

United States Senate

WASHINGTON, DC 20510

April 19, 2016

COMMITTEES:
ARMED SERVICES

COMMERCE, SCIENCE AND
TRANSPORTATION

HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
PERMANENT SUBCOMMITTEE
ON INVESTIGATIONS
RANKING MEMBER

SPECIAL COMMITTEE ON AGING
RANKING MEMBER

Carolyn Colvin
Acting Commissioner of Social Security
6401 Security Blvd.
Baltimore, MD 21235

Dear Commissioner Colvin:

I am asking for your intervention in a matter that impacts 70 individuals in St. Louis, Missouri, and their dependents. The Social Security Administration, without warning, decided on January 14, 2016, that 70 employees of the City of St. Louis who are employed as security workers at Lambert-St. Louis International Airport, would be removed from the Social Security program.

The Social Security program just celebrated 80 years of providing a safety net for seniors, their dependents, and survivors. Individuals contribute during their working years with the promise that they and their dependents will collect their earned Social Security benefits when they retire or become disabled. It must come as a shock to these 70 Missourians that despite their years of payroll contributions to the program, they will be ineligible from receiving the protections they believed they were entitled when paying into the system. Despite the fact that the agency would refund contributions made by the workers to the Social Security trust fund, this is a broken promise to individuals who have spent their career paying into the Social Security system through payroll taxes and were provided assurances that Social Security benefits would be there for them in retirement or long-term disability. Furthermore, it is a mystery why the Social Security Administration (SSA) is using limited resources to seemingly seek out and remove individuals from the system.

The State of Missouri and City of St. Louis were recently informed by SSA that the 70 airport workers in question are considered police officers by the agency and therefore ineligible for Social Security under the state's Section 218 agreement with the agency, which determines whether state employees are eligible for Social Security. The Missouri Section 218 agreement was crafted in 1951 and excluded police officers, specifically carving out "employees of the police department...employed by the board of police commissioners." This is common language for first responders in Section 218 agreements signed by many states and municipalities. Security workers at Lambert -St. Louis International Airport are not now, nor have they ever been employed and supervised by the police department and the board of police commissioners. Their security role is specific to the airport and they report to the director of the airport. The history of these security positions was but one of several factual errors the Office of the Regional Commissioner made in reaching the conclusion to expel these 70 airport workers from the Social Security system. While it is true that St. Louis has worked to reorganize and centralize the city's law enforcement, there is no reason why this should upend the retirement plans of 70 individuals. St. Louis officials have been willing to compromise for future hires at the airport, but including

current employees is a severe measure and an unnecessary step. I encourage SSA to use its discretion here to grandfather in these employees who have already relied on receiving Social Security benefits.

The drastic measures undertaken by SSA to remove 70 individuals from the program simply do not make sense from a public policy perspective. As ranking member of the Senate Special Committee on Aging, I understand just how important a secure retirement is and the value of Social Security in providing lifetime income for those who have spent their working lives paying into the system. These workers have spent their careers paying into the system and relying on the protections afforded by those covered by the Social Security. I am astounded that SSA proposes that Missouri "fix" this matter by passing new state laws. Instead of proposing a simple and satisfactory solution that helps these 70 individuals, this proposal would create a multiyear ordeal of uncertainty for these St. Louis families. We should be working hard to find ways to ensure they stay in the system instead of seeking loopholes to disqualify them from the social safety net.

Therefore, I urge you to examine from headquarters the decision reached by your regional office. This decision contained factual errors regarding the nature of the airport workers' role, their relationship with the city and with the city police department. I would also like your agency to convene a meeting of all stakeholders to find a way forward that allows these workers to stay in the Social Security system and protect their retirement security.

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a larger, more prominent script than the last name "McCaskill".

Claire McCaskill
U.S. Senator