

111TH CONGRESS
1ST SESSION

H. R. 3186

To provide for the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2009

Mr. CONNOLLY of Virginia introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Firefighter
5 Pay Equity Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) certain firefighters employed by the Federal
9 Government are required by law to work a regular
10 tour of duty consisting of 72 hours per week;

1 (2) 19 of those 72 hours per week are consid-
2 ered to be overtime hours for purposes of computing
3 pay;

4 (3) the pay computed for those 19 overtime
5 hours each week are not accurately accounted for
6 when computing such firefighters' retirement bene-
7 fits; and

8 (4) those inaccurate retirement computations
9 have led to reduced retirement benefits for Federal
10 firefighters.

11 (b) PURPOSE.—The purpose of this Act is to correct
12 the manner in which retirement benefits for Federal fire-
13 fighters are computed so as to account for pay earned for
14 regularly scheduled overtime hours during a normal tour
15 of duty.

16 **SEC. 3. COMPUTATION OF ANNUITY BASED ON CERTAIN**
17 **FIREFIGHTER SERVICE.**

18 (a) IN GENERAL.—Section 5545b of title 5, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “(e) For purposes of any determination of ‘average
22 pay’ under section 8331(4) or 8401(3), in the case of a
23 firefighter who is subject to subsection (b), the rate of
24 basic pay in effect for such firefighter for a year of cred-
25 itable service (or, in the case of an annuity under sub-

1 section (d) or (e)(1) of section 8341 or under chapter 84
2 based on less than 3 years of creditable service, for any
3 other period of creditable service) shall, in addition to the
4 amount determined under subsection (b) for such year (or
5 other period), include an amount equal to one-half the
6 firefighter's basic hourly rate (as computed under sub-
7 section (b)(1)(A)) for such year (or other period) times
8 the number of overtime hours included as part of such
9 firefighter's regular tour of duty during such year (or
10 other period).”.

11 (b) CONFORMING AMENDMENTS.—Sections 8331(4)
12 and 8401(3) of title 5, United States Code, are amended
13 by striking the semicolon at the end and inserting “, sub-
14 ject to section 5545b(e);”.

15 **SEC. 4. EFFECTIVE DATE.**

16 The amendments made by this Act shall apply with
17 respect to any annuity, entitlement to which is based on
18 a separation from service occurring after the end of the
19 60-day period beginning on the date of the enactment of
20 this Act.

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