

GAO

Report to the Chairman, Subcommittee on
Federal Services, Post Office, and Civil
Service, Committee on Governmental
Affairs, U.S. Senate

February 1989

FEDERAL WORKFORCE

Positions Eligible for Law Enforcement Officer Retirement Benefits



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The Honorable David H. Pryor
Chairman, Subcommittee on Federal
Services, Post Office, and Civil Service
Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

This report responds to your request that we review the government's use of the law enforcement job category. It provides information on the number of law enforcement employees and positions covered by the special retirement provisions of the civil service retirement system and the reasons for increases in this job category since 1982. It also contains information on the potential effect of legislative proposals to expand the special retirement coverage to other employee groups.

As arranged with the Subcommittee, unless you publicly announce the contents of this report earlier, we plan no further distribution until 7 days from the date of the report. At that time we will send it to interested parties and make copies available to others upon request. The major contributors to this report are listed in appendix IV.

Sincerely yours,

Bernard L. Ungar
Associate Director

Executive Summary

Purpose

Federal employees in the law enforcement officer retirement program receive more generous benefits that are more costly to provide than the retirement program for other employees. Various laws enacted since 1947 allow them to retire earlier and to receive higher annuities for the same length of service to maintain a young and vigorous law enforcement workforce. The Chairman, Senate Subcommittee on Federal Services, Post Office, and Civil Service, expressed concern that agencies may be inappropriately classifying jobs as law enforcement positions to help employee recruitment and retention.

GAO agreed with the Subcommittee to provide information on (1) the number of new law enforcement positions approved and employees hired in the law enforcement job category governmentwide since 1982, (2) the number of law enforcement employees added at the Departments of Justice and Treasury since 1985 and the reasons for any increases, and (3) the potential effects of legislative proposals to expand the special retirement program to include certain other employee groups. Because Treasury did not have departmentwide information on the law enforcement workforce in each of its bureaus, GAO limited its review of new employees and positions to the U.S. Customs Service, which accounted for the majority of the Department's workforce increase.

Background

The Civil Service Retirement System (CSRS) was first amended to provide preferential retirement benefits to law enforcement personnel in 1947 when a special retirement program was created for Federal Bureau of Investigation (FBI) agents. In 1948, the retirement system was again amended to extend the special retirement program to all federal employees whose primary duties were "the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. . . ." In 1956, the special retirement program was extended to certain employees of correctional institutions.

The Office of Personnel Management (OPM) is responsible for deciding if specific law enforcement positions are entitled to special retirement coverage in CSRS. In January 1987, OPM delegated this responsibility to agency heads for those employees first hired after December 1983, now covered under the new Federal Employees Retirement System. New positions entitled to special retirement coverage must be approved whenever substantive changes are made to the position description, including reasons such as agency reorganizations or changes in law enforcement program responsibility.

Positions approved for special retirement coverage range from positions with many employees to specialized or specific positions with only one employee. For example, an agency may have hundreds of employees in one criminal investigator position and only one employee in a specific supervisory or administrative position, such as Deputy Assistant Inspector General for Investigations.

Results in Brief

The most recent data available showed that as of June 30, 1987, 44,646 employees were covered by the law enforcement officer special retirement benefits. The number of law enforcement employees covered increased 32 percent from December 1982 through June 1987. During this time, the total number of law enforcement positions approved by OPM for special retirement benefits in CSRS increased 44 percent. The employing agencies GAO reviewed attributed these increases to an expansion of the government's law enforcement programs.

From January 1985 through June 1987, the Department of Justice's law enforcement workforce increased by 5,580, or 22 percent. Less than 1 percent of the new employees were in positions approved since 1984. The Department of the Treasury's U.S. Customs Service law enforcement workforce increased by 817, or 36 percent during this period. Two percent of the new employees were in positions approved since 1984. The vast majority of newly hired employees were placed in previously approved positions. Thus, the new positions generally did not appear to contribute to the workforce increase or to have been created to aid in recruitment and retention.

Legislation proposed in the 100th Congress, if passed, would have increased the number of personnel in the law enforcement retirement program by approximately 17,000 and cost \$1.3 billion for the extra retirement benefits that would be paid over their expected lifetimes.

GAO's Analysis

Law Enforcement Workforce and New Positions

The 44,646 employees covered by the law enforcement officer retirement program as of June 30, 1987, were in 4,114 positions within 245 different occupational series. Since the end of 1982, the number of law enforcement personnel in the special retirement program increased by 10,893 and the number of law enforcement positions increased by 1,255.

Governmentwide, 472 positions were added to the CSRS law enforcement job category from January 1985 to June 1987. Sixty-four percent of the new law enforcement positions were designated as secondary (supervisory or administrative) and 36 percent as primary (nonsupervisory positions whose incumbents spend 50 percent or more of their time on enforcement of criminal laws). According to OPM, secondary positions are typically occupied by only one incumbent and cover a variety of jobs, such as Deputy Assistant Inspector General for Investigations, while primary positions usually have multiple incumbents and are typically criminal investigators. Justice added 55 law enforcement positions, including 39 secondary positions. Treasury added 211 law enforcement positions, 151 of which were secondary. (See p. 18 and app. III.)

Justice's law enforcement workforce increased by 5,580 individuals to 30,719 from January 1985 through June 1987. Only 41 of these new employees were in positions approved after 1984; the remainder were in previously approved positions or positions with statutory coverage. (See p. 34.) Treasury's U.S. Customs Service accounted for 817 of the department's 986 law enforcement workforce increase and 97 of its 211 law enforcement positions added after 1984. Customs' law enforcement workforce increased from 2,249 to 3,066 from January 1985 through June 1987. Only 17 of the 817 new employees were in positions approved since 1984 while the others were in previously approved positions. (See p. 19.)

Law Enforcement Programs Expanded

The law enforcement workforce increases appear related to increased government expenditures for law enforcement activities. From 1984 to 1987, the amount included in the Administration of Justice budget category increased from \$3.9 billion to \$5.6 billion. The Administration of Justice budget category includes (1) criminal investigations that involve primarily the FBI and the Drug Enforcement Administration, (2) border enforcement activities, and (3) federal correctional activities. GAO did not determine the expenditure amounts for other agencies' law enforcement activities that are included in many other budget categories. (See p. 14.)

Potential Effect of Proposed Legislation

Senate Bill 2031 from the 100th Congress would have statutorily provided law enforcement retirement benefits to inspectors of the Immigration and Naturalization Service and the U.S. Customs Service and revenue officers of the Internal Revenue Service. The 16,895 incumbents in these three occupations would have increased the covered workforce

by approximately 34 percent and could have increased retirement expenditures for these employees by an estimated \$1.3 billion over their expected lifetimes. According to OPM officials, they have not approved law enforcement retirement coverage for these occupations because investigating violations of federal criminal laws is not the primary function of the positions. (See p. 16.)

The Comprehensive Federal Law Enforcement Improvements Act of 1987 (S. 1975), also from the 100th Congress, would have provided criminal investigators in federal Offices of Inspectors General additional law enforcement authority. However, special retirement coverage determinations for these positions would still be made on the basis of specific job duties. Whether additional employees would receive such coverage if this legislation were enacted cannot be determined at this time. (See p. 16.)

Recommendations

GAO is making no recommendations in this report.

Agency Comments

Officials of OPM and the Departments of Justice and Treasury, including Customs Service officials, reviewed this report and agreed with the information presented.

Contents

Executive Summary		2
Chapter 1		8
Introduction	Eligibility Criteria for Law Enforcement Officer Retirement Benefits	9
	Position Classification Does Not Determine Retirement Coverage	11
	Objectives, Scope, and Methodology	12
Chapter 2		14
The Government's Use of the Law Enforcement Job Category	Justice and Treasury Employ Majority of Law Enforcement Personnel	14
	Increases in Law Enforcement Personnel Attributed to Expansion of Law Enforcement Programs	14
	Proposed Legislation Would Increase Law Enforcement Workforce Covered by the Special Retirement Program	16
Chapter 3		18
Increases in Law Enforcement Position Approvals	Majority of New Positions Are in the Secondary Category	18
	Law Enforcement Workforce Increasing but Fewer New Positions Added Since 1984	18
	Workforce Increases Generally for Positions With Statutory Coverage and Positions Approved Before 1985	19
	Conclusions	20
Appendixes		
	Appendix I: Data on Law Enforcement Occupations With 100 or More Incumbents as of June 30, 1987	22
	Appendix II: Law Enforcement Workforce Governmentwide 1982-1987	23
	Appendix III: Law Enforcement Position Approvals by Agency 1982-1987	24
	Appendix IV: Major Contributors to This Report	26
Tables		
	Table 2.1: Budget Authority for Law Enforcement Activities at the Departments of Justice and Treasury	15
	Table 3.1: Position Approvals 1985-1987 and Incumbents	20

Abbreviations

CFR	Code of Federal Regulations
CSRS	Civil Service Retirement System
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
FERS	Federal Employees Retirement System
INS	Immigration and Naturalization Service
OPM	Office of Personnel Management

Introduction

The first special retirement program for federal law enforcement officers was created by Public Law 80-168, enacted July 11, 1947. This law amended the Civil Service Retirement System (CSRS) to provide Federal Bureau of Investigation (FBI) agents preferential retirement benefits. Public Law 80-879, approved July 2, 1948, extended the retirement benefits for FBI agents to other federal employees in positions with similar duties. Employees covered were those whose primary duties were “. . . the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States (including any officer or employee engaged in such activity who has been transferred to a supervisory or administrative position). . . .”

In 1956, Public Law 84-854 extended further law enforcement retirement coverage to employees of correctional institutions. Those who were covered had frequent and direct contact with persons suspected or convicted of violating the criminal laws of the United States, the District of Columbia, or the Uniform Code of Military Justice.

Law enforcement retirement benefits are more generous and costly than the benefits for regular employees. Under CSRS, the cost for regular pension benefits is estimated to be 28.7 percent of pay, while the special retirement benefits for law enforcement officers are estimated to cost 43.9 percent of pay. Law enforcement officers can retire at age 50 with 20 years of service, whereas other employees must be at least age 55 with 30 years of service. Law enforcement officers also accrue annuities at a faster rate. For example, the regular benefits for 20 years of service under CSRS average 1.8 percent of the highest 3-year average salary for each year of service, while law enforcement officers receive 2.5 percent each year for the first 20 years and 2.0 percent for each year over 20.

The special retirement benefits received by law enforcement officers cost the employees more than the contributions regular employees pay. Law enforcement officers contribute 7.5 percent of their pay to CSRS while regular employees contribute 7.0 percent.

As of July 1988, an estimated 25 percent of the law enforcement workforce was covered by the federal employees retirement system (FERS), which applies primarily to employees hired after December 1983. FERS has three components—a pension plan, social security, and a voluntary thrift savings plan that includes government contributions. The cost for special pension plan benefits for law enforcement officers under FERS is estimated to be 26.7 percent of pay, while pension plan benefits

for regular employees are estimated to cost 13.8 percent of pay. In addition, in 1988, employees and their agencies each paid the social security tax (old age, survivors, disability insurance) of 6.06 percent. The cost of the government's contribution to the thrift plan component depends on the number of employees participating and the amount of their contributions. Under the FERS pension plan, as in CSRS, law enforcement officers can retire at age 50 with 20 years of service and accrue annuities at faster rates than regular FERS employees.¹ Also, like CSRS, FERS requires higher contributions from employees covered by law enforcement benefits. Their contributions to the pension plan and social security components of FERS total 7.5 percent up to the social security wage base (\$45,000 in 1988) and 1.44 percent for salary over the wage base for the pension plan only.

In fiscal year 1987, law enforcement officers retired, on average, at age 53 with 28 years of service. Other federal employees retired, on average, 8 years later at age 61 with 29 years of service.

Eligibility Criteria for Law Enforcement Officer Retirement Benefits

Although many jobs meeting the law enforcement officer definition involve hazardous work, Congress emphasized in legislation enacted in 1974 that the special retirement benefits are not intended primarily as compensation for hazardous duties. Public Law 93-350, enacted July 12, 1974, deleted language included in the 1948 legislation that required the Civil Service Commission, now the Office of Personnel Management (OPM), to consider in making retirement eligibility determinations the degree of hazard to which individual employees had been exposed. The legislative history indicates that this requirement was deleted to make clear that the purpose of the special retirement program was to make early retirement with shorter service more economically feasible, not as a reward for having hazardous duties. While Congress recognized that law enforcement personnel may have hazardous jobs, the early retirement benefits were provided primarily to assure that relatively young and vigorous persons carry out law enforcement functions.

Except for positions designated by law, the criteria used to determine which positions should be included under the law enforcement retirement provisions and also who is responsible for making those determinations, depend on whether the positions are under CSRS or FERS. OPM is responsible for making special retirement coverage determinations for positions occupied by employees in CSRS. Agency heads are responsible

¹Unlike CSRS, FERS law enforcement officers can retire after 25 years of service at any age.

for making coverage determinations for positions occupied by employees in FERS.

OPM bases its eligibility determinations on the criteria contained in Title 5, §831.902, of the Code of Federal Regulations (CFR). It defines two categories of law enforcement officer positions, primary and secondary, which may be eligible for special retirement benefits.

Primary positions are those that directly involve the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the United States. OPM generally requires that these duties be done at least 50 percent of the time for an employee to qualify for law enforcement retirement. Secondary positions are those that are either (1) supervisory, involving direct supervision of employees engaged in primary law enforcement work or (2) administrative, including executive or managerial work where experience as a primary law enforcement officer or equivalent nonfederal experience is a mandatory qualification for the position.

The law enforcement officer definition for retirement purposes does not include employees in positions whose primary duties are maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than those who are suspected or convicted of violating the criminal laws of the United States.

Although before January 1988 OPM's regulations provided that its retirement determinations would be based on the official position description, in practice OPM said it required agencies to submit additional evidence. In revised regulations effective January 19, 1988, OPM formalized that policy by listing in the regulations all the evidence agencies would be required to submit, including the employee's performance standards and a listing of criminal laws enforced.

Individual employees may also ask OPM to approve coverage retroactively when they believe they served in law enforcement positions meeting the criteria for special retirement benefits. Until September 30, 1989, individuals may request coverage for any periods of past service. After that date, credit for past service will be limited to 1 year before the date of the request.

As of January 1, 1987, OPM delegated to agency heads the authority to make law enforcement retirement eligibility determinations for employees in FERS. FERS regulations contained in 5 CFR §842.802 define two categories of law enforcement positions, rigorous and secondary, that may be eligible for special retirement benefits. Rigorous positions require that duties be so rigorous that employment opportunities are limited to young and physically vigorous individuals. Secondary positions under FERS must generally meet the same requirements as secondary positions under CSRS, with the added requirement that the incumbent must have completed a minimum of 3 years of service in a rigorous position to be eligible for law enforcement benefits in the secondary position.

On the basis of position descriptions and other related documents that describe the duties and qualifications required of employees, agency heads determine the applicability of law enforcement coverage under FERS. The official documentation of the determination must establish that the primary duties of the position are so rigorous that the agency should limit employment opportunities to individuals who are under a certain age and who meet certain physical qualifications.

Position Classification Does Not Determine Retirement Coverage

Each position in an occupational series is assessed for retirement coverage on the basis of its own job description. Positions classified under the same job series do not always involve the same duties. Therefore, one position may receive law enforcement retirement coverage while another may not. For example, OPM's records showed that in 14 instances since 1984, OPM denied law enforcement retirement to positions in the Criminal Investigator Series, GS-1811, by far the single largest law enforcement job series, because the specific duties of the positions did not meet the eligibility criteria.

The law enforcement retirement program is not limited to a particular job classification. As shown in appendix I, 31 occupational job series had 100 or more personnel in covered positions as of June 1987. However, this occupational diversity is mainly due to jobs found in correctional institutions. Almost all of the employees in 20 of the 31 job series were employed by the Federal Bureau of Prisons. Coverage for corrections occupations is generally statutory, not based on job duties.

Although we were not asked to verify the appropriateness of the coverage for the positions approved by OPM or the agencies, individual position classification job reviews, commonly referred to as desk audits, may be used to verify whether the law enforcement work done meets the

eligibility criteria. Desk audits analyze the work assigned to incumbents of positions and determine the extent to which the duties and responsibilities being done match those in the position description. This information permits evaluation not only of the accuracy of the assigned occupational series and grade, but also can establish the percentage of time spent on law enforcement duties. This is a key element in determining the appropriateness of primary or rigorous positions, and the qualifications required to successfully do the duties, a key element in secondary positions. As previously mentioned, we were not asked to do desk audits.

Positions approved for special retirement coverage range from positions with many employees to specialized or specific positions with only one employee. For example, an agency may have hundreds of employees in one primary criminal investigator position and only one employee in a secondary position, such as Deputy Assistant Inspector General for Investigations.

The new positions approved by OPM are generally not for new types of work or work not approved in the past but are frequently redescriptions of existing jobs. This is usually done to update the descriptions of duties for reasons such as agency reorganizations or changes in law enforcement program responsibilities. New position descriptions are needed when such changes are made to clearly document duties and responsibilities for employees. The new positions must be approved by OPM in order to maintain accurate and up-to-date records of jobs in which employee service may be credited for retirement purposes. The old positions remain on OPM's list of approved positions for historical purposes so that OPM can make retirement eligibility determinations at a later date.

Objectives, Scope, and Methodology

The Chairman of the Subcommittee on Federal Services, Post Office, and Civil Service of the Senate Committee on Governmental Affairs expressed concern that agencies may have classified jobs in the law enforcement job category so they could use the special retirement provisions to aid in employee retirement and retention. We agreed with the Subcommittee to provide information on (1) the number of new positions approved and employees hired in the law enforcement job category governmentwide since 1982, (2) whether there has been an increase in the number of these types of positions and personnel at the Departments of Justice and Treasury since 1985 and the reasons for any increases, and (3) the potential effects of legislative proposals to expand the special retirement program to other employee groups. We were not asked to

determine whether the new positions were appropriately classified as law enforcement positions for retirement purposes.

We did our review at OPM headquarters and the Departments of Justice and Treasury, all located in Washington, D.C. Because Treasury could not provide data on the law enforcement workforce in each of its bureaus, we selected the U.S. Customs Service for our review because it had the most new law enforcement position approvals and 83 percent of the workforce increase since 1984 at Treasury.

We interviewed OPM officials responsible for making law enforcement officer retirement eligibility determinations and reviewed the special retirement program's legislative history, policies, and procedures. Using OPM's records, we analyzed law enforcement officer position data to determine the number and types of positions approved for the period from January 1982 through June 1987. We also analyzed workforce data to determine the increase in agency personnel at the end of calendar years 1982 through 1986 and the first 6 months of calendar year 1987. Because OPM's workforce data did not include the FBI for 1982 through 1984, we obtained the data for that period directly from the Bureau. OPM's records on position eligibility determinations were limited to positions covered by CSRS; we did not review agency approvals for positions covered by FERS given the recency of OPM's related delegation at the time we began our review. We also obtained from OPM officials workforce data and actuarial cost estimates to determine the potential effect of proposals to include additional occupations in the law enforcement retirement program.

We interviewed personnel officials at the Department of Justice, including officials at the Drug Enforcement Administration (DEA), Immigration and Naturalization Service (INS), and U.S. Marshals Service, and at the Treasury Department, including the U.S. Customs Service, to obtain information on increases in the number of law enforcement positions and personnel.

We did our field work from September 1987 to August 1988 and in accordance with generally accepted government auditing standards. The views of responsible agency officials were obtained during the course of our work and are incorporated where appropriate. OPM, Justice, and Treasury officials reviewed the report and agreed with the information presented.

The Government's Use of the Law Enforcement Job Category

According to OPM data, a total of 44,646 civilian employees, in 31 agencies and 245 occupational series, were covered by the special retirement program for law enforcement officers as of June 30, 1987. Governmentwide,¹ the law enforcement workforce increased by 10,893 employees from December 1982 through June 1987. Officials at the Departments of Justice and Treasury, where most of the increase occurred, attributed their workforce increases to the expansion of law enforcement programs. Proposed legislation, if passed, would extend law enforcement retirement coverage to about 17,000 employees in three additional occupational series.

Justice and Treasury Employ Majority of Law Enforcement Personnel

Together, the Departments of Justice and Treasury accounted for almost 90 percent of the total June 30, 1987, federal law enforcement workforce and 77 percent of its increase since the end of 1982. As of June 30, 1987, Justice employed 30,719 and Treasury 9,310 law enforcement personnel. Justice and Treasury's law enforcement workforces increased by 6,620 and 1,806, respectively, since the end of 1982.

The departments with the next highest numbers of law enforcement personnel were the Navy (1,141), Interior (703), and Health and Human Services (595). Appendix II shows the law enforcement workforce by agency as of June 30, 1987.

Increases in Law Enforcement Personnel Attributed to Expansion of Law Enforcement Programs

Justice and Treasury officials attributed increases in their law enforcement workforce to increases in budgetary authorizations for law enforcement programs and personnel. As shown in table 2.1, their budgets for law enforcement activities, as specified in the Administration of Justice budget category including correctional institutions, increased about 42 percent from \$3.9 billion in fiscal year 1984 to \$5.6 billion in 1987. Budget data for all other government law enforcement programs for the agencies listed in appendix II were not readily available. They are funded under many other budget categories.

Neither OPM nor the agencies we reviewed maintained a central source of workforce information for determining the exact numbers of law enforcement personnel hired as a result of law enforcement-related appropriations or legislation.

¹Excludes judicial branch employees.

Chapter 2
The Government's Use of the Law
Enforcement Job Category

Table 2.1: Budget Authority for Law Enforcement Activities at the Departments of Justice and Treasury

Law enforcement activities	Fiscal year			
	1984	1985	1986	1987
Criminal investigations (DEA/FBI)	\$1,445	\$1,526	\$1,522	\$1,788
Border enforcement (Customs/INS)	1,166	1,317	1,375	1,977
Federal correctional activities	495	599	595	867
Other	822	866	831	961
Totals	\$3,928	\$4,308	\$4,323	\$5,593

Department of Justice

INS officials attributed their law enforcement workforce increases, in part, to the 1985 Border Enhancement Package that increased the number of border patrol positions. Border patrol agents are covered by the law enforcement retirement program. OPM data show that of 989 additional INS law enforcement personnel employed in 1985, 906 were border patrol agents. In addition, 212 border patrol agents were added in 1986.

DEA officials said that because of expanding enforcement and related efforts in the war on drugs, DEA initiated many new programs and expanded ongoing programs which required increased special agent personnel who are covered by the law enforcement retirement program. DEA hired 1,525 special agents during fiscal years 1983 through 1987. Information obtained from DEA cited programs requiring additional law enforcement personnel, such as the Organized Crime Drug Enforcement Task Force Program, the Sports Drug Awareness Program, and the Law Enforcement Explorer Pilot Program on Drug Abuse Education.

Marshals Service officials also reported increases in their law enforcement workforce. They estimated that approximately 400 additional law enforcement personnel were hired in fiscal year 1985, 250 in 1986, and 250 in 1987. They said the majority of these new law enforcement personnel were hired for the Service's Witness Security Program.

Department of the Treasury (Customs Service)

Within the Treasury Department, U.S. Customs Service officials explained that their law enforcement workforce increased as a result of expanded drug enforcement efforts. The House Committee on Appropriations, in its report on the 1987 appropriations bill for the Treasury Department and other agencies, said that the high level of drug abuse

and related crime in the United States required a strong law enforcement effort to stem the tide of illicit drugs coming into the country. Congress provided funding for 850 additional Customs Service personnel in 1987.

As an indication of this growth, the total authorized Customs Service full-time permanent ceiling was increased from 15,069 in fiscal year 1986, to 17,570, in fiscal year 1988. Customs officials estimated that the majority of the increase was allocated to law enforcement positions.

Proposed Legislation Would Increase Law Enforcement Workforce Covered by the Special Retirement Program

On February 3, 1988, a bill from the 100th Congress (S. 2031) was introduced in the Senate proposing to extend the law enforcement retirement program to Customs inspectors, INS inspectors, and Internal Revenue Service revenue officers. If enacted, OPM estimated this legislation would have increased the number of personnel in the special retirement program by approximately 16,895, the number the employing agencies told OPM were in the three occupations in July 1988, the time of the estimate. OPM's most recent workforce data show 14,733 permanent full-time employees in these three occupations as of September 30, 1987. OPM also estimated the present value of the extra benefits that would have been paid to these employees over their lifetimes, including the cost of crediting their past service under the program, to be \$1.3 billion. This estimate did not include the costs for future coverage of new employees. On the basis of the OPM estimate, the extra cost for each new employee granted the special benefits would be approximately \$77,000.

According to OPM officials, OPM has consistently denied law enforcement retirement program coverage to these occupations because their main duties do not involve enforcing federal criminal laws. A 1981 OPM study of Customs and INS inspector positions confirmed that law enforcement retirement program coverage to these occupations should be denied. OPM officials also advised us that, in the past, they had opposed similar legislation proposing coverage for these inspector and the revenue officer positions. However, OPM approved coverage for one INS inspector position at a high-risk port of entry, principally on the basis that incumbents in the position spent over 50 percent of their time on criminal investigations. OPM specified in its notification letter that the approval was for this particular position only and did not grant coverage to other INS inspector positions.

We also reviewed for potential effect on the law enforcement workforce the Comprehensive Federal Law Enforcement Improvements Act of

1987 (S. 1975). This bill, also from the 100th Congress, was introduced on December 19, 1987, and would, among other things, have authorized criminal investigators in agencies' Offices of Inspector General to carry firearms; make arrests; and obtain and serve warrants, subpoenas, and summonses. According to OPM officials, the language contained in this bill would not have automatically entitled these positions to law enforcement retirement program coverage. Determinations would still be made on the basis of each position's specific job duties in comparison with the law enforcement coverage criteria. Information was not readily available for us to determine how many criminal investigators work in Inspector General offices or how many are currently covered by the law enforcement retirement program. However, 99 percent of all criminal investigators in the government are covered by the special retirement program.

Increases in Law Enforcement Position Approvals

OPM approved 1,255 new positions for law enforcement retirement program coverage from January 1982 through June 1987, bringing the total number of approved positions to 4,114, an increase of 44 percent. Most of the new positions were in the secondary law enforcement category. Although the number of positions increased, they accounted for little of the growth in law enforcement personnel. According to OPM officials, many of the new positions resulted from changes such as reorganizations and redescription of duties. Most of the new law enforcement employees were in positions with statutory coverage or in positions previously approved by OPM.

Majority of New Positions Are in the Secondary Category

Sixty-four percent of the 472 positions newly approved after December 1984 were in the secondary category (supervisory or administrative). According to OPM officials, a greater number of secondary positions rather than primary positions are created in response to additional staffing demands. The officials explained that primary positions are broadly defined, cover work common to a variety of law enforcement activities throughout an agency, and usually have more than one incumbent. Thus, new employees can usually be placed into existing primary positions. They said secondary law enforcement positions generally involve work unique to a particular job situation. Consequently, new employees in secondary jobs are usually placed into newly created positions.

Of Justice's 55 positions approved after 1984, 39 were secondary. Of Treasury's 211 positions approved after 1984, 151 were secondary. See appendix III for details on the number of new law enforcement position approvals by agency.

Law Enforcement Workforce Increasing but Fewer New Positions Added Since 1984

The governmentwide law enforcement workforce increased more than twice as much from January 1985 through June 1987 than in the period from December 1982 through December 1984, but there were about 40 percent fewer new positions approved in the later period. The law enforcement workforce increased by 7,497 incumbents, or 20 percent, in the later period, and OPM approved 472 new positions for program coverage. In the earlier period, the workforce increased by 3,396 incumbents, or 10 percent, while OPM approved 783 new law enforcement positions.

The combined law enforcement workforce at the Departments of Justice and the Treasury increased about three and one-half times as much

from January 1985 through June 1987 than in the period from December 1982 through December 1984, but there were 39 percent fewer new positions approved in the later period. The law enforcement workforce in these departments increased by 6,566 incumbents, or 20 percent, in the later period, and OPM approved 266 new positions for program coverage. In the earlier period, the workforce increased by 1,860 incumbents, or 6 percent, while OPM approved 441 new law enforcement positions.

Workforce Increases Generally for Positions With Statutory Coverage and Positions Approved Before 1985

On the basis of data obtained from OPM, the Department of Justice, and the U.S. Customs Service, only a small proportion of their law enforcement workforce increases from January 1985 through June 1987 can be attributed to positions approved during that time. From January 1985 through June 1987, the Department of Justice increased its law enforcement workforce by 5,580 employees and added 55 law enforcement positions. Treasury increased its law enforcement workforce by 986 employees and added 211 positions. Customs accounted for 817 of Treasury's employees and 97 of the positions.

As shown in table 3.1, the 55 positions approved after 1984 at Justice were in three bureaus: DEA, INS, and the Marshals Service. As of June 20, 1987, 628 persons were employed in these positions. One of the Marshals Service's two positions had 587 incumbents. However, according to a Marshals Service personnel official, all of these employees were promoted into this position from other law enforcement positions through the Marshals Service's merit promotion plan. Thus, we did not consider these to be new employees. Of the 5,580 employees hired by Justice after 1984, 5,539 occupied positions existing before 1985.

As also shown in table 3.1, 97 positions were approved for Treasury's Customs Service from January 1985 through June 1987. According to Customs officials, 76 of the 97 positions were redesignations of existing law enforcement positions. The redesignations were the result of Customs' efforts to standardize position descriptions and abolish old regional job descriptions. As of July 6, 1987, there were 17 employees in 8 of the 21 new positions. Thirteen of the 21 positions had no incumbents. Therefore, 800 of the 817 additional employees at Customs after 1984 occupied positions existing before 1985.

All the DEA and INS employees in positions approved after 1984 were hired after 1984. The 31 incumbents at DEA occupied 13 of the 31 new positions and the 9 incumbents at INS occupied 9 of the 22 new positions.

**Chapter 3
Increases in Law Enforcement
Position Approvals**

**Table 3.1: Position Approvals 1985-1987
and Incumbents***

	Approvals	Incumbents
DEA	31	31
INS	22	9
Marshals Service	2	588
Customs	97	1,233
Totals	152	1,861

*Incumbent data for DEA, INS, and the Marshals Service were as of June 20, 1987, and as of July 6, 1987, for the Customs Service.

Conclusions

Although we did not have conclusive evidence, the increase in law enforcement workforce appears to be due primarily to the expansion of the government's law enforcement programs. Since only a small percentage of the new employees occupied new positions that are covered by the special retirement provisions, it does not appear that the new positions were being created to aid in recruiting and retaining new employees generally. However, we cannot conclude that the additional positions were needed or appropriate without the detailed job information provided through individual position classification desk audits. Desk audits were beyond the scope of our work.

Data on Law Enforcement Occupations With 100 or More Incumbents as of June 30, 1987^a

Job series	Occupation	Number of incumbents
1811	Criminal Investigating	25,737
0007	Correction Officer	4,959
1896	Border Patrol Agent	3,157
0082	U.S. Marshal	717
0083	Police	595
0006	Correctional Institution Administration	545
0101	Social Science	449
0318	Secretary	413
7404	Cooking	380
0986	Legal Clerk and Technician	369
1801	General Inspection, Investigation, and Compliance	363
0603	Physician's Assistant	339
2181	Aircraft Operation	335
1802	Compliance, Inspection, and Support	303
0303	Miscellaneous Clerk and Assistant	298
1812	Game Law Enforcement	271
6907	Warehouse Working	270
1710	Education and Vocational Training	220
4749	Maintenance Mechanic	218
0699	Health Aid and Technician	186
4742	Utility Systems Repairing-Operating	171
0610	Nurse	158
1884	Customs Patrol Officer	155
0525	Accounting Technician	153
1102	Contracting	144
0510	Accounting	138
0201	Personnel Management	123
0188	Recreation Specialist	116
0180	Psychology	111
0501	Financial Administration and Program	105
1667	Steward	100
Others		3,048
Total		44,646

^aDoes not include U.S. Park Police or Uniformed Secret Service personnel who are covered by the District of Columbia police and fire fighters retirement fund.

Law Enforcement Workforce Governmentwide 1982-1987^a

Agency	1982	1983	1984	1985	1986	1987 ^b
Department of Agriculture	0	0	352	437	435	435
Agency for International Development	0	0	1	1	1	1
Department of the Air Force	77	86	97	109	141	158
Department of the Army	152	170	216	241	235	232
Department of Commerce	106	159	161	162	171	174
Department of Defense	2	140	171	214	302	333
Department of Energy	0	0	27	28	24	22
Department of Education	48	53	50	48	47	61
Environmental Protection Agency	31	59	72	85	88	87
Federal Emergency Management Agency	0	0	9	8	6	9
Federal Home Loan Bank Board	2	1	2	2	2	2
Farm Credit Administration	3	1	3	1	0	0
General Accounting Office	0	0	0	0	1	22
Government Printing Office	0	0	2	1	4	6
General Services Administration	25	39	68	110	92	107
Department of Health and Human Services	470	493	566	600	583	595
Department of Housing and Urban Development	27	18	21	17	71	78
Department of the Interior	579	645	705	694	688	703
Department of Justice	24,099	25,990	25,139	28,857	28,910	30,719
Department of Labor	65	124	155	175	165	170
National Aeronautics and Space Administration	0	2	26	30	32	30
National Archives and Records Administration	0	0	0	1	0	0
National Credit Union Administration	0	0	0	0	1	1
Department of the Navy	508	647	831	1,002	1,090	1,141
Nuclear Regulatory Commission	23	26	29	33	32	38
Railroad Retirement Board	0	0	0	1	3	7
Small Business Administration	0	0	0	25	28	32
Securities and Exchange Commission	0	3	3	3	3	3
Department of State	0	6	26	29	27	21
Department of Transportation	30	43	75	54	59	62
Department of the Treasury	7,504	7,995	8,324	8,295	8,266	9,310
United States Information Agency	0	0	0	0	0	2
Veterans Administration	2	3	18	70	78	85
Totals	33,753	36,703	37,149	41,333	41,585	44,646

^aIncludes Executive Branch agencies and the General Accounting Office only.

^b1987 data are as of June 30, 1987.

Law Enforcement Position Approvals by Agency 1982-1987^a

Agency	1982	1983	1984	1985	1986	1987	1982-1987 Total
Department of Agriculture	2	0	12	1	8	1	24
Department of the Air Force	0	0	0	0	0	2	2
Department of the Army	0	0	0	0	0	0	0
Department of Commerce	0	0	7	15	1	0	23
Department of Defense	0	21	26	13	12	6	78
Department of Energy	0	0	23	0	0	0	23
Environmental Protection Agency	2	2	24	3	5	1	37
Federal Emergency Management Agency	0	0	8	0	0	0	8
Federal Home Loan Bank Board	0	0	3	0	0	0	3
General Accounting Office	0	0	0	0	6	2	8
Government Printing Office	0	0	0	0	5	0	5
General Services Administration	0	11	10	0	2	1	24
Department of Health and Human Services	4	15	7	2	5	0	33
Department of Housing and Urban Development	0	0	2	0	0	0	2
Department of the Interior	5	31	8	3	6	0	53
Department of Justice	133	70	28	19	19	17	286
Department of Labor	0	35	7	14	1	0	57
National Aeronautics and Space Administration	0	1	6	1	0	0	8
Department of the Navy	0	2	0	1	0	0	3
Nuclear Regulatory Commission	0	0	11	4	19	3	37
Railroad Retirement Board	0	0	0	2	5	0	7
Small Business Administration	0	0	3	5	0	0	8
Department of State	15	7	6	0	0	0	28
Department of Transportation	0	0	5	15	0	9	29
Department of the Treasury	25	88	97	49	100	62	421
Tennessee Valley Authority	0	0	0	0	5	0	5

(continued)

**Appendix III
Law Enforcement Position Approvals by
Agency 1982-1987**

Agency	1982	1983	1984	1985	1986	1987	1982-1987 Total
United States Information Agency	0	0	0	2	0	0	2
Veterans Administration	0	0	21	0	14	6	41
Total	186	283	314	149	213	110	1,255
Total Primary Positions	33	53	85	45	83	41	340
Total Secondary Positions	153	230	229	104	130	69	915
Total	186	283	314	149	213	110	1,255

^aAll data represent position approvals during the 12-month period ending December 31 except for 1987; these data are for the 6-month period ending June 30, 1987.

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