



**Felicia Neale**  
***National President***

ACT strongly supports HR 1235, the Federal Firefighter Pay Equity Act which was sponsored by Representative Gerry Connolly (D-VA); Representative Jackie Walorski (R-IN).

Unlike other federal workers federal fire fighters receive only partial retirement credit for their regularly scheduled work shift. Currently, the federal government's firefighters work a 72-hour week, of which 19 hours are considered mandatory overtime. They are paid time-and-a-half for their overtime service, but when the government calculates their retirement pay, it treats all 72 hours as regular work time.

The Federal Firefighter Pay Equity Act would require the government to treat time federal firefighters spend on mandatory overtime as overtime for the purposes of making their annuity calculations, which are based on an average of the highest three years of a retiring worker's salary.

The bill would also establish a new provision that would make a major change to federal firefighters' working conditions. It mandates that the Office of Personnel Management develop regulations to establish that firefighters' "regularly recurring" workweeks max out at 60 hours, rather than the current 72 hours.

Federal fire fighters are dedicated federal employees who protect critical federal properties. Ensuring fire fighters have equitable pay and retirement benefits will assist the federal government in recruiting and retaining experienced members of its fire fighter cadre. And by reducing the work week from 72 to 60 hours this legislation will help prevent attrition from stress and burn out.

The Bill language as introduced is included on pages #2 thru #4.

We urge you to enact this important legislation by including it the NDAA for 2025.

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# H. R. 1235

To amend title 5, United States Code, to provide for pay equality and the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2023

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

To amend title 5, United States Code, to provide for pay equality and the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE; PURPOSES.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Firefighter Pay Equity Act”.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to improve pay equality between Federal firefighters, other Federal employees, and municipal and other public sector firefighters;



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(2) to enhance recruitment and retention of firefighters in order to maintain the highest quality of Federal fire service;

(3) to include the pay of all regularly reoccurring scheduled hours during the firefighter workweek when computing such retirement benefits of firefighters; and

(4) to establish the regular workweek for Federal firefighters.

## **SEC. 2. COMPUTATION OF PAY.**

Section 5545b(c)(1)(B) of title 5, United States Code, is amended by striking “2756” and inserting “2087”.

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

(a) **IN GENERAL.**—Section 5545b of title 5, United States Code, as amended by section 2, is further amended by adding at the end the following:

“(e) For purposes of any determination of ‘average pay’ under section 8331(4) or 8401(3), in the case of a firefighter who is subject to subsection (b), the rate of basic pay in effect for such firefighter for a year of creditable service (or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 or under chapter 84 based on less than 3 years of creditable service, for any other period of creditable service) shall, in addition to the amount determined under subsection (b) for such year (or other period), include an amount equal to one-half the firefighter’s basic hourly rate (as computed under subsection (b)(1)(A)) for such year (or other period) times the number of overtime hours included as part of such firefighter’s regular tour of duty during such year (or other period).”.

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



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**SEC. 4. ESTABLISHMENT OF A MAXIMUM HOURS OF FEDERAL FIREFIGHTERS' REGULAR WORKWEEK.**

Section 5545b of title 5, United States Code, as amended by section 3, is further amended by adding at the end the following:

“(f) Not later than one year after the date of enactment of the Federal Firefighter Pay Equity Act, the Office of Personnel Management shall prescribe regulations establishing the maximum number of regularly reoccurring hours which comprise a workweek for a firefighter covered by this section. The maximum number of such hours shall not exceed an average of 60 hours per week.”.

**SEC. 5. EFFECTIVE DATE.**

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