



LAW ENFORCEMENT OFFICERS SECURITY & POLICE BENEVOLENT ASSOCIATION LEOS-PBA

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Re: COVID-19 Section 3610 of the CARES Act

4/16/20

Soraya Correa

Department of Homeland Security (DHS) Chief Procurement Officer

soraya.correa@hq.dhs.gov

Dear Ms. Correa:

I write to you as the Executive Director of the Law Enforcement Officers Security & Police Benevolent Association (LEOS-PBA) and its affiliated unions, an organization representing over 3,000 Protective Security Officers (PSOs) under contract with the Department of Homeland Security, Federal Protective Service, across several states including New York, Washington DC and Kentucky.

Thousands of PSOs are at work every day, guarding Federal buildings, Federal offices, and Federal personnel. They are in constant close contact with visitors from all over the country, and they are hard at work in New York, Chicago, New Orleans, Los Angeles, and every other COVID-19 hot spot. They are an experienced, credentialed, and critical national security asset, and they are vital to the protection of the Federal Government's employees.

But some of those locations have closed posts, or cut hours, for the protection of Federal employees. That means many of our PSOs have lost hours, or been furloughed – because if the post or building is closed, the PSOs can't come to work. Unlike you, me, and the contracting officers, PSOs can't work from home.

Congress has addressed this problem. Section 3610 of the CARES Act allows Federal agencies to pay their contractors to keep employees who can't telework on paid leave, "in a ready state." Especially where the employees are part of an experienced, specialized, and critical workforce, essential to national security, it is imperative that the agency act to protect that workforce, instead of allowing it to dissipate through layoffs and furloughs.



So far, though, we have not seen any action from FPS to protect these vital employees. Furloughs and layoffs have already started. PSOs are already starting to navigate the maze of unemployment, and hoping that it kicks in before the rent is due on May 1. They are looking for other jobs.

Other agencies are already using Section 3610 to protect their contractor employees, and our PSOs don't understand why FPS hasn't acted to protect them as well. On April 9, the Office of the Director of National Intelligence called the CARES Act "a powerful tool to use in the protection of our valuable partners in the federal contractor workforce," and "strongly encourage[ed] IC agencies to make full use of the flexibility provided by this act." Similarly, on April 8, the Department of Defense issued guidance implementing Section 3610 of the Act, calling it "imperative that we support affected contractors, using the acquisition tools available to us, to ensure that, together, we remain a healthy, resilient, and responsive total force."

The Department of Energy released a statement "applauding" passage of the CARES Act on March 27, and specifically noted its "continued payment for federal contractors and subcontractors who, due to COVID-19, are unable to perform work at their duty-station or telework because of the nature of their jobs." We are aware that the Department of Transportation and Department of State have also made payment arrangements with their contractors to enable the continued payment of wages to contractor employees.

The delay by Homeland Security and FPS in taking action is already costing jobs. The delay is already causing the workforce to drift away. Many won't come back – and we don't blame them. If FPS is going to invoke Section 3610 to protect this essential national-security asset, it needs to do so publicly and soon. If it is not, it should say so – that way at least the PSO workforce will know where it stands, and they will know not to look to FPS for support or assistance.

We believe FPS intends to do the right thing and protect these critical employees. We urge FPS to do so soon, stop the bleeding, and maintain this workforce in a paid status so they are ready to return.

Respectfully

Steve A. Maritas

Steve A. Maritas
LEOS-PBA Executive Director

cc: Dan O'Sullivan
Dan.O'Sullivan@fps.dhs.gov
Director, Federal Protective Service Acquisitions Division
Office of Procurement Operations

Hon. Bennie Thompson
Chair, House Committee on Homeland Security

