

PAY OUR CORRECTIONAL OFFICERS FAIRLY ACT

Summary:

- The Pay Our Correctional Officers Fairly Act would increase locality pay rates for employees of the Bureau of Prisons (BOP) located 200 miles from an established federal locality pay area.
- H.R. 3199 – Weber (R-TX-14) & Cartwright (D-PA-8) currently has 29 cosponsors.
- This bill would address the staffing and retention problems facing numerous BOP facilities by allowing for competitive pay that better reflects cost of living, commute times, alternative careers, and the hard work and dedication of BOP employees.

Discussion:

BOP correctional officer staffing is in crisis. Over the past four years, President Trump and President Biden pushed Congress to authorize and fund 20,466 correctional officers.¹ Congress allocated the funding, but the BOP failed to meet the Presidents' goal for any of the four years. The shortage of correctional officers has grown each year.² The Bureau of Labor Statistics projects a 7% decline in correctional officers by 2032.³ Understaffed prisons and overworked employees have created increasingly dangerous work environments.

The Bureau of Prisons (BOP) relies on “augmentation” in an attempt to fully staff facilities. Under this policy, BOP uses cooks, teachers, and nurses to guard inmates.⁴ This poor stopgap pulls employees away from their usual duties and limits the time they have to perform their regular duties. Inmates are negatively impacted because there are not enough staff to supervise them, forcing prisons to scale back activities such as visitations, recreational time, and academic enrichment opportunities.

BOP employees are generally paid on the General Schedule (GS) pay scale, with slight pay modifications for correctional officers. Locality raises are determined by comparisons of local private sector salary rates, not by cost of living. An individual's rate is based on where he or she works, not where he or she lives.^{5 6} Places located outside of these locality pay areas are compensated on a lower Rest of US (RUS) pay scale. The difference between these two pay systems is significant. A GS-5 correctional officer in Houston, Texas, would receive \$7,172 more per year than a GS-5 officer in Beaumont, Texas, yet they work only 85 miles apart.^{7 8}

Private sector comparable pay fails to take into account true cost of living, commute times, and the unique stressors of prison work. Many BOP facilities classified as RUS are located within 200 miles of the nearest locality pay, meaning that these facilities are near enough to areas with higher cost of living, yet are unable to provide their workforce with wages that take into consideration cost of living and competitive pay opportunities located in comparable professional fields.

¹“Capstone Review of the Federal Bureau of Prisons' Response to the Coronavirus Disease 2019 Pandemic,” Office of Inspector General, Justice Department, March, 2023, pp. 44-45.

² Ibid.

³ Bureau of Labor Statistics, “Occupational Outlook Handbook: Correctional Officers and Bailiffs.” <https://www.bls.gov/ooh/protective-service/correctional-officers.htm>

⁴ The Associated Press. “Federal prisons forced to use cooks, nurses to guard inmates due to staff shortages.” NBC News, May 21, 2021. <https://www.nbcnews.com/news/us-news/federal-prisons-forced-use-cooks-nurses-guard-inmates-due-staff-n1268138>.

⁵ 5 U.S. Code § 5302(6)

⁶ “GS Locality Pay Table – Rest of US” <https://www.fedweek.com/pay-tables/gs-pay-table-rest-of-us/>

⁷ “Salary Table 2023-RUS,” Office of Personnel Management [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS%20\(LEO\).pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/RUS%20(LEO).pdf)

⁸ “Salary Table 2023- Houston,” Office of Personnel Management [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/HOU%20\(LEO\).pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/HOU%20(LEO).pdf)