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Testimony

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Capitol Police Pay and Personnel  
Systems

Dual Systems Create Differences

Statement of  
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Before the  
Subcommittee on Legislative Branch  
Committee on Appropriations  
United States Senate



Mr. Chairman and Members of the Committee:

I am pleased to present to you the preliminary results of our review of Capitol Police Force personnel administration. We made the review pursuant to the Senate's report on the fiscal year 1990 Legislative Branch Appropriation bill as concurred in by House conferees. As you know, personnel administration of the Force is split between the House and the Senate. There are four aspects of this split that I will be covering--retirement benefits and policies, leave policy, the hiring of civilians, and grievance procedures. But first, a bit of background.

#### BACKGROUND

The United States Capitol Police Force has grown from a single guard protecting the construction site of the new Capitol in 1801 to a modern law enforcement organization of over 1,300 men and women and an annual budget of over \$60 million. The principal mission of the Force is to protect the Congress and its staff, buildings, and visitors and to regulate traffic within and around the Capitol grounds. Increased terrorist activity has led to the establishment of several specialized units, such as the canine unit and bomb squad, to enhance the emergency response capability of the Force.

Operations of the Capitol Police are overseen by the Capitol Police Board, which consists of the Senate and House Sergeants at Arms and the Architect of the Capitol. Chairmanship of the Board rotates annually between the two Sergeants at Arms. The Chief of Police reports directly to the Capitol Police Board but also receives direction from the individual Sergeants at Arms. Personnel and other expenses of the Force are authorized and financed through appropriations to both the House and the Senate.

From 1857 until 1909, the House and Senate each paid approximately half of the Capitol Police expenses. Then in 1910, when the first Senate office building was constructed, the Congress initiated a practice of earmarking funds for three distinct contingents of the Force--the Senate contingent, the House contingent, and the main, or Capitol contingent. Each house of Congress paid its own contingent and one half of the expenses of the Capitol contingent. The earmarking of separate appropriations for three separate contingents of the Capitol Police continued until 1945 when the Congress reverted to the earlier practice of a consolidated force financed by separate House and Senate appropriations. As of January 1990, the House had 639 members of the Capitol Police Force on its payroll and the Senate had 669. For pay, benefits, and personnel actions, members of the Force are treated as House or Senate employees. However, this does not limit where they are assigned or the duties they perform.

## RETIREMENT BENEFITS AND POLICIES

Capitol Police on the House payroll can retire with 5 years less service than those on the Senate payroll. Although few Capitol Police officers formerly on the House payroll have availed themselves of this option, the Capitol Police perceive the difference in retirement policies to be a problem. By statute, congressional employees of both the House and Senate are required to complete 30 years of service to be eligible for voluntary retirement at age 55. Nevertheless, according to the head of the House Disbursing Office, employees on the House payroll (including the Capitol Police) can retire at a reduced annuity with only 25 years of service regardless of age. This early retirement is based on the House Finance Office treating all employee separations as involuntary separations. Counterparts on the Senate payroll are required to meet the full age and service requirements discussed above to receive benefits upon voluntary retirement.

Most law enforcement organizations in the Washington, D.C. area offer retirement with 20 or 25 years of service regardless of age. Concerns about retirement comparability have led to the recent introduction of legislation (H.R. 2922) designed to bring Capitol Police retirement in line with other law enforcement retirement programs.

The Chairman of the Capitol Police Board testified in January 1990, in support of this legislation at a hearing before the Subcommittee on Legislative, House Appropriations Committee. He supports the legislation on the ground that comparability would alleviate a perceived problem of younger officers leaving the Force and going to work for other law enforcement organizations. According to the Board Chairman, one of the primary reasons these officers leave is for better pay and retirement benefits.

Our review shows, however, that resignations from the Force to join other organizations for better pay and retirement are at about the same level as prevails for law enforcement organizations in the Washington, D.C. area generally. During 1988, the Capitol Police had an overall attrition rate of 6.3 percent which compared with an 8.4 percent rate for Washington area police departments. Between 5 and 15 percent is considered acceptable according to a text entitled Police Administration. We compared Capitol Police attrition statistics with similar data obtained from several area law enforcement departments and found that the Capitol Police Force does not have an unusual problem. Our comparison showed the following.

--Of the 77 officers who left the Force in 1989, 24 (31 percent) went to work for other law enforcement organizations. In comparison, during this same period, 25 percent of those who left the Secret Service Uniformed

Division went to work for other law enforcement organizations. These statistics are representative of the six area law enforcement organizations we surveyed during our review.

--The desire to perform a different type of police work ranks at least as high on the list of reasons given for leaving as pay and retirement. We examined exit interviews for 22 of the 24 Capitol Police officers who left the Force in 1989. Our examination revealed that over half (55 percent) left because other law enforcement organizations offered different types of police work. Only 45 percent and 41 percent, respectively, cited retirement or pay as reasons for leaving.

#### LEAVE POLICY

The Senate and House differ in their handling of situations involving involuntary time off. During involuntary time off, an officer on the House payroll is placed on leave without any pay. On the Senate side, he or she receives a reduced pay of about \$125 a month which is intended to cover the employee's share of the cost of basic benefits such as health insurance.

According to Capitol Police officials, these differing approaches affect the ability of the Capitol Police to administer disciplinary actions effectively. Because of the unequal treatment, suspension as a means of discipline is not often applied.

#### USE OF CIVILIANS

The use of civilians in law enforcement organizations to perform clerical, administrative and other support functions is common. The national average for civilians in law enforcement organizations is 25 percent, while the Washington area average is 18 percent. Currently, the Senate has authorized 81 positions for civilians, but the House has not authorized any. As a result, all 73 positions currently occupied by civilians, or about 6 percent of the Force, are funded by the Senate.

The use of civilians has been advocated by the Capitol Police Board since at least 1983. However, with the exception of the 81 positions authorized by the Senate, no additional civilian positions have been created. The Capitol Police Board's Force Reduction Task Force has estimated that 114 additional positions could be assigned to civilians. Based on our observations, we believe that this is probably a conservative estimate. Replacement of uniformed officers with civilians results in a cost savings. According to estimates of the Capitol Police, a savings of about

\$21,000 would be achieved in the first year each position is filled with a civilian. Additional savings would accrue in subsequent years.

#### GRIEVANCE PROCEDURES

The Force has an internal employee grievance process set up to handle allegations of discrimination or unfair employment practices. Officers on both payrolls have access to this process. However, officers on the House payroll have an additional employee grievance process available to them. They can file a complaint initially with the House Fair Employment Practices Review Panel or use the Review Panel to appeal decisions reached through the Force's internal process. Police on the Senate payroll do not have access to an additional grievance process beyond the internal process provided by the Force because the Senate has not established a fair labor practices review process for its employees.

#### OBSERVATIONS

The several differences we have identified in the treatment of Capitol Police employed by the House as compared with those employed by the Senate are significant. Apparently, these differences developed more as a result of how the Senate and House pay and personnel systems operate than through specific concerns related to administration of the Capitol Police Force. As the

separate systems evolved, practices and procedures tended to diverge, and how these differences affected the Capitol Police was not considered. These differences have affected police operations and are impediments to the unification of the Force.

Little progress has been made in recent years toward unifying the Capitol Police into a more efficient organization. It seems to us that progress toward unification can be achieved by careful consideration and action on the differences which have been identified. However, the extent to which unification is ultimately to be realized is a matter for the Congress and the Capitol Police Board to determine. Upon completion of our review, we will issue a report discussing the various issues in greater detail and, where warranted, provide suggestions for addressing them.

Mr. Chairman, this concludes my remarks. I will be happy to answer any questions you or the other members of the Committee may have.