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HAZARDOUS DUTY PAY

HEARING
BEFORE THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
EIGHTY-EIGHTH CONGRESS
FIRST SESSION
ON
H.R. 1159 and H.R. 2478
BILLS TO AMEND THE CLASSIFICATION ACT OF 1949 TO
AUTHORIZE THE ESTABLISHMENT OF HAZARDOUS
DUTY PAY IN CERTAIN CASES

MARCH 20, 1963

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



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SUBCOMMITTEE APPOINTED TO CONSIDER H.R. 1159 AND H.R. 2478

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HAZARDOUS DUTY PAY

WEDNESDAY, MARCH 20, 1963

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. Arnold Olsen of Montana (subcommittee chairman) presiding.

Mr. OLSEN. The subcommittee will come to order.

This subcommittee, consisting of Mr. Daniels, Mr. Cunningham, and myself as chairman, was appointed to consider H.R. 1159, introduced by our colleague, Mr. Wallhauser, which would amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases.

A similar bill, H.R. 2478, has also been introduced by our colleague, Mr. Daniels.

(The bills H.R. 1159 and H.R. 2478 follow:)

[H.R. 1159, 88th Cong., 1st sess.]

A BILL To amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Classification Act of 1949, as amended (5 U.S.C. 1131-1133), is amended by adding at the end thereof the following:

"SEC. 804. The Commission shall establish a schedule or schedules of pay differentials for irregular or intermittent duty involving unusual physical hardship or hazard. The appropriate differential shall be paid to any officer or employee to whom this Act applies for any period in which such officer or employee is subjected to physical hardship or hazard not usually involved in carrying out the duties of his position. Such pay differential—

"(1) shall not be applicable with respect to any officer or employee in any position the classification of which takes into account the degree of physical hardship or hazard involved in the performance of the duties thereof;

"(2) shall not exceed an amount equal to 25 per centum of the rate of basic compensation applicable with respect to such officer or employee; and

"(3) shall be paid under regulations which shall be prescribed by the Commission."

Sec. 2. The amendment made by the first section of this Act shall become effective on the first day of the first pay period which begins more than ninety days after the date of enactment of this Act.

[H.R. 2478, 88th Cong., 1st sess.]

A BILL To amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Classification

Act of 1949, as amended (5 U.S.C. 1131-1133), is amended by adding at the end thereof the following:

"Sec. 804. The Commission shall establish a schedule or schedules of pay differentials for irregular or intermittent duty involving physical hardship or hazard under which the appropriate differential shall be paid to any officer or employee to whom this Act applies for any period in which such officer or employee is subjected to physical hardship or hazard not regularly involved in, or required for, the performance of the duties of his position. Such pay differential—

"(1) shall not be applicable with respect to any officer or employee in any position the classification of which takes into account the degree of physical hardship or hazard involved in the performance of the duties thereof;

"(2) shall not exceed an amount equal to 25 per centum of the rate of basic compensation applicable with respect to such officer or employee; and

"(3) shall be paid under regulations which shall be prescribed by the Commission."

Sec. 2. The amendment made by the first section of this Act shall become effective on the first day of the first pay period which begins more than one hundred and eighty days after the date of enactment of this Act.

Mr. OLSEN. I might point out that Mr. Wallhauser's bill, H.R. 1159, is identical to his bill of the last Congress, H.R. 2079 as it was introduced.

Mr. Daniels' bill is identical to H.R. 2079 of the last Congress as it was amended by the committee and as it passed the House on the Consent Calendar on September 4, 1962.

The official reports that have been received from the Civil Service Commission and the Bureau of the Budget support the enactment of H.R. 1159 and oppose H.R. 2478.

The legislation authorizes the Civil Service Commission to establish pay differentials for employees covered by the Classification Act for work which they are required to perform under physical hardship or hazards that are not usually involved in the performance of the duties of the position.

The legislation specifically limits the application of hazardous duty pay so that the pay differentials shall not apply when the physical hardship or hazard was taken into account in classifying the employee's position. It also limits such pay so that it may not exceed 25 percent of the employee's basic compensation and it is payable only for such periods of work that are actually performed under hazardous or hardship conditions.

Our first witness this morning was to be our colleague Mr. Wallhauser. He is not here yet, so we will just proceed, and we will call on the Chairman of the Civil Service Commission, John Macy.

I might suggest that we can, without objection, have your statement as you have it written inserted in the record and proceed with haste.

STATEMENT OF HON. JOHN W. MACY, JR., CHAIRMAN, CIVIL SERVICE COMMISSION

Mr. MACY. Thank you, Mr. Chairman.

With your permission, I will insert my statement in the record and indicate that the Civil Service Commission endorses the enactment of H.R. 1159, the bill that was before your subcommittee last year on August 1 and which would provide for payment of salary differ-

ential in conditions relating to unusual physical hardship or hazards not usually involved in work assigned to Federal employees under the Classification Act.

It is the view of the Commission that this legislation would serve really three basic purposes.

First, it would serve as an incentive to employees to accept such irregular or intermittent assignments of an unusually hazardous nature, such as flying missions with hurricane weather flights, experimental work in newly designed submarines or aircraft, and working at very high elevations where complete safety conditions are not possible.

Second, it would serve as a means for reducing the inequities in pay treatment that exist at the present time between those employees paid under the wage board systems, particularly in the Department of Defense, and those paid under the Classification Act.

At the present time it is possible for those under the wage board systems to receive premium differentials of this type where this kind of special but intermittent hazardous work is involved.

Third, this measure would serve as a means of recognizing and expressing appreciation to employees for their willingness to perform these unusual physical hardships as a special part of their job.

The only suggested amendment that the Commission would like to offer is one that has administrative implications, namely, that section 2 of the bill be amended to permit a 180-day leadtime for the actual application of these standards rather than the 90 days that is presently in the bill.

Mr. Chairman, the Commission's report on this bill is similar to the one I presented at the hearing last year. I sustain the endorsement that we gave to the legislation at that time.

We feel that this bill is preferable to the one introduced by Congressman Daniels—that is, H.R. 2478—because this bill clearly specifies that this pay should be for unusual conditions and not for hazardous conditions generally.

The limit on the premium pay that would be involved here is 25 percent. We feel that that represents a reasonable differential under the bill.

Under the bill the Commission would issue regulations that would guide the actual administration of these provisions by the agencies.

Mr. OLSEN. Let me interrupt you right there just for a moment.

Mr. Macy, referring then specifically to H.R. 1159, do you have a copy of the bill before you there?

Mr. MACY. Yes, sir.

Mr. OLSEN. On the top of page 2 of H.R. 1159 it says, “* * * hazard not usually involved in carrying out the duties of his position.” That language I understand then the Commission supports?

Mr. MACY. Yes, sir.

Mr. OLSEN. But you do not support the language then in H.R. 2478 at the bottom of page 1 starting with the word “hazard” and continuing to the top of page 2 “not regularly involved in, or required for”?

Mr. MACY. More specifically, if you would note, in line 8 in H.R. 2478 the language reads “duty involving physical hardship or hazard.” In H.R. 1159 the word “unusual” is used to modify “physical hardship or hazard.”

The omission of this particular word we feel is significant because if it were eliminated it would broaden the area of hazard rather substantially and would make considerably more difficult the administrative determination as to what instances this particular differential should be applied.

So our preference is strongly for the language in line 8 in H.R. 1159.

Mr. OLSEN. Then in H.R. 1159 you recommend a change in section 2?

Mr. MACY. Only in section 2, sir.

Mr. OLSEN. And there you want stricken from line 15 the word "ninety" and inserted in lieu thereof "one hundred eighty"?

Mr. MACY. Correct, sir. That would be the only amendment that we suggest.

Mr. OLSEN. Then with that the Commission would support H.R. 1159?

Mr. MACY. Yes, sir. We would urge its enactment.

Mr. OLSEN. Do you have any questions, Mr. Cunningham?

Mr. CUNNINGHAM. No; I have no questions.

Mr. OLSEN. I have no more questions.

Mr. MACY. Thank you, sir.

Mr. OLSEN. Thank you, Mr. Macy.

Mr. CUNNINGHAM. Thank you, Mr. Macy.

Mr. OLSEN. We certainly appreciate your coming here.

I wonder if at this point you would like to have inserted in the record, together with your complete statement, your letters of March 18?

Mr. MACY. Yes. This I believe will further supplement my statement.

Mr. OLSEN. Then, without objection, it is so ordered.

Mr. MACY. Thank you.

(The complete statement of Mr. Macy, together with letters of March 18, 1963, above referred to, follows:)

PREPARED STATEMENT OF JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION

Mr. Chairman, and members of the subcommittee, it is a pleasure to appear before you today to speak in favor of enactment of H.R. 1159 introduced by Congressman Wallhauser. This bill would authorize the payment of salary differentials, not to exceed 25 percent of basic compensation, to Classification Act employees performing irregular or intermittent duties involving unusual physical hardship or hazard not usually involved in carrying out the duties of their positions, and not taken into account in the classification of the positions.

To assist in your consideration of this bill I should like to point out that the proposed differentials serve three principal purposes: (1) as incentives to employees to accept such irregular or intermittent assignments, (2) as a means of reducing inequities in pay treatment among the various groups of Federal employees, and (3) as a measure of recognition and appreciation for the employees' willingness to perform the regular duties of their positions under conditions of unusual physical hardship or hazard. We do not view the differentials either as a device to aid the Government in recruiting or retaining employees or as a means of providing pay increases for the employees involved.

The question of whether or not Classification Act employees should be paid additional or premium compensation for performing duties involving unusual physical hardships and hazards has been a subject of discussion for a long time. Such differentials are paid to some categories of military personnel and

to Public Health Service personnel. They are paid to wage board employees of certain agencies. Hazard payments for these employees usually are authorized under conditions similar to those proscribed in the proposed bill, although the amounts of the differentials often exceed the 25 percent prescribed in H.R. 1159. For example, one agency authorizes a differential of 50 percent for flying in connection with testing aircraft. Another agency authorizes hazard differentials at twice the basic hourly rate for work performed at a height of 100 feet and above, under hazardous conditions caused by the absence of scaffolding guards or other suitable protective measures or facilities. Such premium payments are currently authorized for a number of other hazardous situations.

Extra compensation may be provided Classification Act employees through the regular position classification process when the unusual physical hardship or hazard is inherent in the position, regularly recurs, and is performed for a substantial part of the working time. However, there does not now exist a means for providing compensation for this purpose where the unusual hardship or hazard occurs at such irregular or intermittent intervals that it does not constitute a regular part of the job for position classification purposes. Yet, it is fair and logical that the Government offer some additional remuneration to the employee asked, in the course of performing assigned duties, to take unusual risks not normally associated with his regular job, for which premium compensation is not otherwise provided.

The proposed legislation would fill this void. At the same time it would avoid many problems normally associated with hazard pay proposals by restricting coverage to unusually severe working conditions, and by limiting payments to periods of actual exposure. Since the premium would be paid only on an irregular basis, it would not lose its identity as a separate payment, thereby avoiding problems often associated with moving employees from premium compensation positions to regular rate positions.

We note that the bill does not specify whether or not they pay differentials to be authorized should be treated as base pay for retirement and insurance purposes. It is believed that since hazard pay, in cases of individual employees, would be relatively small and would fluctuate from time to time, it would not be considered as base pay for purposes of entitling affected employees to additional retirement or insurance coverage.

During the hearings last year on an identical bill, H.R. 2079, also introduced by Congressman Wallhauser, a question was raised concerning the Commission's authority, under the bill, to provide by regulation for minimum time periods for payment of the differential when such period might exceed the actual time of exposure to the unusual hardship or hazard. We suggest that if the subcommittee desires that a minimum time period be provided, then the language of the bill should be clarified to assure such effect.

We are well aware of potential problems in administering the premium differential program provided by this bill. It will not always be easy to differentiate between hazardous and unusually hazardous work situations. Nevertheless, we want to emphasize that these determinations can be made, and that the differentials should be authorized only for exposure to unusually severe conditions.

A similar bill, H.R. 2478, introduced by Congressman Daniels, omits the requirement that the hardships and hazards to which there is exposure be of an "unusual" nature. The effect of this difference is to provide greatly expanded coverage of the hazardous duty principle. Not only would the broader coverage make it more difficult to differentiate between eligible and ineligible situations, it also would increase substantially the potential cost of the program. Furthermore, much of the value of the differential as an unusual form of recognition and appreciation would be lost if it were authorized under less stringent requirements. For these reasons we favor enactment of H.R. 1159 as presently worded in this respect.

We do not think it feasible to establish such a program and have it operating satisfactorily within a period of 90 days after enactment as required by the bill. Six months would provide more adequate leadtime. Accordingly, we recommend that consideration be given to amending the bill to provide that it become effective on the first day of the first pay period which begins more than 180 days after the date of its enactment.

Thank you for affording me the privilege of appearing before you this morning.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 18, 1963.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in further response to the committee's request of January 23, 1963, for the Civil Service Commission's views with respect to H.R. 1159, a bill to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases.

This bill would authorize the payment, subject to regulations to be prescribed by the Commission, of pay differentials not to exceed 25 percent of basic compensation, to Classification Act employees performing irregular or intermittent duties involving unusual physical hardship or hazard. The differential would be paid only during the period of the employee is subjected to physical hardship or hazard not usually involved in carrying out the duties of his position. It would not apply where the classification of the employee's position takes into account the degree of physical hardship or hazard involved.

The Commission favors enactment of H.R. 1159.

The question of whether or not Classification Act employees should be paid additional or premium compensation for performing duties involving unusual physical hardships and hazards has been a subject of discussion for a long time. Such differentials are paid to some categories of military personnel and Public Health Service personnel, among others. Hazard pay also is authorized under wage board pay systems of some agencies. The conditions under which separate hazard pay is authorized for wage board employees in the Army and Air Force are very similar to those prescribed in the proposed bill. That is, such premiums are paid for irregular or intermittent performance of duties under unusually arduous or hazardous circumstances which have not been considered in the evaluation of the job. The Department of the Navy authorizes a differential of 50 percent for flying in connection with testing aircraft, or apparatus or appliances on aircraft. The Army-Air Force wage board has authorized hazard differentials at twice the basic hourly rate for work performed at a height of 100 feet and above, under hazardous conditions caused by the absence of scaffolding guards or other suitable protective measures or facilities. Both the Department of the Navy and the Army-Air Force wage board authorize premium payments for a number of other hazardous situations. The Army-Air Force wage board policy requires that hazard payments be made in increments of 15 minutes, with a 1-hour minimum payment for any day in which the hazardous work is performed.

We believe that unusual physical hardships or hazards which are inherent in a position, which regularly recur, and which are performed for a substantial part of the working time are best compensated for through the regular position classification process. However, there does not now exist a means for providing such compensation where regularly assigned duties are performed under unusually hazardous conditions at such irregular or intermittent intervals that these conditions cannot be taken into consideration for position classification purposes. Yet, it seems logical that the Government offer some additional remuneration to the employee asked to take unusual risks not normally associated with his occupation and for which added compensation is not otherwise provided.

The proposed legislation would fill this void. At the same time it would avoid many of the problems normally associated with hazard pay proposals by restricting coverage to the most deserving cases, and by limiting payments to periods of actual exposure not taken into consideration in the classification of the position. This would preclude the possibility of double payment through both job classification and separate premium pay which otherwise might occur. Since the premium would be paid only on an irregular basis, it would not lose its identity as a separate payment, thus forestalling problems often associated with moving employees from premium compensation positions to regular rate positions.

We would visualize assignments such as those requiring irregular or intermittent participation in hurricane weather flights, participation in test flights of aircraft during their developmental period or after modification, participation in trial runs of newly built submarines or in submerged voyages of an exploratory nature such as those under the Polar ice fields, and performance of work at extreme heights under adverse conditions, as among those meeting the criteria of unusual physical hardship or hazard. We recognize that in most regularly recurring hazardous work situations safety training and precautions have been

developed which so greatly reduce the possibility of accident that the degree of hazard becomes negligible. The examples cited above, however, go beyond such conditions. They take into consideration, for example, such matters as the need to deliberately operate equipment such as newly developed or modified aircraft beyond its known design capabilities or safe operating limits, and exposure to elements or conditions over which little or no control can be exercised. Normally few accidents occur in these hazardous situations; nevertheless, such assignments always are accompanied by the undeniable awareness of the inherent danger of the activity and the knowledge that an accident, should it occur, would almost certainly be fatal.

The total cost of premium payments under this bill probably would be relatively low. Nevertheless, in individual situations they would serve as inducements to attract personnel for special tasks involving unusual hardships or hazards. The differential would not eliminate all pay inequities among Classification Act and wage board employees working under similar conditions of hardship or hazard; however, it would largely reduce the amount of the difference which normally favors the wage board employee. The monetary payment represented by the premium would, of course, be of immediate benefit to the employee. The Government can expect to benefit, too, however, as a result of improved employee morale, which undoubtedly would attend this formal recognition of the performance of unusually hazardous work.

We do not think it feasible to establish such a program and have it operating satisfactorily within a period of 90 days after enactment as required by the bill. Accordingly, we recommend that consideration be given to amending section 2 of the bill to read as follows:

"Sec. 2. The amendment made by the first section of this act shall become effective on the first day of the first pay period which begins more than 180 days after the date of enactment of this act."

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 18, 1963.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in further response to the committee's request of January 29, 1963, for the Civil Service Commission's views with respect to H.R. 2478, a bill to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases.

This bill would authorize the payment, subject to regulations to be prescribed by the Commission, of pay differentials not to exceed 25 percent of basic compensation, to Classification Act employees performing irregular or intermittent duties involving physical hardship or hazard. The differential would be paid for any period in which the employee is subjected to physical hardship or hazard not regularly involved in or required for the performance of the duties of his position. It would not apply where the classification of the employee's position takes into account the degree of physical hardship or hazard involved.

The Commission does not favor enactment of H.R. 2478.

In a separate report on a similar bill, H.R. 1159 (and in an earlier report on H.R. 2079, 87th Congress, which is identical to H.R. 1159), we subscribed to the principle of hazardous duty pay in certain cases. However, in keeping with the language contained in H.R. 1159, we believe that premium payments for this purpose should be restricted to only the most deserving situations, that is, those involving exposure to "unusual" physical hardships and hazards.

It is in this respect that we view H.R. 2478 unfavorably. Payments would not be limited to "unusual" situations. Rather, the bill would permit the differential to be authorized for irregular or intermittent exposure to any physical hardship or hazard, subject only to the stipulation that the hazard be neither regularly involved in, or required for, the performance of the duties of the position, nor taken into consideration in its classification.

The number of potential hardships and hazards to be considered under this very broad coverage would be vastly greater than were the differentials to be

authorized only for such exposure to unusual hardships and hazards. In addition to being more difficult to administer, such a hazard pay program would involve costs many times greater than would be required under H.R. 1159. Also to be considered is the fact that if the coverage of the differential is broadened to the extent provided by H.R. 2478, it would undoubtedly lose much of its value as an exceptional form of recognition and reward for the performance of duties under special circumstances.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

Mr. OLSEN. I will call on our next witness, Mr. John Griner, president, American Federation of Government Employees.

And, if you will, please introduce your colleagues.

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT; ACCOMPANIED BY W. J. VOSS, RESEARCH DIRECTOR, AND GEORGE MEAGHER, LEGISLATIVE DIRECTOR, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. GRINER. Chairman Olsen, my name is John F. Griner. I am national president of the American Federation of Government Employees.

To my right is Mr. W. J. Voss, who is our director of research.

To my left we have Mr. George Meagher, who is now in charge of our legislative activities.

I have a statement this morning, Mr. Chairman. I am wondering would you like me to read the statement, or would you like me to file the statement and just discuss the contents in general?

Mr. OLSEN. Well, in the interest of time, because we are very favorably inclined toward this legislation, we would rather you would submit your statement and then tell us what you will about it. But we leave it up to you.

Mr. GRINER. Mr. Chairman, we are happy to submit the statement.

Mr. OLSEN. Without objection, then, it is ordered that your statement be entered in the record at this point.

(The prepared statement of Mr. Griner follows:)

STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

The bill H.R. 1159, sponsored by Representative Wallhauser, to provide a pay differential for unusual physical hardship or hazard, is approved by the American Federation of Government Employees. It is approved because it will repair a weakness in existing classification law.

As presently applied, the classification law permits the Civil Service Commission in appraising the content and requirements of a position to take cognizance of hazard as an element of that position. For hazard to be so considered, however, it must be inherent in the duties and responsibilities of the position. This recognition of hazard as a constant factor does not extend to "irregular or intermittent duty involving unusual physical hardship or hazard." This bill would extend the coverage of the law to these infrequent instances of hardship or hazard.

To this extent, the bill proposed by Representative Wallhauser would equalize the treatment of all classified employees who from time to time may be called upon to risk their lives in the performance of their duties. It is not intended to introduce a new concept into the classification law, but merely to complete the application of an objective already there.

There are many instances of the requirement of classified employees facing unusual hazard periodically in the performance of their duties, such as the electronic technician or engineer who is required to ride in an airplane of one of the military agencies when newly designed equipment is tested. Another example is the engineer in the classified service who is required to be aboard a submarine when new equipment is undergoing testing under actual operation at sea. A wage board employee included in such a civilian testing group may be compensated for the extra hazard. A classified employee may not. The number of employees affected would not be great and therefore would not entail any large expenditure. Then too, the differential would be paid only during the period in which the individual is subjected to physical hardship or hazard. When a similar bill was favorably reported to the House last year, it was indicated that the cost would be less than \$100,000 a year. There is no apparent reason for modifying that estimate.

Since recurrent hardship or hazard may be regarded as being included in the "substantial differences in the difficulty, responsibility, and qualification requirements of the work performed," it is patently discriminatory to ignore completely the justice of taking into account those irregular or intermittent situations which infrequently expose the employee to danger. Extreme hazard cannot be logically measured in terms of frequency of occurrence. It may be trite but still it is a truism that it requires but one mishap to cause loss of life or to condemn the individual to permanent crippling.

Other pay systems permit the compensation of periodic hazards. It has been a feature of the Army-Air Force wage board system. That system permits the provision of additional compensation for hazardous duty performed by the wage board employees in a manner similar to that provided in the Wallhauser bill. The Army-Air Force wage board in a recent report stipulated that "inherent risks will continue to be recognized as an element in the evaluation of wage board jobs."

The report stated further that "certain predefined, unusually hazardous conditions will be treated for pay purposes by authorization of premium pay." The board stipulated that this extra pay would be limited to certain situations which require working with certain substances or agents "under conditions which by common acceptance clearly demonstrate a potential danger of temporary or permanent disability or disease or death."

Similarly, H.R. 1159 provides that the Civil Service Commission shall establish a schedule of pay differentials for "irregular or intermittent duty involving unusual physical hardship or hazard." The bill further provides that the appropriate differential shall be paid to any officer or employee covered by the amendment "for any period in which such officer or employee is subjected to physical hardship or hazard not usually involved in carrying out the duties of his position."

The possibility of double payment for a hazardous element of a position is obviated by the provision that the pay differential shall not be applicable when the classification of a position takes into account the degree of physical hardship involved. Thus the differential will not be paid for a regularly recurring hazard by increasing the rate already paid because such an element has already been recognized as a basis for allocation of the position to a higher grade.

Implementation of this proposed legislation will require careful phrasing of regulations governing its application. It will not be a simple matter to define "unusual physical hardship or hazard," but that is no reason for failing to remove a defect from existing law. The AFGE is of the view that the bill will provide a needed improvement in the classification law.

We appreciate the opportunity, Mr. Chairman, for stating the viewpoint of the organization on this bill.

Mr. GRINER. I do have a few comments with respect to my statement.

Mr. OLSEN. We certainly welcome your comments.

Mr. GRINER. I might say in the beginning we are wholeheartedly in favor of this bill, and we appreciate the activities of Mr. Wallhauser in introducing and sponsoring this bill.

As we already know from hearing Mr. Macy, this is not a new concept of classification. This just corrects an inadequacy in our present classification law.

Under our present classification law—and I believe you will find that in sections 401 and 501 of the 1949 Classification Act, as amended—you will note that the Civil Service Commission or the agencies now have the authority to give additional compensation in cases where there is a continuous hazardous or hardship condition.

But we are now faced with many cases where this hazardous or hardship condition is not continuous. It is only for a short period of time.

And as you and I know, it only requires one mishap to cause a loss of life or to condemn the individual to be a permanent cripple.

Then, again, this particular piece of legislation will make more uniform the application of the hazardous or unusual physical hardship as referred to between wage board employees and classified employees. Because under the present wage board law—and I believe you will find that is contained in section 202(7) of the Classification Act—they do have authority to pay additional compensation in the case of intermittent hazardous work.

I would like to point out also that the cost of this particular bill will be somewhat nominal. Last year I think Mr. Macy stated that the cost of the bill which was then before you—and I believe at that time the bill was H.R. 2079—would be approximately \$100,000 a year. The cost should be even less this year, because with the word “unusual” which is used in line 8 of H.R. 1159 it makes the application of this law even more conservative than it would be under the former bill.

Frankly, we believe that Mr. Macy’s request for 180 days is not out of line. We believe that he can do it, and we believe that he will write up the necessary regulations in order to have this bill into effect in less than 180 days, but if it takes 180 days we will go along with that too.

Mr. Chairman, I do not know of anything particularly that I can point out with respect to this bill other than what has already been pointed out by Mr. Macy.

Again I wish to say we do wholeheartedly endorse the bill.

Mr. OLSEN. Thank you, Mr. Griner.

Mr. Cunningham, do you have any questions?

Mr. CUNNINGHAM. No questions.

Mr. OLSEN. I want to thank you very much, Mr. Griner, for your contribution here this morning. I know you point out all the distinctions that Mr. Macy points out and that you support this principle that Mr. Wallhauser brought to us so strongly last year.

Mr. GRINER. Yes, sir, we do.

Mr. OLSEN. Thank you very much.

Mr. GRINER. Thank you, Mr. Congressman.

Mr. OLSEN. The next witness is our colleague, Congressman Wallhauser, of New Jersey. We are glad to have our colleague before us as a witness.

STATEMENT OF HON. GEORGE M. WALLHAUSER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. WALLHAUSER. Mr. Chairman, before testifying to the merits of my bill, H.R. 1159, I would like to express my sincere thanks to the Honorable Tom Murray, chairman of the Post Office and Civil

Service Committee, for naming this subcommittee to hold hearings on the bill.

I also appreciate the willingness of the chairman and members of the subcommittee to hold this hearing at this early date in the session.

As most members of the Post Office and Civil Service Committee know, I have had a long and active interest in seeing that the proposals contained in my bill are enacted into law.

In the 86th Congress, I introduced a bill calling for the establishment, by law, of the principle that Classification Act employees should be paid additional compensation for performing duties involving unusual physical hardships or hazards. Again in the 87th Congress I introduced a similar bill, and it was approved unanimously by the committee and the House of Representatives. Unfortunately, the bill was not reached in the Senate before the 87th Congress adjourned.

Mr. Chairman, with your permission I will file the balance of my statement.

Mr. OLSEN. Without objection, it will appear in the record in its entirety.

(The prepared statement of Mr. Wallhauser follows:)

PREPARED STATEMENT BY HON. GEORGE M. WALLHAUSER OF NEW JERSEY

Mr. Chairman, before testifying as to the merits of my bill, H.R. 1159, I would like to express my sincere thanks to the Honorable Tom Murray, chairman of the Post Office and Civil Service Committee, for naming this subcommittee to hold hearings on the bill.

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I believe that the action of the committee and the House last year clearly establishes that this is worthwhile and needed legislation. It is my sincere hope that this bill will be enacted into law at the earliest possible moment.

Briefly, H.R. 1159 will correct an inequity and close a gap in existing law which discriminates against employees covered by the Classification Act of 1949, as amended, with respect to hazardous duty pay.

Mr. Chairman, this bill will close the gap by authorizing additional remuneration to employees asked to take unusual risks normally not associated with the performance of their duties of their position and for which added compensation is not otherwise provided. Under the bill, the Civil Service Commission will be directed to establish a schedule of pay differentials for irregular and intermittent duties involving unusual physical hardships or hazards. It will apply only to employees covered by the Classification Act. It will not apply to any employees where the physical hardship or hazard has been taken into consideration in establishing the position of the employee.

The maximum pay differential allowable under the legislation is 25 percent of the rate of basic compensation. The added cost to the Government would be minimal because it has been estimated that only a few hundred employees might prospectively be involved.

I am sure that we all agree that when physical hardships and hazards have been considered in establishing the class of the position and the appropriate rate of compensation, there is no justification for hazardous pay. The level of the position, because of such duty would provide the proper rate of compensation. In this connection, it is most significant to point out that physical hardships or hazards were not taken into consideration in evaluating the posi-

tions of the employees this bill seeks to help through financial recognition of the risks they are asked to take in the pursuit of their duties for our Government.

Mr. Chairman, I visualize this bill as covering assignments such as those requiring irregular or intermittent participation in hurricane weather flights, participation in test flights of aircraft during their development period or after modification, participation in trial runs of newly built submarines or in submerged voyages of an exploratory nature such as those under the polar ice fields, and performance of work at extreme heights under adverse conditions.

I believe it is only fair and logical that risks taken by such employees should be recognized by our Government. Additionally, Mr. Chairman, I should like to note that the principle of premium compensation for being asked to take unusual risk in employment has been firmly established both by Government and by private enterprise.

In Government, it is a fact that separate hazardous pay now is authorized for wage board employees in the Army and Air Force for work involved in such situations as described earlier in my testimony. Also, hazardous differentials are paid in most categories to military personnel and Public Health Service personnel required to perform services in these situations. Additionally, on July 12, 1960, an Executive order was issued which gave special hazardous pay to members of the Armed Forces who were involved in undersea exploration and research facilities.

In private industry, pay differentials are provided for in collective bargaining contracts covering employments that fall principally into seven categories. They are high work; work with or near explosives; work involving exposure to fumes, dusts and other irritants; work in extreme temperatures; underground and underwater work; piloting and other flight work, and work requiring exposure to high voltages.

It is obvious that there is an inequity and gap in present law as relates to our Classification Act employees. I think we should act quickly and affirmatively to remove the inequity.

In closing my testimony, I would like to point out that there is a minor point of difference concerning section 2 of my bill. The bill provides that the legislation will become effective on the first day of the first pay period which begins more than 90 days after enactment. I understand that the Civil Service Commission will or has recommended that this section be amended to provide that the 90 days be changed to 180 days. This, I believe, is a reasonable and appropriate recommendation and I urge the members of the subcommittee to take favorable action on H.R. 1159, with an amendment as recommended by the Civil Service Commission.

I would like to express my appreciation to the members and staff of the Civil Service Commission for their assistance and cooperation. Thank you, Mr. Chairman and members for your attention and courtesy.

Mr. OLSEN. I might say at this time, Mr. Wallhauser, that we certainly welcome you here this morning to make this statement. As last year, I am in agreement with you again this year, and I have strong and high hopes that this legislation will pass this committee and the whole committee and the House by unanimous consent.

Mr. WALLHAUSER. Mr. Chairman, I express my appreciation for the never-failing courtesy of you and the members of this subcommittee and all members of the Post Office and Civil Service Committee of the House. I appreciate it very much.

Thank you.

Mr. OLSEN. Thank you.

Mr. CUNNINGHAM?

Mr. CUNNINGHAM. I want to thank our colleague for testifying and introducing this legislation. I know that he has done an awful lot of work on it and does seek to remedy a very unfair and serious situation facing our employees.

I congratulate him for bringing it to the committee's attention.

Mr. WALLHAUSER. Thank you, Mr. Cunningham.

Mr. CUNNINGHAM. I should also like to commend our colleague, Mr. Daniels, for recognizing the existence of this inequity and for seeking to correct it through the introduction of his bill, H.R. 2478. In the period of time I have been privileged to serve with him on our committee I have observed that he is always in the forefront of the endeavor to improve the working conditions of our Federal employees. His action here is certainly consistent with his continuing concern for the welfare of our vast Government work force.

Mr. DANIELS. I sincerely appreciate your generous comments, Mr. Cunningham. I may say that when this matter was before our committee last year I was deeply impressed with the fairness of extending the application of hazardous duty pay to employees covered by the Classification Act. I was extremely disappointed that Mr. Wallhauser's bill did not pass the Senate before adjournment. This year, in an effort to secure early action on the legislation and to emphasize my full support for Mr. Wallhauser's proposal, I introduce his bill exactly as it passed the House in the 87th Congress. It is certainly my hope and desire here this morning that the subcommittee will favorably report his bill, H.R. 1159, to the full committee. Mr. Wallhauser is to be congratulated on his long and determined effort in behalf of this legislation.

Mr. OLSEN. Thank you very much, Mr. Daniels.

We will now hear from our colleague, Hon. Charles McC. Mathias, Jr., of Maryland.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. MATHIAS. Mr. Chairman and members of the subcommittee, I am Charles McC. Mathias, Jr., Congressman from Maryland's Sixth Congressional District. I appreciate very much the opportunity to appear before this subcommittee in support of H.R. 1159, a bill to authorize the establishment of hazardous duty pay for certain individuals included within the Classification Act of 1949.

This bill was introduced in an effort to equalize the salary standards of certain white-collar Federal employees while engaged in extraordinary dangerous work assignments.

The benefits to be derived from favorable action on this proposed legislation are manifold. Incentive would be provided for more Federal employees engaged in research and data-gathering missions to accept extra hazardous duty assignments. Many inequities that presently exist in the Federal pay system would be noticeably diminished.

It is indeed incumbent upon the Congress to take cognizance at this time of the brave and tireless efforts of many Federal employees who willingly accept the uncertainties and perils incident to especially hazardous work assignments undertaken in the line of duty. H.R. 1159 will do much to rectify the existing inequities in the hazardous pay scales. I am happy to recommend passage of this bill.

Mr. OLSEN. Our next witness is Mr. Vaux Owen, president, National Federation of Federal Employees.

Mr. Owen.

**STATEMENT OF VAUX OWEN, PRESIDENT, NATIONAL FEDERATION
OF FEDERAL EMPLOYEES**

Mr. OWEN. Mr. Chairman, I have a statement here that I would like to ask be inserted in the record, and I shall not read the statement.

I do want to say, Mr. Chairman, that my organization appreciates the action of Congressman Wallhauser in coming back again this year and introducing this legislation again when it failed to pass the Congress last year.

We urge favorable report on 1159 by this subcommittee.

The distinguished chairman of this subcommittee I believe was chairman of the committee last year that recommended favorable action on a similar bill with the word I believe "unusual" stricken. We do think that it would be advantageous to leave the word "unusual" in this bill.

We support the statement of the Chairman of the Civil Service Commission regarding amendment to section 2. It will probably take 180 days to get the machinery operating.

Mr. Chairman, we certainly urge favorable report on this legislation.

Mr. OLSEN. Thank you, Mr. Owen.

Your full statement will be placed in the record, and we thank you very much for your participation in bringing this legislation before this subcommittee.

Mr. OWEN. Thank you, sir.

(The prepared statement of Mr. Owen follows:)

**STATEMENT BY VAUX OWEN, PRESIDENT, NATIONAL FEDERATION OF FEDERAL
EMPLOYEES**

My name is Vaux Owen. I am president of the National Federation of Federal Employees. Our national office is located at 1737 H Street NW., Washington, D.C.

We favor the purpose of H.R. 1159. The purpose is to provide hazardous duty pay for Classification Act employees for irregular or intermittent duty which subjects them to physical hardship or hazard not involved in carrying out the usual duties of their regular positions.

The principle of premium pay for hazardous duty is already recognized for certain categories of wage board employees and they are paid premium pay because of irregular or intermittent hazardous duty assignments. It is also recognized in the regular pay of Classification Act employees where unusual physical hardship or hazard is inherent in the position and when a substantial part of the employee's time is devoted to hazardous duties. This principle having been recognized for wage board employees and for those Classification Act employees who devote most of their time to hazardous duty assignments, it would seem fair and just to apply the principle, under such regulations as the Civil Service Commission may issue, to an employee subject to the Classification Act who is assigned to perform hazardous duties at irregular and infrequent times.

An example of an inequitable situation which this bill would remedy, if enacted is that of a professional engineer subject to the Classification Act, who, under the existing law cannot receive any premium pay for irregular or intermittent duty involving the testing of experimental aircraft, yet at the same time a wage board mechanic, working alongside such an engineer, can be so compensated. Another example would be that of an employee subject to the Classification Act who is required to work at irregular and intermittent times in a radiation hazardous area.

During the second session of the 87th Congress, an identical bill, H.R. 2079, was slightly amended and favorably reported by a subcommittee, the chairman

of which is the distinguished chairman of the present subcommittee. It is respectfully urged that this subcommittee report favorably on H.R. 1159.

I thank the chairman and the members of the subcommittee for the opportunity to appear in favor of this proposed legislation.

Mr. OLSEN. Our next witness is Mr. John McCart, operations director, Government Employees' Council.

Mr. McCart.

**STATEMENT OF JOHN MCCART, OPERATIONS DIRECTOR,
GOVERNMENT EMPLOYEES' COUNCIL**

Mr. McCart. Good morning, Mr. Chairman.

Mr. Chairman, the organization I represent is comprised of 24 AFL-CIO unions representing workers of the various agencies of the Federal Government, postal, white collar and blue collar.

The council endorses this legislation.

I would like to express our thanks to you for your prompt scheduling of these hearings and to the authors of the bills, Congressman Wallhauser and Congressman Daniels, for their continued interest.

With your permission, I would like to have my statement inserted in full in the record, Mr. Chairman.

Mr. OLSEN. At this point, without objection, it is so ordered.

(The prepared statement of Mr. McCart follows:)

PREPARED STATEMENT OF GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the Government Employees' Council, representing 24 unions comprised in whole or in part of employees of the Federal Government, endorses the bill under consideration today.

First, it would be well to emphasize that the measure has a very specific purpose. It does not constitute a salary adjustment for the Classification Act employees involved. It does not revise the classifications of the jobs of these employees. The bill simply permits payment of a salary differential not to exceed 25 percent for classified workers who are exposed to unusual physical hazards on an intermittent basis.

Under the Classification Act of 1949, as amended, the Civil Service Commission and Federal agencies have authority to consider hazards encountered by employees in developing classification standards and allocating the proper grade to a job. In this case, however, the hazard must be an integral part of the position, and the employee must experience a relatively continuous exposure. There is no existing authority for compensating these employees for occasional assignments to highly dangerous situations as a part of their official functions.

Second, the proposal in H.R. 1159 constitutes a logical application to classified workers of a system in effect for many years for other Federal personnel. The pay systems of agencies covering the 800,000 wage board or blue collar provides an hourly differential when employees are assigned to dangerous work or are exposed to highly volatile substances. For example, wage board workers in the military agencies who are required to work at heights exceeding 100 feet, receive the hourly differential so long as that particular assignment continues. When performing normal duties on the ground, the differential does not apply.

Upon approval by Congress, H.R. 1159 would apply to technical and professional employees compensated under the Classification Act when they are required to participate in flights to test aircraft equipment or participate in "test runs" upon the completion or conversion of naval vessels. Under the pay program in effect for many years for blue-collar workers, they are entitled to the hourly differential, while the classified workers on the same mission are not.

H.R. 1159 requires the Civil Service Commission to promulgate regulations governing the application of the new authority to classified employees. This procedure should insure uniformity so that all employees under like circum-

stances will receive equal consideration. In the development of these regulations, we assume the Commission will follow the customary pattern of consultation with the employee organizations whose members are to be affected.

Mr. Chairman, our council urges early, favorable action on this meritorious legislation.

On behalf of the member organizations of the council we express appreciation for the prompt scheduling of this hearing and the opportunity to offer this statement.

Mr. McCART. I would like to make just one or two extemporaneous comments.

First, Mr. Russell M. Stephens, the president of the American Federation of Technical Engineers, had an out-of-town engagement, and this prevented his being here. He has asked me to announce specifically the endorsement of his organization upon this legislation.

Prior to my arrival in Washington, Mr. Chairman, I worked in a naval shipyard.

Mr. OLSEN. That must have been a long time ago.

Mr. McCART. It sure was. And, as you know, part of the work that is accomplished in these naval shipyards includes the conversion and construction of naval vessels.

At the completion of this work, there are involved test runs and shakedown cruises. I can recall that groups of civilian employees would be assigned to these shakedown cruises and test runs, and these employees would include both the craftsmen and helpers and the classified employees from the design section of the shipyard.

Sometimes these cruises would last as many as 5 or 6 days, and the wage board employees who were assigned to this particular job would be eligible for hazardous pay while their colleagues who were working with them and in some cases overseeing the work of the wage board employees would not be able to have hazardous pay.

I might say, Mr. Chairman, that we fully subscribe to the principle of hazardous pay for the wage board employees.

So I think this points up rather clearly the problem that is involved in the legislation before you. Its purpose has been very clearly explained. There is no need for me to repeat it.

I would express the assumption that in the development of the regulations pursuant to this bill when it becomes law, the Civil Service Commission will follow its customary practice of consulting the employee organizations whose members will be affected by the legislation.

That concludes my presentation, Mr. Chairman, except to reiterate that we heartily endorse the legislation you are considering.

Mr. OLSEN. Do you have any questions, Mr. Cunningham?

Mr. CUNNINGHAM. I have no questions, Mr. Chairman.

Mr. OLSEN. Thank you.

Thank you, Mr. McCart, for your participation. It is appreciated. Off the record.

(Discussion off the record.)

Mr. OLSEN. On the record. We have two bills, the bill by our colleague Mr. Wallhauser and the bill by our colleague Mr. Daniels. The language is just a little bit different, as has been pointed out. We will have that resolved.

I see one more witness in the room, Mr. Jaspán of the Postal Supervisors' organization.

STATEMENT OF DANIEL JASPAN, LEGISLATIVE REPRESENTATIVE,
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Mr. JASPAN. Mr. Chairman, I did not come in to testify today, although we are in favor of the bill. We think it is a very good bill.

But the only thing I would suggest is that we open up the change in the percentage for retirement, as you look into extending it, to some of the rest of us who are not in hazardous occupations.

Mr. OLSEN. Thank you, Mr. Jaspán.

If there are no further witnesses, this committee will now adjourn. (Whereupon, at 10:29 a.m., the subcommittee adjourned.)



STATEMENT OF DANIEL J. JACOBSON, LEGISLATIVE REPRESENTATIVE
NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Mr. Chairman, Mr. Chairman, I did not come in to testify today, but
though we are in favor of the bill. We think it is a very good bill.
But the only thing I would suggest is that we open up the bill
and be prepared for testimony, as you look into extending it to some
of the rest of us who are not in hazardous occupations.
Mr. Chairman, Thank you, Mr. Chairman.
If there are no further witnesses, this committee will now adjourn.
(At 10:30 a.m. the subcommittee adjourned.)



