

AFGE FIREFIGHTERS COUNCIL



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Washington, DC 20001

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Mr. Jerome D. Mikowicz, Acting Deputy Associate Director
For Pay and Performance Policy
Strategic Human Resources Policy Division
Office of Personnel Management
Room 7H31
1900 E Street, N. W.
Washington, D. C. 20415-8200

By Email: pay-performance-policy@opm.gov

Re: Proposed Regulations to Increase the maximum annual uniform allowance rate.

Dear Mr. Mikowicz:

The American Federation of Government Employees, AFL-CIO represents the majority of federal firefighters having members at over 150 installations nationwide. The concerns of its firefighter members are addressed through the AFGE Firefighters Council. As counsel to that entity, I am pleased to have this opportunity to provide to you the comments of AFGE's firefighter members on the proposed regulations to increase the maximum uniform allowance rate.

At the outset, we acknowledge OPM's recognition of the vast increases in cost associated with uniforms and agree that it is time for an increase in the maximum amount. However, our concerns go beyond just the increase.

Unlike most employees who wear uniforms, firefighters are required to have not only various types of personal protective clothing and equipment but duty station uniforms, dress uniforms and often, clothing for mandatory physical fitness programs. Needless to say, the proposed increase of \$500 would not begin to cover the cost of obtaining and maintaining three completely separate uniforms.

We believe that this issue could best be addressed by having a separate allowance for firefighters. Alternatively, we recommend that the regulations make clear that in the case where a uniform must meet national consensus standards and where it is considered under those standards to be personnel protective clothing, it must be provided to the employee at no cost.

It is well settled that pursuant to OSHA's requirements, the government has the responsibility to provide personal protective clothing and in the case of firefighters it does provide turn-out gear, breathing apparatus, Haz-Mat suits, respirators, helmets, etc. But, it rarely supplies duty station uniforms. However, we point out that the Government must also comply with National Consensus Standards¹. Firefighter duty station uniforms are addressed by the National Fire Protection Association's (NFPA) consensus standards and are considered protective clothing with some exceptions. Therefore, because duty station uniforms are considered protective clothing under National Consensus Standards, we are of the opinion that they should be provided and in most cases they are not. For this reason, as stated above, we recommend that the proposed regulations contain a paragraph pointing out that in those instances where a uniform must meet national consensus standards and where it is considered under the standards to be personnel protective clothing, it must be provided to the employee at no cost.

Even if the firefighter's duty station uniform were provided to the employee, we believe that the proposed \$500 would not be adequate to cover the basic cost of the required dress uniforms and physical fitness clothing and it certainly would not begin to cover the cost of all three types of uniforms (duty station, dress uniforms, physical fitness clothing). The dress uniforms and physical fitness uniforms while not within the category of personnel protective clothing, are required at most installations/agencies/departments and must be worn by firefighters when they are required to attend official functions or when participating in requisite physical fitness training. To provide an equitable resolution to this vast disparity, we recommend that the proposed regulations provide that the uniform allowance be payable in an amount not to exceed \$500 for **each type of** uniform the employee is required to wear.

In conclusion, we commend OPM for addressing this issue but we are of the opinion that the proposed changes should point out that personal protective clothing must be provided by the employer and that the allowance of up to \$500 should be provided for each type of uniform the employee is required to wear.

Should you have questions concerning our comments, please contact me at 540-751-1634 or by email: sandychoate@erols.com.

Very truly yours,

Sandra Sue Adams-Choate
Counsel for AFGE Firefighters Council

¹ See Section (d) of National Technology Transfer Act of 1995, P.L. 104-113 set out as a note to 15 USC §272, which provides "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies...."



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO