

Representing Members From:

- AGRICULTURE
 - OIG
 - Forest Service
- CENTRAL INTELLIGENCE AGENCY
- COMMERCE
 - Export Enforcement
 - OIG
 - NOAA Fisheries Law Enforcemer
- DEFENSE
 - Air Force - OSI
 - Army - CID
 - Defense Criminal Investigative Service
 - Naval Criminal Investigative Service
 - OIG
 - Police
- EDUCATION - OIG
- ENERGY
 - National Nuclear Security Administration
 - OIG
- ENVIRONMENTAL PROTECTION AGENCY
 - CID
 - OIG
- FEDERAL DEPOSIT INSURANCE CORPORATION
 - OIG
- FEDERAL HOUSING FINANCE AGENCY – OIG
- FEDERAL RESERVE SYSTEM
 - Federal Reserve Board
 - Federal Reserve Police
- FEDERAL LAW ENFORCEMENT TRAINING CENTER
- GENERAL SERVICES ADMINISTRATION - OIG
- HEALTH & HUMAN SERVICES
 - Food & Drug Administration
 - OIG
- HOMELAND SECURITY
 - Border Patrol
 - Coast Guard Investigative Service
 - Immigration & Customs Enforcement
 - Customs & Border Protection
 - Federal Air Marshal Service
 - Federal Protective Service
 - U.S. Secret Service
 - Transportation Security Administration
 - OIG
- HOUSING & URBAN DEVELOPMENT - OIG
- INTERIOR
 - Bureau of Indian Affairs
 - Bureau of Land Management
 - Fish & Wildlife Service
 - National Park Service
 - OIG
 - U.S. Park Police
- JUSTICE
 - Alcohol, Tobacco, Firearms & Explosives
 - Bureau of Prisons
 - Drug Enforcement Administration
 - Federal Bureau of Investigation
 - U.S. Marshals Service
 - OIG
 - U.S. Attorney's Office-CI
- LABOR - OIG
- NATIONAL AERONAUTICS AND SPACE
 - ADMINISTRATION – OIG
- NUCLEAR REGULATORY COMMISSION – OIG
- NATIONAL SECURITY AGENCY – Police
- OFFICE OF PERSONNEL MANAGEMENT - OIG
- PENTAGON FORCE PROTECTION AGENCY
- POSTAL SERVICE
 - Postal Inspection
 - Postal OIG
 - Postal Police
- RAILROAD RETIREMENT BOARD
- SOCIAL SECURITY ADMINISTRATION - OIG
- SMALL BUSINESS ADMINISTRATION - OIG
- SMITHSONIAN INSTITUTE - OIG
- STATE DEPARTMENT
 - Bureau of Diplomatic Security
 - OIG
- TRANSPORTATION - OIG
- TREASURY
 - FINCEN & OIG
 - Internal Revenue Service – CI
 - Mint
 - TIGTA
- U.S. CAPITOL POLICE
- U.S. PROBATION & PRETRIAL SERVICES
- U.S. SUPREME COURT POLICE
- VETERANS AFFAIRS
 - Office of Inspector General
 - VA Police
- RETIREES



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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March 16, 2022

The Honorable Hank Johnson
Chairman, Subcommittee on
Courts, Intellectual Property,
and the Internet
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Darrell Issa
Ranking Member, Subcommittee
on Courts, Intellectual Property,
and the Internet
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Ranking Member Issa:

I am writing to you on behalf of the more than 31,000 members of the Federal Law Enforcement Officers Association (FLEOA) to provide our views for Thursday’s Subcommittee hearing on “Workplace Protections for Federal Judiciary Employees: Flaws in the Current System and the Need for Statutory Change.” Within the Judiciary, FLEOA is proud to represent U.S. Probation and Pretrial Services Officers. In addition to the important issues you will be considering during this hearing, we would ask that you also consider the lack of overtime pay protections and support for these vital federal law enforcement employees.

Federal Probation and Pretrial Services Officers serve in judicial districts across the country, working day in and day out on behalf of both the individuals under supervised release and the federal judicial system. With the implementation of the “FIRST STEP Act” and the impact on operations resulting from the coronavirus pandemic, their jobs have been made infinitely more difficult as they aid formerly incarcerated individuals with re-entry into the communities and other critical services. As individual officer caseloads have increased exponentially over the past three years without a corresponding increase in staffing or resources, it is not uncommon for many officers to work excessive amounts of overtime in carrying out their important duties. These caseloads—along with the 24-7 in-person and electronic monitoring requirements—have taken their toll and caused many officers to take early retirement or look for employment with other federal, state, or local law enforcement agencies.

Unlike every other branch of federal law enforcement, Probation and Pretrial Services Officers are not currently eligible to receive any form of overtime compensation. While the Judicial Conference has approved a policy for providing some officers with a minimal amount of compensatory time in limited circumstances, even this policy is not uniformly applied across judicial districts. And because they fall under the Judicial Branch, our members are also not eligible and do not receive overtime pay protections under the Fair Labor Standards Act or Law Enforcement Availability Pay (LEAP), which is the standard form of overtime pay for law enforcement employees across the federal government.

To make their job even more difficult, Probation and Pretrial Services Officers often have to rely on state and local resources to meet the needs of those under supervision. There are no universal federal job, training, education, housing, or medical care programs available for those formerly incarcerated on the federal level. Which means that our members often have to resort to local contacts or call in favors to address the needs of those under their supervision.

It is for these reasons and others that we encourage this Subcommittee to explore the lack of a functional overtime compensation system for federal Probation and Pretrial Services Officers. Given the increased workloads, non-standard working hours, and a requirement to be on call 24 hours a day seven days a week, it is wholly inappropriate for Probation and Pretrial Services Officers to be the only federal law enforcement officers ineligible for overtime protections. It is an untenable position to ask these officers to supervise individuals without any functional overtime system and past time for them to be included under the Law Enforcement Availability Pay system.

Thank you in advance for your consideration of our concerns in this matter. FLEOA stands ready to work with you to ensure that U.S. Probation and Pretrial Services Officers have the support they

need to carry out their duties. Please do not hesitate to contact me if I can provide any additional information or assistance.

Sincerely,

Larry Cosme

Larry Cosme
National President

CC: Members, House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet.