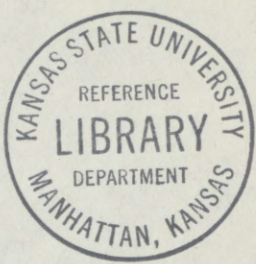
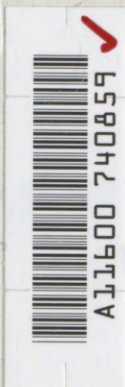


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P 84/10 DECEASED POSTAL EMPLOYEES
P 29/8

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HEARING
BEFORE THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
USE OF REPRESENTATIVES
EIGHTY-SEVENTH CONGRESS

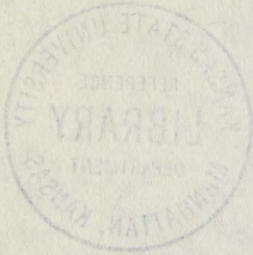
FIRST SESSION
ON
H.R. 7061 and H.R. 7272

BILLS TO AMEND TITLE 39 OF THE UNITED STATES CODE
TO PROVIDE FOR PAYMENT FOR UNUSED COMPENSATORY
TIME OWING TO DECEASED POSTAL EMPLOYEES, AND
FOR OTHER PURPOSES

JULY 26, 1961

Printed for the use of the
Committee on Post Office and Civil Service





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PAYMENT FOR UNUSED COMPENSATORY TIME FOR DECEASED POSTAL EMPLOYEES

WEDNESDAY, JULY 26, 1961

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 215, House Office Building, Hon. G. Elliott Hagan (chairman of the subcommittee) presiding.

Mr. HAGAN. The subcommittee will come to order.

This subcommittee was appointed and is meeting this morning to consider H.R. 7061 which, as you know, was introduced by Mr. Murray, and H.R. 7272, which was introduced by Mr. Corbett, identical bills which would provide for payment of unused compensatory time earned by deceased postal employees.

(The bill H.R. 7061 follows:)

[H.R. 7061, 87th Cong., 1st sess.]

A BILL To amend title 39 of the United States Code to provide for payment for unused compensatory time owing to deceased postal employees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3573 of title 39, United States Code, is amended by adding at the end thereof a new paragraph (5), as follows:

"(5) If an employee is entitled under this section to unused compensatory time at the time of his death, the Postmaster General shall pay a sum equal to the employee's hourly basic compensation for each hour of such unused compensatory time to the person or persons surviving at the date of such employee's death. Such payment shall be made in the order of precedence prescribed in the first section of the Act of August 3, 1950 (5 U.S.C. 61f), and shall be a bar to recovery by any other person of amounts so paid."

Mr. HAGAN. The members appointed to this subcommittee are Mrs. Granahan, Mr. Addabbo, Mr. Udall, Mr. Broyhill, Mr. Cunningham, Mr. Derwinski, and I was designated chairman.

This legislation is the result of an official recommendation by the Post Office Department here in Washington. The Department reports its enactment would correct a situation which it believes to be discriminatory and unfair to the heirs and to the estates of deceased postal employees.

Under present law, employees under the Classification Act may be paid for any unused compensatory time they may have to their credit. In addition, these credits may be paid to the employee's survivors. This situation does not apply in general to employees covered by the Postal Field Service Compensation Act and the Comptroller General so ruled in a decision dated March 4, 1959.

The act contains no provision authorizing a payment of overtime pay in lieu of granting compensatory time to employees, or their

heirs, in or above salary level PFS-8, or in the cases of employees in PFS-7 and below who accrue compensatory time on account of work performed on Saturdays and Sundays which do not occur during the month of December.

Incidentally, this latter group of employees is not too seriously affected since they must be granted their compensatory time within 5 working days. In addition, they can be paid overtime for all work in excess of 8 hours in 1 day and for work performed on Saturdays and Sundays in December.

This is not the case with employees in or above salary level PFS-8, however. This group of employees must be granted compensatory time for all overtime, holiday, and Saturday and Sunday work and the 5-day rule does not apply to them. Consequently, some of these employees can accrue large amounts of compensatory time, especially during the Christmas season.

Our first witness this morning, who is representing the Post Office Department, is Mr. Louis J. Doyle, General Counsel of the Post Office Department, and we are certainly pleased to have you with us, Mr. Doyle, and to have your statement at this time.

STATEMENT OF LOUIS J. DOYLE, GENERAL COUNSEL, POST OFFICE DEPARTMENT; ACCOMPANIED BY HERBERT BLOCK, DIRECTOR, COMPENSATION DIVISION, BUREAU OF PERSONNEL

Mr. DOYLE. Thank you, Mr. Chairman. I am Louis J. Doyle, General Counsel for the Post Office Department.

The statement which I will read, as you will note, was prepared for the Assistant Postmaster General, Mr. Murphy, but he is engaged in another hearing on the other side of Congress on the bill to revise the Hiss Act, and I am here to read his statement for him.

We are pleased to have the opportunity to give you the views of the Post Office Department on H.R. 7061 and H.R. 7272. These two bills, which are identical, would require the Postmaster General to pay the heirs of deceased postal employees for any compensatory time earned by the employees and not used at the time of their death; would specify how the payments are to be computed; and would specify how the heirs are to be determined.

Postal operations are such that frequently work must be performed during periods when most other elements of the community are at ease. To meet this condition, we try to schedule our work force to be present over the heaviest periods of work activity. These schedules, though, often cause employees to work on holidays and weekends. The mail must go through. It cannot be backlogged for another day. But while there are occasions when peak workloads occur, such as Christmas, Easter, Mother's Day, tax return days, etc., there are other days when work slacks off sufficiently that a certain number of employees may be released without delaying the mails or causing additional costs to be incurred.

In recognition of this fluctuating cycle of work demand, a demand which causes peaks and valleys, a system of granting equivalent time off in payment for excess time worked during periods of heavier work activity has been the historical pattern in the postal establishment for many years. This system has been embodied in law to assure the full legality of payments made and also to prescribe, particularly

for the lower level employees, a requirement on management as to the limitations for granting compensatory time off for this accumulation of credit for excess time worked.

Under the law, title 39, United States Code, section 3573, for work performed in excess of 8 hours in 1 day, and for Saturdays, Sundays, and holidays, certain categories of employees earn compensatory time. The estates of employees in the lower pay levels, that is, salary level PFS-7 and below may be paid for certain categories of such work.

There are a large number of situations in which excess time is worked by employees, but there are only three situations in which employees may be paid for such work, and even in those situations only employees in salary levels PFS-7 or lower are authorized payment rather than time off. These are the situations in which excess time may be worked, the kind of payment that may be given, and the eligible employees:

Excess time situation	Employees	
	PFS-7 and lower	PFS-8 and higher
Saturday in December	Paid or compensatory time.....	Compensatory time only.
Sunday in December	do.....	Do.
Saturday other months.....	Compensatory.....	Do.
Sunday other months.....	do.....	Do.
Holiday other than Christmas.....	Paid or compensatory time.....	Do.
Christmas Day.....	Paid; no compensatory time.....	Do.
Work in excess of 8 hours.....	do.....	Compensatory.

As the chart shows, for Saturdays and Sundays in December, the employee in PFS-7 and lower may be paid or given compensatory time. The employee in PFS-8 or higher receives compensatory time only.

For Sundays in December it is the same rule.

Saturdays and Sundays in other months, employees in PFS-7 and lower receive compensatory time, and employees in PFS-8 and higher receive compensatory time only.

Holidays, other than Christmas, PFS-7 and lower are paid or receive compensatory time; employees in PFS-8 and higher, compensatory time only.

Christmas Day is the same rule for both groups.

Work in excess of 8 hours a day, PFS-7 and lower are paid but not given compensatory time. The employees in PFS-8 and higher receive compensatory time.

There are of course exceptions to the foregoing rules. These rules do not include postmasters, postal inspectors, employees assigned to road duty, substitute employees, postal equipment technicians, examiners of equipment and supplies, regional directors, and regional employees in PFS-13 and above.

A few years ago, the Comptroller General had occasion to review the question of payment to the estate of a deceased postal employee for unused compensatory time. He had it under consideration at a special request of ours which this bill would not consider.

He said in his decision dated March 24, 1959, which subsequently was affirmed on October 19, 1959, that payment could be made where the law permitted the alternative of pay or compensatory time.

Where the law did not provide such an alternative, accumulated unused compensatory time had to be forfeited.

Mr. HAGAN. May I interrupt at this point?

The Department requested this decision?

Mr. DOYLE. We did, sir.

Mr. HAGAN. And you didn't get a favorable decision, so that is the reason for the promotion of this bill?

Mr. DOYLE. We made a special request of the Comptroller General and argued the case strongly on behalf of paying unused compensatory time, but he turned us down.

Mr. UDALL. Where there is such an option, is it the employee's option or the Department's option?

Mr. DOYLE. The Department's option.

We think that the present law is inequitable for two reasons: First, there is unfairness as between employees in levels PFS-7 and below, and employees above these levels in those few situations where the lower levels have the alternative of payment. Secondly, there is unfairness as between postal employees and employees in the major portion of the Federal service—employees whose positions are subject to the Classification Act of 1949, that is, the GS schedule positions.

Positions in the general schedule of the Classification Act are paid under the provisions of the Federal Employees Pay Act of 1945. While that act provides for compensatory time off to be applied to certain situations where employees work excess time, the act also provides that payment may be made in lieu of compensatory time off to employees up to and including GS-15. Payment may thus be made for unused compensatory time to the estate of deceased employees under the general schedule.

Compensatory time is a benefit in lieu of compensation for the performance of work under circumstances regarded as undesirable. If the employees who have performed such work live, they receive the benefit in the form of time off with pay, and without charge to leave, for days on which they would otherwise be required to work. If they die, however, before they can be granted all their time off, they cannot, of course, receive the intended benefit. Under these circumstances, it seems eminently fair that a cash value be placed on their unused compensatory time, just as a cash value is placed on their unused annual leave, and that such value be made a part of the estates of the deceased employees, for payment to their rightful heirs.

There are many reasons why an accumulation of compensatory time cannot be taken within a short period after being earned. It may be because of a continued heavy workload, or a shortage of qualified replacements, or simply because the employee wished to save the accumulation to be taken at a later date for his own personal reasons. Despite the reasons why the time was not used, or why it was saved, death comes unannounced, and the best laid plans of men are worthless.

To illustrate, there is the case of two Post Office investigative aids, Messrs. Spizzirri and McAuliffe, who on March 14, 1960, during the course of their assignment to the Inspection Service, were murdered when they attempted to apprehend three men for stealing mail packages.

At the time of his death Mr. Spizzirri had 83 hours of compensatory time to his credit, and Mr. McAuliffe had 52 hours. These men died

in the service and received benefits under the various laws such as that pertaining to death in line of duty, insurance under the Federal group insurance law, and pay for all unused annual leave. But their families were denied payment for their unused compensatory time. Had these men worked for an agency subject to the Federal Employees' Pay Act, such as the Veterans' Administration, Department of Defense, Department of Interior, etc., they would have received payment for such time.

To remedy this condition, the Department included in its legislative program last fall a proposal to accomplish the same purpose as the bills on which I am not testifying. On May 10, 1961, the Postmaster General wrote identical letters to the Speaker of the House of Representatives and the President of the Senate submitting, with the permission of the Bureau of the Budget, a bill for consideration by the Congress to accomplish this purpose.

Therefore, I wholeheartedly endorse the bills on behalf of the Post Office Department, and hope that one of them may become law during this session. A small amendment is suggested in order to preserve the rights of these employees whose estates are currently eligible to receive pay for unused compensatory time. In a few situations this payment may be at the time and one-half rate—that is, where the law provides either compensatory time or overtime pay. The language of H.R. 7272 and H.R. 7061 provides payment only at straight time rates in all instances. Accordingly, it is suggested that language be included in the bill to assure that the appropriate rate is used. This could be accomplished by adding the following phrase after the word "pay" in line 1, "at the rate prescribed in this section, but not less than." This will insure that the employee may draw the time and a half, or straight time, whichever is applicable in the circumstances.

We thank you for this opportunity to express our views, and will be pleased to answer any questions that the committee may have. And may I respectfully request that Mr. Herbert Block, Director of the Compensation Division, be permitted to assist me in the event I am unable to answer any questions the committee may ask?

Mr. HAGAN. I might say that we are very glad to have Mr. Block with us.

In regard to these employees in PFS-8 and above, are there any situations at all whereby these people may be paid for any overtime work instead of compensatory time?

Mr. DOYLE. No, sir; none.

Mr. HAGAN. Are there any other questions? Do you have any questions, Mrs. Granahan?

Mrs. GRANAHAN. Thank you, Mr. Chairman.

If Christmas falls on Sunday, do they move the mail on Christmas Day?

Mr. DOYLE. Yes.

Mrs. GRANAHAN. If something happened to one of those postmen, would he or would he not be paid for the work he was doing on that day? I mean pay now, not compensatory time.

Mr. DOYLE. May I ask Mr. Block to comment on our rule as to overtime and compensatory time on Sundays in December?

Mr. BLOCK. Most letter carriers are below level 7 and would therefore be entitled to pay for the work performed. If they were above

level 7, that is, a supervisor, they would not be paid but granted compensatory time, and therefore the estate would not be entitled to collect.

Mrs. GRANAHAH. What we want is to have everyone treated alike, is that the idea?

Mr. DOYLE. Yes.

Mr. BLOCK. That is correct.

Mr. HAGAN. Mr. Broyhill?

Mr. BROYHILL. I want to commend the Post Office Department for recommending this legislation, and for your very fine statement. It is certainly very much needed legislation to correct a most unfair and serious inequity. There is no reason for the Post Office Department or the Federal Government to be the beneficiary of a dead employee when he had this time coming to him.

Now I am wondering—this bill only provides for the payment of unused compensatory time when the employee dies. Might not the problem be better solved by placing postal employees on exactly the same status with the classified employees so as to give the Postmaster General the discretion of paying overtime or giving compensatory time off?

Mr. DOYLE. Mr. Broyhill, I can't tell you what the policy of the Postmaster General might be on that today. Back in 1955 when the present Public Law 68 was enacted, the draft submitted provided for pay rather than compensatory time, but due to some objections which were raised to it during the course of the hearings, this committee eliminated—inserted the compensatory time as well as pay, leaving the decision to the Postmaster General. Now I can't recite the reasons why, but I would be pleased to speak to the Postmaster General and find what his view would be.

(A subsequent letter received from Mr. Doyle follows:)

POST OFFICE DEPARTMENT,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., August 1, 1961.

Hon. G. ELLIOTT HAGAN,
Chairman, Subcommittee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During the hearings on H.R. 7061 and H.R. 7272 on July 26, 1961, Congressman Broyhill inquired concerning an amendment to Public Law 68, 84th Congress. He asked whether the problem of payment for unused compensatory time to the estate of deceased employees might better be solved by providing the Postmaster General with the option of paying for excess time worked in addition to his authority to grant compensatory time for such period. This is the essence of the language now used in the laws governing employees holding positions in the general schedule. Such an amendment, if enacted, would solve the problem which these bills seek to remedy. However, a number of added considerations would be involved in such an amendment and the net effect might be to delay corrective legislation beyond this session of the Congress.

A proposal to provide an option of either compensatory time or paid overtime to employees in or below level PFS-7 was considered in 1955 by the Committee on Post Office and Civil Service of the House of Representatives, but was withdrawn upon the urging of employee representatives. The main objection appears to have been the fear that the authority would not be exercised uniformly.

The suggested amendment would solve the present problem relating to deceased employees only if the option to pay overtime or grant compensatory time were extended to include employees in salary levels above PFS-7. In such cases, however, there arises the question of whether and to what extent managerial personnel should be entitled to overtime payment.

Under the circumstances we believe that it would be practical to set aside the more involved matter of extending the overtime pay and compensatory time

provisions of law and to support at this time legislation designed to correct the immediate problem.

Sincerely yours,

LOUIS J. DOYLE, *General Counsel*.

Mr. BROYHILL. I have another question, Mr. Chairman.

I don't know whether you can answer this or not, Mr. Doyle, but in the event of an employee planning to retire, can the compensatory time that he has to his credit be converted over to terminal leave?

Mr. BLOCK. Generally the employee delays the effective date of retirement until he has used his compensatory time, and then he is put on retirement, and gets paid for his annual leave.

In other words, the employee has an opportunity to control the use of that leave by delaying the retirement data.

Mr. BROYHILL. Then in fact, isn't the practical effect the same as terminal leave? If he has, let us say, 30 or 40 days of compensatory time coming, he is on leave at that time, so it has the same effect?

Mr. BLOCK. That is right. The same would be true in a situation where a man is disabled and was going to retire, take disability retirement. He could provide that his sick leave, if he had an accumulation of sick leave, would be used before he went on disability retirement.

Mr. BROYHILL. So under this—this is a hypothetical example; I don't know that you have any employees with as much as 30 days compensatory time, but let us say if we had a case like that, that he was on that 30-day leave at the time, and prior to retirement, and he died the second or third day while using that compensatory time, his estate would not get the benefit of that time?

Mr. BLOCK. That is right.

Mr. BROYHILL. But he would have accumulated annual leave?

Mr. BLOCK. That is right.

Mr. BROYHILL. I have another situation here that if an employee dies while he is on annual leave—we had some cases involving people who died just before the Liberalization Act of 1956—if an employee died just before that act came into effect while he was on leave, his widow, his survivor would come under the new act if there was enough leave to carry him beyond October 1, but if he dies just prior to that time while still on duty, even though he had enough leave to carry him beyond that time, his survivor did not come under that act.

And I am going to try to get an amendment on that, but I don't know whether I will try it on this bill. But there is an inequity which should be amended.

I would appreciate it if you would study that suggestion and see if you wouldn't think that would be a better way of approaching this problem.

Mr. DOYLE. The cost of this would be negligible to the Department, Mr. Broyhill. I don't know what the statistics show, but we experience deaths in the service of how many, Mr. Block?

Mr. BLOCK. 2,000 a year.

Mr. DOYLE. And most of those, however, have used their compensatory time, so that the cost would be negligible.

Mr. HAGAN. Any other questions?

(No response.)

Mr. HAGAN. Mr. Doyle, we certainly appreciate you and Mr. Block coming over to represent the Post Office Department, and we appreciate your fine statement and answers to these questions.

The next witness is Mr. James H. Rademacher.

Mr. Rademacher is assistant secretary and treasurer of the National Association of Letter Carriers, and I would like to say that I don't know of any finer association in America.

We are delighted to have you with us and to hear your testimony.

STATEMENT OF JAMES H. RADEMACHER, ASSISTANT SECRETARY-TREASURER, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. RADEMACHER. Thank you, sir.

At the outset I would like to express the opinion that it is a most wholesome feeling to appear at a hearing at which management and labor are in complete agreement on postal legislation.

I want to express my personal thanks, and those of the National Association of Letter Carriers, for the privilege of being permitted to testify today in favor of the two identical bills introduced, respectively, by Chairman Tom Murray, and Congressman Robert J. Corbett, H.R. 7061 and H.R. 7272. I also would like to take the liberty of saying that the introduction of these two bills is typical of the overall concern for simple justice which these two postal leaders have exhibited in Congress for so many years as well as of the bipartisan, or non-partisan spirit of cooperation which invariably pertains among members of this committee where the welfare of postal and other Federal employees is concerned.

In point of fact, H.R. 7061 and H.R. 7272 involve simple justice. They are not big money bills. As I shall illustrate presently, the money involved is insignificant. But, in our opinion, the principle involved is of major importance.

These bills would permit the Postmaster General—in the case of an employee dying with some unused compensatory time to his credit—to pay to his survivors a sum equal to the employee's hourly basic compensation for each hour of such unused compensatory time.

I cannot really see how anyone could object to these bills. Compensatory time is in itself a kind of payment which is earned in the place of money and is a kind of currency. Upon the death of an employee it should be owed to the survivors just as much as the earned portion of his salary check is owed.

As an example of the kind of injustice which occurs under the present law, I would like to cite the case of a young letter carrier who, just recently, dropped dead of a heart attack. This unfortunate young man had worked all day on a Saturday and on the very next day, Sunday, he dropped dead. Normally he would have received his earned compensatory time during the upcoming workweek. Unhappily he did not live long enough to receive this time, and there was no way that his young widow could be recompensed for the value of the time which the Government owed her late husband.

Admittedly, the amount of the money involved was small—about \$20. But in a time of sudden tragedy, any amount of money assumes greater importance than in ordinary times.

In cases such as these, through legislative oversight, the Department finds itself in the distasteful position of playing a kind of Russian roulette with its employees. If the employee dies before he can get the compensatory time that is owed him, the Department wins. If not, then the employee wins.

I am sure that neither the Congress nor the Department ever intended that this should be the case, and I am grateful that two of our great and good friends on the House Committee on Post Office and Civil Service have joined hands in attempting to remedy the situation.

I have said the cost of this legislation would be inconsequential. Insofar as our records of our own members are concerned, we estimate that the cost to the Department would be less than a thousand dollars a year. To reach even that sum, 50 members of the National Association of Letter Carriers would have to die on a Sunday during 1 year, each with 1 full day of compensatory time owed to him. The probability of this happening is very slight indeed.

I admit, Mr. Chairman and members of the committee, that it is not often that the National Association of Letter Carriers comes before you in favor of a bill costing only \$1,000 a year or less. But in this case the money involved is subordinate to the principle, and we sincerely and earnestly hope that you will see your way clear to approving H.R. 7061 and H.R. 7272 so that the existing legislative injustice can be corrected.

Mr. HAGAN. Are there any questions that any members of the committee would like to ask?

Mrs. GRANAHAH. I have no questions. I think it is very clear.

Mr. BROYHILL. Mr. Chairman, I want to commend Mr. Rademacher for emphasizing that the principle involved is the most important thing, even though the amount of money is insignificant. I certainly subscribe to that.

There is no reason why the Post Office Department or the Federal Government should be the beneficiary in the case of death of an employee, regardless of what the amount of money involved happens to be.

You mentioned this case of Russian roulette. I don't think the employee even is in as good a position as one who would be playing Russian roulette, because it's more like the case of heads I win and tails you lose. Because the employee can't win. He is entitled to the compensatory time; he is not getting something he is not entitled to, it is his. The Government can't lose anything by the employee living, because the Government owes it to him. But the Government does win by an employee dying, and the employee's survivors lose. So I see no way under the existing legislation that an employee can win.

So what we are doing by this legislation is preventing the Federal Government from being the beneficiary, or gaining as the result of the death of an employee. By passing this legislation the Government loses nothing; they are not entitled to save this amount of money, and even if it amounted to a large number of dollars a year, the employee has earned it and it is his.

I compliment you on emphasizing the principle involved, even though the amount of money is insignificant.

Mr. HAGAN. Any further questions?

(No response.)

Mr. HAGAN. Mr. Rademacher, we certainly appreciate your appearing before us and giving us this information, and particularly the fact that this will not cost the Government a great deal of money; certainly it will not according to your statement.

Thank you very much for appearing before us.

We regret very much that Mrs. Granahan must leave us. She has an important rollcall for another committee.

Mrs. GRANAHAN. I just received a message from Government Operations that there is no quorum and it will be necessary for me to be there, but before going I might leave this word with you, that I wholeheartedly favor this bill.

I don't know whether we take proxies or not.

I understand from Mr. Johnson that we do, so may mine please be recorded?

Mr. BROYHILL. I move there be unanimous consent that the proxy be accepted.

Mr. HAGAN. Your proxy will be so voted in favor of the bill.

(Mrs. Granahan left the hearing room.)

Mr. HAGAN. We will next hear from Mr. James Langan, operations director, Government Employees' Council, AFL-CIO.

I think Mr. Langan is known to all of us, and we are delighted to have you with us today.

STATEMENT OF JAMES LANGAN, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. LANGAN. Mr. Chairman, I would like in a brief statement to record the GEC as being in favor of the passage of this bill.

I won't read my prepared statement, but I would like to refer to the question that was put by Mr. Broyhill with reference to the Department's option to pay overtime or compensatory. I believe you asked if there were any objections to that.

There is objection to that way of solving the problem on the part of the employee. We don't feel that the Department should have the option at any time of paying overtime in lieu of compensatory time, because it would result in a great deal of unfairness throughout the country.

Some administrators would pay the overtime in certain cases rather than have compensatory time credited to the employee. In other cases some postmasters would never pay overtime, and it would not operate to treat them all fairly if it was optional.

We have difficulty now at Christmas time, considerable difficulty in the Post Office Department. Some postmasters seem to feel that at Christmas time they should pay overtime and get the whole thing done away with, get it all straightened out during the Christmas period and then be able to carry on their normal work for the rest of the year.

Other postmasters, however, will try all kinds of scheming to avoid paying the overtime, and the offices, the post offices, may be near to each other, say just 5 miles apart, and one man pays overtime and another one won't pay overtime, and it leads to a great deal of morale shattering.

Mr. BROYHILL. In many cases the Post Office Department has the option now.

Mr. LANGAN. No, only at Christmas time.

Mr. HAGAN. This bill will give them the option to do what your folks want at any time, is that right?

Mr. LANGAN. No, this bill will simply legalize or authorize the payment of any unused time in case to the estate, whereas it's lost today.

Mr. BROYHILL. Mr. Doyle's example says that for Saturday in December, Sunday in December, and a holiday other than Christmas, those three examples, for employees in PFS-7 and lower, he says they have the option, the Department has the option, of paying or granting compensatory time. Is that correct?

Mr. LANGAN. Yes, in December.

Mr. HAGAN. It says holidays other than Christmas.

Mr. LANGAN. No, there is no overtime on holidays other than Christmas.

Mr. BROYHILL. That is what his statement says, holidays, other than Christmas, paid or compensatory time.

Mr. LANGAN. You can be paid for the holiday.

Mr. BROYHILL. Or compensatory time.

Mr. LANGAN. Or compensatory time.

Do you mind if we talk about this off the record for a minute?

Mr. HAGAN. All right, off the record.

(Discussion off the record.)

Mr. BROYHILL. Where the postal laws differ primarily from the Classification Act, is that in most all instances except those three that I mentioned, it provides for compensatory time off only?

Mr. LANGAN. That's right.

Mr. BROYHILL. And you prefer that to be fixed and rigid and not give them the option to—

Mr. LANGAN. That is right. Rather than giving the Post Office Department an option, we perhaps would have no objection to making it mandatory.

Mr. BROYHILL. It is mandatory now that compensatory time—

Mr. LANGAN. I am talking about overtime. But we do object to the optional basis, because it will open up a Pandora's box of abuse.

Mr. HAGAN. And the Government Employees' Council is in complete agreement with the Post Office Department as regarding this bill; is that correct?

Mr. LANGAN. That is right.

Mr. HAGAN. Any further statements you would like to make?

Mr. LANGAN. No, sir, that is all, except to thank you all for permitting us to appear here today.

Mr. HAGAN. Any questions?

Mr. ADDABBO. No.

Mr. UDALL. No further questions.

Mr. BROYHILL. Nothing further, Mr. Chairman.

Mr. HAGAN. We certainly appreciate your appearing before us, Mr. Langan, and we appreciate the answers to our questions.

(Mr. Langan's prepared statement follows:)

PREPARED STATEMENT BY JAMES K. LANGAN, OPERATIONS DIRECTOR,
GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

My name is James K. Langan, operations director of the Government Employees' Council, AFL-CIO, a federation of 24 unions, chartered by the AFL-CIO, comprising about 600,000 members.

We wish to be recorded as favoring the provisions of H.R. 7061, Murray, and H.R. 7272, Corbett, which will provide for payment of a postal employee's unused compensatory time to survivors, in a sum equal to the hourly rate of the

employee, after the employee's decease. Present law makes no provision for conversion of compensatory time to cash payments with the result that the Government profits to the extent of receiving services for which no payment is made.

We also wish to commend Chairman Murray and the ranking majority member, Mr. Corbett, for introducing these bills and the subcommittee chairman and members for scheduling a prompt hearing and express the hope that a favorable report will be made to the full committee and the bill passed by the House to correct this injustice.

Mr. HAGAN. We will now hear from Mr. Dan Jaskan, legislative representative, National Association of Postal Supervisors.

**STATEMENT OF DANIEL JASKAN, LEGISLATIVE REPRESENTATIVE,
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS**

Mr. JASKAN. Mr. Chairman and members of the subcommittee, my name is Daniel Jaskan. I am the legislative representative of the National Association of Postal Supervisors, composed of about 26,000 supervisors in the postal field service.

We are most grateful to Chairman Murray and Mr. Corbett for introducing H.R. 7061 and H.R. 7272, and to this subcommittee for holding early hearings. Our association has passed resolutions in our various conventions asking for payment for compensatory time which was earned but which the employee could not use on account of death.

Postal supervisors accumulate more compensatory time than other postal employees. In the first place, employees in levels 7 and below are paid for overtime and for some Saturday and Sunday work required in December incident to the Christmas mails. Employees in levels 8 and higher receive no monetary payments for these hours, but are given time off, known as compensatory time. Thus, it is not unusual for postal supervisors to accumulate 10 or 15 days of compensatory time when the new calendar year begins. They work long hours in December and generally work more than 8 hours on Saturdays and Sundays during that month. This is done, not with the idea of accumulating compensatory time, but because it is necessary in moving the mail. They are granted 180 days to use the compensatory time they have to their credit.

We have had cases called to our attention where supervisors were entitled to a week or more compensatory time, but, probably due to the long hours and the pressures involved in moving the Christmas mail, they died from heart attacks or other reasons in January before using any compensatory time. In these cases, they did not use the time to their credit and their widows or estates did not receive any monetary payments since the law at present does not permit such payments. This is manifestly unfair.

Employees below level 8 rarely have more than 8 hours compensatory time to their credit since compensatory time for Saturday and Sunday work is generally used within a week after 8 hours are earned. Those in the higher levels often find it impracticable to use compensatory time for Saturdays and Sundays within a week after it is earned and add this time to the time accumulated during December, to be used as soon as possible but within the 180 days.

We hope that this committee will report favorably to the full committee and that you will endorse the bill when it reaches the floor of the House. The quick passage of either of the identical bills—

H.R. 7061 and H.R. 7272—is needed to eliminate an injustice to postal employees in general, and postal supervisors in particular.

Thank you for giving us the opportunity to testify in favor of these bills.

Mr. HAGAN. Our last witness is Mr. John F. O'Connor, legislative director, United Federation of Postal Clerks.

Mr. O'Connor.

**STATEMENT OF JOHN F. O'CONNOR, LEGISLATIVE DIRECTOR,
UNITED FEDERATION OF POSTAL CLERKS**

Mr. O'CONNOR. Mr. Chairman and members of the committee, for the purpose of the record my name is John F. O'Connor. I am legislative director of the United Federation of Postal Clerks. Under an agreement of merger recently approved by three organizations, the former National Federation of Post Office Clerks, the former United National Association of Post Office Craftsmen, and the former National Postal Transport Association we are now one organization and are known as the United Federation of Postal Clerks. I desire to express our appreciation to Congressman Murray, chairman of the House Post Office and Civil Service Committee, for his introduction of H.R. 7061. I also desire to thank him for scheduling hearings on this legislation.

The purpose of H.R. 7061 is to provide for payment to survivors of deceased postal employees who may at the time of death have compensatory time coming to them. Compensatory time is that time that is owed to a postal employee for having worked on a Saturday, Sunday, or holiday.

In the instance of Saturday and Sunday, with the exception of the month of December, that employee would receive compensatory time within the next 5 working days. Where an employee had worked on a holiday, the employee would receive compensatory time within the next 30 working days. While we recognize the fact that instances such as this legislation proposes to correct would not occur on too many occasions, they do actually occur. At the present time there is no provision under the law to pay the survivor of the employee for the time the employee had actually worked on these days if the employee is deceased prior to receiving the compensatory day or days off.

We fully concur in the purpose of this legislation, and highly endorse it, as we believe that it will correct an inequity that exists. The amount of money concerned is not of great consequence, as in most instances the amount owing to a post office clerk's estate would not usually be more than 1 day's pay, in a few instances it may amount to 2 days' pay, and in extreme or very unusual instances it could be 3 days' pay.

Again, may we say that we endorse the legislation and we trust that the committee will report it favorably.

We appreciate the opportunity of making a statement to the committee in behalf of H.R. 7061.

Mr. HAGAN. Gentlemen, we certainly appreciate all of you appearing before the committee. We will now go into executive session.

(Thereupon, at 11:50 a.m., the subcommittee proceeded into executive session.)

