utmost proficiency in the face of personal danger. Consequently, this position falls within the category of a hazardous duty occupation."

Here we find it in black and white that a Federal Fire Fighter's occupation falls within the category of hazardous duty. Why then should the Federal Government not recognize this upon retirement of this employee?

We have not attempted to compare the duties of a Federal Fire Fighter with that of any of the some 15 or more other Federal employee groups that are already receiving hazardous duty retirement.

However, we do feel that we have furnished reliable statistics to prove that *their duties are the most hazardous.*

As briefly as possible, may I point out just two more reasons, that are most significant, why these Federal Fire Fighters must have lower age retirement:

1. Federal Fire Fighters undergo a rigorous physical examination every year (the only Federal employee that we know of who is subject to such physicals.) This is necessary and important, and we do not oppose it, but in the great majority of cases, how can a fire fighter who has served many years in the fire service pass such physicals after reaching age 50?

2. Today the labor market is competitive. How then can the Federal Government recruit good, efficient and reliable young men to the Federal fire service

when municipalities and counties are retiring their professional paid fire fighters as per the following statistics:

- a. 9 out of 10 fire fighters can retire before age 55.
- b. Almost 1 out of 5 fire fighters may retire after 20 or 25 years of service regardless of age.
- c. In major cities no minimum age requirements occur in almost 1 out of 3 retirement plans.
- d. Most pension plans, almost 2 out of 3, report the normal retirement benefit of a monthly annuity equal to a percent of final average salary.
- e. 99% of the plans surveyed reported the annuity of at least 50% average salary.
- f. Those reporting the pension benefit as a percent of average salary times years of service (almost one-third of the plans) report 2% is the most commonly used fixed formula.

We feel that the Federal Government must recognize *now*, near comparability, upon retirement for these forgotten few dedicated Federal employees, the fire fighters.

We respectfully request the honorable members of this Committee to take favorable action on S-1507.

Mr. DAVIS. I appreciate the opportunity of appearing and I will make my remarks brief.

I will quote from an article which appeared in a local newspaper after a hearing before Senator McGee's subcommittee of the Senate Post Office and Civil Service Committee, and in connection with Mr. Ruddock's testimony:

"However, Chairman McGee and subcommittee members disagreed with Ruddock's testimony. McGee said that the bill would correct a 'flagrant case of unfairness.' He added that 'this open door business' does not apply in the case of firefighters because they represent a 'conspicuous area of neglect and lack of foresight' on the part of Congress.

"McGee said that the Hollings bill would not set a precedent for granting the same benefit to other groups of Federal employees. He pointed out that his subcommittee and Congress would 'consider each group on its own merits.' In the case of the firefighters, he said, it appears evident that they deserve the liberal retirement benefit because of the great degree of hazardous duty on their job."

One additional remark and then I will be glad to try and answer any questions that the members may have.

Much has been said on the subject of the original intent of the existing law; we have mentioned this in our prepared statement. However, we did not nor will I now attempt to compare duties of firefighters with duties of those people who are now covered by the provisions of hazardous duty retirement. I will leave it to your judgment as to whether all those who are now covered by the act are actually engaged in law enforcement.

The following was received from the Retirement Division of the Civil Service Commission on July 25, 1967; however, all personnel of these agencies do not receive the more liberal retirement benefit:

The FBI; the Secret Service; U.S. Marshals; and listen to this one, the Department of Corrections of the District of Columbia government; U.S. prison guards; border patrol; Fish and Wildlife Service; Headquarters of Special Investigation of the Air Force, of the Army, and of the Navy; Board of Parole, United States; U.S. Customs Service; Internal Revenue Service, agents and investigators; and the Immigration and Naturalization Service.

Mr. Henderson asks the question, whether or not these firefighters if granted the benefits of a 20- to 50-year retirement might all be retiring at 50 years of age and then going to work for municipal fire departments. This is not possible, for all paid fire departments that we know anything about have a maximum age requirement of not more than 32 years of age at time of appointment.

Mr. HENDERSON. Even if they had previous experience as firemen?

Mr. DAVIS. A question was previously asked regarding the average age of Federal firefighters. Over a year ago we made a rather thorough research on this subject and we found the average age at that time to be 45-plus years. This is rather high and I believe the major reasons for this to be—there is no maximum age for hiring.

I would like to be able to qualify or deny the figures submitted regarding the cost of this legislation, but I cannot. However, I can add this statement and then you can draw your own estimates. When we made the study that I previously mentioned, we asked: Would you retire if a 20- to 50-year retirement became law? Less than 250 signified that they would, or could, for that matter, retire.

Mr. HENDERSON. Did you make a study of how many would take advantage of it each year? Obviously, if there are only 225 in the first instance there would not be 200 per year as Mr. Ruddock anticipated.

Mr. DAVIS. We would not think so. We estimate that the average amount of increase to the pension of each firefighter to be less than \$50 per month. And this is a maximum figure, so you can therefore readily see that the first year's cost would be slightly over \$100,000. Again I say, we cannot agree that this legislation will cost \$3.5 million. Certainly they must be projecting the cost for the entire 11,000 Federal firefighters over their life expectancy.

We believe that the cost of this legislation will be negligible for this reason—a large percentage of the present 11,000 firefighters entered the service at ages in excess of 35 years, most are GS-4's and GS-5's, and you are aware of the salaries of these classifications, therefore their retirement benefits would not be sufficient to live on.

Mr. Chairman and members of the committee, the main group that this legislation would benefit are those in the lower grades and who, for one reason or another, have become incapacitated for arduous firefighting duties; and further, their disabilities could not be directly attributed to duty, therefore making them not eligible for disability compensation. These people now are often transferred to other jobs, subjected to all types of tests, even to the extent of being ordered to take psychiatric examinations.

Mr. DANIELS. Is there any problem with regard to the salaries being paid firefighters? Are they satisfied with their classification as GS-4's?

Mr. DAVIS. They are definitely not satisfied with their classification as GS-4's; they believe, and we believe, that firefighters should not be in the same general schedule grade as a Government clerk, but should have a separate classification which would entitle them to salary and hours comparable with municipal firefighters.

Mr. DANIELS. The pay bill we passed last year provides for comparable salaries with private industry by July of next year. Will that goal be attained in the case of firefighters?

Mr. DAVIS. Not knowing at this time the amount of the July 1969 raise, I could not definitely answer that question. However, the per-

centage of raise anticipated certainly would not bring Federal firefighters pay up to comparability. Mr. Ruddock might want to make that prediction.

Mr. DANIELS. I was wondering, should we pass this legislation, if we still would have a problem because of inadequacy of pay?

Mr. DAVIS. I don't believe so. I do not see any connection.

Mr. HENDERSON. I am inclined to believe firefighters should have hazardous duty pay. Then, if the question comes up whether they are entitled to hazardous duty pay, should we include all Federal employees who receive hazardous duty pay in the provisions for early retirement? If we would get the answer to those two questions I know exactly what I would do. Here, I wonder if we don't have the cart before the horse. I will go on record and say I would vote for hazardous duty pay for firefighters.

Mr. DAVIS. We would appreciate that vote Mr. Henderson. The Federal firefighters do not receive hazardous duty pay as such. The Civil Service Commission has ruled that in the case of firefighters their present pay is based partly on the fact that the regular duties are hazardous—in other words, the hazardous aspect has already been considered along with the longer-than-40-hour week, the intermittent night and day work, and the Sunday and holiday work.

Mr. HENDERSON. Under the present law we require that this be taken into consideration in computing the retirement of firefighters. We have reported out of this subcommittee, and the full committee, a bill to extend the use of overtime and premium compensation to all Federal employees, so that the Federal firefighters would not then have this slight advantage. It is not a great advantage, it is something I think they are entitled to, but the Congress has recognized to that extent the merits of the duties of Federal firefighters.

Mr. DANIELS. How many Federal firefighters are there, 11,000?

Mr. DAVIS. Between 11,000 and 12,000.

Mr. HENDERSON. Does that figure include all the firefighters employed by FAA?

Mr. DAVIS. It includes all civilian Federal firefighters in all Federal agencies.

Mr. DANIELS. If this legislation is enacted you indicated approximately 225 firefighters would take advantage of it immediately and retire?

Mr. DAVIS. Yes, sir. That is according to the survey we made a little over a year ago.

Mr. DANIELS. If only that small number, or about 1 percent of the force, would retire, does that indicate to you a great need for this legislation?

Mr. DAVIS. Yes, I believe that it would. As I have previously stated, this legislation, if passed, would take care of firefighters who due to their age and grade were unable to continue to perform arduous firefighting duties, but under the present provision of their retirement they could not live on the low retirement pay they would receive.

Mr. DANIELS. Then this legislation would not induce those people who would be eligible to retire with 20 years of service at age 50 to retire. It would only be taken advantage of by those who feel they do not measure up to perform their duties as firemen?

Mr. DAVIS. I believe that is correct; however, we know that there would be some who would retire at 50 years of age with 20 years of service.

Mr. DANIELS. It would be taken advantage of mostly by those people who feel they would be transferred to a different job or be removed from the rolls of active firemen?

Mr. DAVIS. We believe that an employee who performs hazardous duty for 20 or more years and has reached the age of 50 years has earned the right to retire.

Mr. DANIELS. What is the average age of retirement of a fireman today?

Mr. DAVIS. Our research includes both Federal and municipal firefighters and the last survey was made in 1966. At that time it was 56 years.

Mr. DANIELS. In 1966 a bill was enacted which gave optional retirement rights to all Federal employees who had rendered 30 years of service and who had attained the age of 55, and also to those employees who had attained the age of 60 and who had rendered 20 years of service. With respect to the 30 to 55 provision, do you know how many firemen took advantage of that optional retirement provision?

Mr. DAVIS. No, I do not and we do not have any records that would answer your question, Mr. Chairman.

Mr. HENDERSON. Mr. Chairman, in the brief time I have, I might say I raised a question as chairman of the manpower subcommittee. I took a particular interest in firefighters on military bases, and, very specifically, I agree with the Air Force policy. I spent many hours on an Air Force base in my district talking to the fire chief about his particular problem, and they have a practice I don't believe Members of Congress are familiar with. Last year we had an F-4 crash there, and one pilot was killed and another suffered a broken limb. The firefighters responded to that fire and I have seen them in their demonstrations, and they have convinced me—the chief and the lieutenants have—that they would rather go to a plane crash with civilian firefighters who had maturity and experience than with the young ones they have to train. I am convinced the Air Force uses as many enlistees as they can in this business, but, having been a volunteer fireman before I came here, I know at age 47 I couldn't go out there and do any firefighting now. But we don't get on our bases the experience that I think is so important to a fireman, that is, to know where the danger spots are and how to approach various buildings and installations that are on fire. I think we need to get young men and keep them as long as they are physically fit.

Let me conclude, Mr. Chairman, by saying while I favor doing whatever we can, I now have more questions in my mind than before. I wonder if we should not look into hazardous duty pay for all our firemen. I am not convinced we are paying our firemen what they should be paid, and this is one instance in the Federal Government where it seems to me a study should be made to ensure comparability. Comparability so often in the Federal Government is a matter of theory. The one thing that disturbs me is that, traditionally, city firemen have been underpaid all over the country, but we should be able to assure our Federal firefighters of comparable pay with the major cities in America. So, I think a recommendation from our subcommittee to the full committee, or to the compensation subcommittee, would be beneficial to the Federal firefighters.

Mr. DAVIS. Mr. Henderson, we hope to present and adequately justify these problem areas before Mr. Hanley's position classification

subcommittee when they next hold hearings, and we have every reason to believe that their recommendations to the full committee will correct now existing inequities.

Mr. HANLEY. You mentioned a number of categories that were enjoying the preferential retirement benefits. Were these all blanketed in at once, or were they considered separately?

Mr. DAVIS. To my knowledge the original act of 1947 only included agents of the FBI and the Secret Service, so I would therefore take it that these other groups were added at some later time.

Mr. HANLEY. Is committee counsel aware of whether they were all blanketed in at the time the gentleman mentioned or were any of them considered separately?

Mr. DEVLIN. I believe they were considered separately. This was a determination by the Civil Service Commission of those groups which, in their opinion, are involved in hazardous law enforcement duties. It is not necessarily exclusive or inclusive.

Mr. HANLEY. Did you mention the Conservation Department?

Mr. DAVIS. Immigration and Naturalization, Customs, Headquarters of Special Investigation of the Air Force, Army and Navy, the Fish and Wildlife Service.

Mr. HANLEY. The Fish and Wildlife Service?

Mr. DAVIS. Yes.

Mr. HENDERSON. They are only the members of the Fish and Wildlife Service that are engaged in law enforcement.

Mr. DAVIS. This is right; however, guards in the Department of Correction of the District of Columbia government come under the hazardous duty retirement.

Mr. HANLEY. With respect to the cost projection by the Commission, did I understand you to differ with that?

Mr. DAVIS. Yes, we do differ with the cost figure submitted by the Civil Service Commission. If the \$3.5 million cost figure is the total cost, projected over the entire life expectancy of all of the now employed Federal firefighters (11,000), then I submit that this is in my opinion a rather misleading way to submit an estimated cost.

Mr. WALDIE. Will the gentleman yield?

The assumption seems to be the only hazard in the Federal Government is in law enforcement, and I think firefighting is certainly more hazardous than the duties of a game warden or an FBI agent who is out gathering information. And I suspect there are other occupations in the Federal Government that are far more hazardous than law enforcement. I think the image of a law enforcement agent is that he is always confronted by someone wanting to kill him.

Mr. HANLEY. That is evidenced by the casualties of law enforcement officers versus firefighters.

What is the total number of personnel involved in this category?

Mr. DAVIS. Prior to some recent cutbacks there were approximately 11,500. We thoroughly agree with you Congressman Henderson in that firefighting today is a specialized job and therefore requires extensive training and, in addition, experience is most valuable.

Mr. HANLEY. Thank you.

Mr. DANIELS. The gentleman from California.

Mr. WALDIE. I have no further questions.

Mr. HENDERSON. As a practical matter, if we enacted this legislation, wouldn't the Federal firefighter who was not retired on disability,

in order to take advantage of this, have to get another job? Wouldn't he stay on until he could arrange to get another job, because it would take his retirement pay plus the salary of another job for him to live at the level he had previously? It seems to me his pay is so low I wouldn't envision the firefighter taking retirement without arranging to do something else. Is that your feeling?

Mr. DAVIS. This would depend on the individual concerned and also his financial circumstances. A GS-4 firefighter retiring at age 50 still having unsettled financial obligations would certainly need to supplement his pension.

Mr. HENDERSON. Obviously some firefighters are in more hazardous work than others. I am thinking of those who are responding to aircraft crashes at airports, FAA employees, as well as the military.

Mr. DAVIS. That is true.

Mr. HENDERSON. Do you know whether or not high death rates have occurred there? My primary inquiry is, are they paid any more, do they have higher classifications?

Mr. DAVIS. No, they are not, and this is an identical situation that you will find in every municipal fire department—a firefighter serving in the most active downtown company and another serving in a suburban station not so active. However, both of these men are subject to detail to and transfer from one location to another.

Mr. HENDERSON. I wish every Member of Congress could see how the Federal firefighters respond to one of these aircraft crashes. They walk right into that fire.

Mr. DANIELS. I was almost involved in one yesterday.

Mr. DAVIS. At this point may I add a comment in the way of a question. Would any member of this committee like to be in the position of the first firefighter carrying a foam hand line into that burning plane, knowing full well that the firefighter supporting him on that line is 55 years of age or older, and further also knowing that he is not in top physical condition?

Mr. DANIELS. Mr. Davis, the proposed legislation, extending to Federal firefighting personnel the same retirement benefits extended to Federal law enforcement officers, S. 1507, states that it would be extended primarily to those engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. If a fireman is employed or engaged exclusively in the maintenance or repair of equipment, do you think he should receive the preferred retirement benefits?

Mr. DAVIS. No; we do not. At the time S. 1507 was drafted, I sat in on the meeting and it was thought then, as Mr. Ruddock has previously quoted, a section of the original act gives the Civil Service Commission the authority to rule out those whom you describe as not being entitled to the benefits.

Mr. DANIELS. Assuming this bill is approved, would you have any objection to striking the words "or the maintenance and use of firefighting apparatus and equipment"?

Mr. HENDERSON. Shouldn't the words "and use" remain in the bill? The word "maintenance" perhaps could be stricken, but I think "use" should be in to cover going to or from a fire.

Mr. DAVIS. I do not believe that those particular words in the bill need to be changed. As Mr. Ruddock has previously stated, the Civil

Service Commission would have the authority to disallow hazardous retirement provisions to those employees that spend their careers in fire-apparatus maintenance. We do not intend that such employees be covered.

Mr. DANIELS. Thank you very much, Mr. Davis.

The next witness is Mr. C. L. Dorson, president, Retirement Federation of Civil Service Employees of the U.S. Government.

TESTIMONY OF C. L. DORSON, PRESIDENT, RETIREMENT FEDERATION OF CIVIL SERVICE EMPLOYEES OF THE U.S. GOVERNMENT

Mr. DORSON. Mr. Chairman and members of the subcommittee, my name is C. L. Dorson. I am president of the Retirement Federation of Civil Service Employees of the U.S. Government, an organization of about 90,000 members, most of whom are currently employed within the Department of Defense.

The bill before you, S. 1507, would bring Federal firefighting personnel within the provisions of section 8336(c) of title 5, United States Code. The resulting benefit would be retirement at age 50 with minimum service of 20 years and a flat 2-percent computation rate, provided the head of the employing agency so recommends and the Civil Service Commission approves.

Our organization believes, and has long advocated, that benefits under the civil service retirement system should be provided on the same basis and at the same cost for all who are subject to the System. As introduced, S. 1507 would add yet another class of employees to those now entitled by virtue of position title to special benefits under the civil service retirement system.

We are of the opinion that S. 1507 should be amended so as to make the provisions of section 8336(c) of title 5, United States Code, applicable to all employees and members alike. Therefore, we strongly recommend that you take such action.

With the recommended amendment, we endorse S. 1507 and pray that it be favorably reported and enacted at an early date.

Mr. Chairman, we thank the subcommittee for its interest in the legislation and for the opportunity to express our views.

Mr. DANIELS. Thank you, Mr. Dorson, for your statement.

This concludes today's hearing. The record will be held open for a limited time for those who desire to file statements on this legislation.

(Thereupon, at 11:50 a.m., the subcommittee adjourned.)

(The following statements were received by the subcommittee, for inclusion in the record.)

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I am grateful for the opportunity to testify in behalf of legislation designating the occupation of federal firefighter as hazardous for purposes of equitable retirement benefits. My bill on this subject is H.R. 11524, which I introduced on July 18, 1967. It is identical to S. 1507, which the Senate passed on December 15, 1967.

I believe that simple equity requires that Congress establish federal firemen on a retirement parity with federal law enforcement officers, permitting them to also retire on full annuity at age 50 after 20 years of service. The prime consideration should be that firefighters are among those groups of federal employees whose official duties on occasion place their lives and health in danger.

Under present Civil Service retirement law, the hazardous designation refers only to those in law enforcement occupations—U.S. marshals, policemen, guards, F.B.I. agents and Treasury agents. But at least one part of the rationale for early, 50-year retirement for law enforcement officers—the desirability of keeping a young, vigorous force—is also directly applicable to firefighters.

The limitation of hazardous occupations in the retirement law to those engaged in crime fighting seems to me to be synthetic on two main grounds:

1. Firefighting is perhaps more dangerous to life than crime fighting. The fatality rate for firemen in 1966 was about two and a half times greater than the rate for policemen.

2. Firefighting is perhaps more injurious to health than crime fighting. The rate of lost-time due to injuries for firemen is one of the highest of any occupation. Further, the fact that in 1965 over 55% of firemen's deaths (not including retirees) resulted from heart and lung diseases indicates an occupational hazard to health.

Therefore, in order to keep a young, agile force of federal firefighters and in order to provide equity in retirement from a dangerous profession which is relatively quite injurious to health, I urge Congress to exercise its prerogative and extend the principle of retirement benefits for hazardous duty to the occupation of federal firefighter. I urge prompt passage of the pending legislation allowing firefighters to retire at age 50 after 20 years of service.

Thank you.

STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

My name is Nathan T. Wolkomir. I am President of the National Federation of Federal Employees. I wish to state that our union is strongly in favor of this bill.

The NFFE always has had, since its inception more than 50 years ago, and has at the present time, a very substantial number of Federal firefighters in our union. For this reason we are very keenly and intimately aware of the special needs and problems which affect this important group of Federal employees.

I regret to say that over the years firefighters in the Federal service have been substantially disadvantaged as compared with firefighters in closely analogous positions in the private sector. In recent years some steps have been taken to close this very wide gap but much yet remains to be done. One of the things that very urgently needs to be done is covered in this bill, namely, to extend to Federal firefighters the provisions of the hazardous employment section of the Federal Retirement Act. This would enable Federal firefighters 50 years and older to retire after 20 years of service.

As the Subcommittee is well aware, the duties and responsibilities of the majority of Federal firefighters without question fall into the hazardous category. The requirements of the job are exacting. In the hands of these employees are quite literally placed hundreds of millions in Federal property and the lives and safety of large numbers of workers. The routine of the Federal firefighter is as physically strenuous as his counterpart in the private sector and certainly is as hazardous as that of many other Federal employees who are covered by that provision of the Federal Retirement Act.

We believe that the merits of the proposal contained in this Bill are self-evident, and that, by every yardstick of fairness and equity, it should be reported favorably.

The clarity of the provisions and the standards established could be set forth in a separate subsection.

However, we would also point out that enactment of this measure unquestionably would assist the Federal Government in one of its most pressing and frustrating problems, namely, that of recruitment of qualified firefighter personnel. In our judgment, as passage of this Bill would enable the Government to recruit and to hold firefighter personnel in a far more effective way than is presently possible. From this standpoint alone, namely the self-interest of the Government, enactment of this measure is fully justified.

I appreciate the opportunity afforded to me by the Subcommittee to express the strong support of the National Federation of Federal Employees for this very worthy piece of legislation.

STATEMENT OF JOHN A. McCART, OPERATIONS DIRECTOR, GOVERNMENT
EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the Council and its 35 unions representing employes in classified, wage board and postal services of the Federal Government desire to endorse S. 1507.

We commend you and your colleagues on the Subcommittee for arranging this hearing on a bill of vital interest to approximately 11,000 Federal firefighters.

The pending bill applies to Federal firefighters the special provisions in the Civil Service Retirement Act which have been in effect since 1948 for Federal employes engaged in law enforcement work.

Individuals engaged primarily in the investigation, apprehension or detection of those suspected or convicted of Federal criminal laws are now able to retire after 20 years of service at age 50 and to have their pensions computed at 2% of their highest 5 years average pay.

Expansion of this provision to include firefighters will constitute recognition of the arduous and hazardous nature of their work.

It is unnecessary to emphasize at length the general acceptance of firefighting as a hazardous occupation. Recent civil disorders underscore this point.

All of us are aware of the physical and mental demands made upon those in fire service. They must remain constantly agile, physically robust, mentally and emotionally stable and alert to execute efficiently the grave responsibilities of saving lives and property.

In addition to the risks normally encountered by employes performing this work in Federal Service, they must be prepared to combat conflagrations involving explosives, toxic fumes, volatile liquids, highly combustible gases, and even radiation.

Fuels have become more powerful and combustible. The fuel load of aircraft has increased dramatically, thus enlarging the possibility of fire. The number of aircraft landing at military installations has reach a point where some fields are accommodating today more than 8 times the planes handled 25 years ago.

Firemen are required to execute their duties in extreme heat and cold.

It is pertinent to quote two comments made by the Assistant Comptroller General to the Chairman of the Senate Post Office and Civil Service Committee on May 4, 1967—

"—there seems to be little doubt that the actual duties of firefighters generally would be classified as hazardous employment."

"We point out, however, that under present law firemen of the District of Columbia are granted the right to retire at age 50 after 20 years of service."

Through annual rigorous physical examinations, Federal agencies require that these men maintain the highest standards of physical and mental efficiency.

The latest data we have available on Federal fire losses covers the fiscal year 1964. As published by the Federal Fire Council, the report reveals that 290 persons lost their lives and 1,348 were injured because of fires. Property losses amounted to more than \$221.5 million. We do not know how many firefighters were among those killed or injured. But these figures provide some idea of the magnitude of responsibility and risk undertaken by career employes in firefighting services.

A study prepared by the Civil Service Commission in December, 1965, disclosed that approximately 9,500 of the total firefighter force are employed in the Department of Defense. Most of these workers are assigned to a 72-hour workweek consisting of three 24-hour duty tours. A minority must be at their posts 60 hours each week.

While the workweek of firefighters in major cities declined 36% from 1945 to 1965, those in similar Federal occupations remained unchanged. A 40-hour week is generally applicable in public and private industry. Thus the exposure of the Federal firefighter force to hazards is much greater than any large segment of our work force. These figures indicate also that the workweek of firefighters in Federal agencies lags far behind the prevailing practice in non-Federal jurisdictions.

In municipalities, it is a common practice to maintain special retirement programs for firefighters. Many of these men in city fire departments are able to retire after 20 or 25 years of service at any age. Most frequently, 2% is the factor used in determining pensions.

Thus, those in like positions in other public jurisdictions enjoy a distinct advantage over their counterparts in Federal agencies. Put another way, present retirement rights of Federal firefighters reveal a complete lack of comparability with practices in municipalities.

Other unions associated with the Council will offer their views on related aspects of this legislation.

The Council earnestly seeks the cooperation of the Subcommittee in acting favorably on S. 1507 at an early date.

We appreciate your arranging this occasion to offer comments on a measure of considerable significance in the Federal Government's personnel program.

