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RETIREMENT BENEFITS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL

GOVERNMENT

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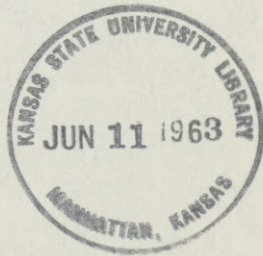
HEARING BEFORE THE COMMITTEE ON OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES EIGHTY-EIGHTH CONGRESS

FIRST SESSION
ON
H.R. 5369 and H.R. 5377

BILLS TO AMEND THE CIVIL SERVICE RETIREMENT ACT IN
ORDER TO CORRECT AN INEQUITY IN THE APPLICATION OF
SUCH ACT TO THE ARCHITECT OF THE CAPITOL AND THE
EMPLOYEES OF THE ARCHITECT OF THE CAPITOL, AND FOR
OTHER PURPOSES

MAY 14, 1963

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



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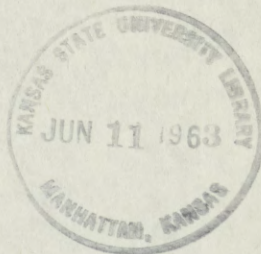
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RETIREMENT BENEFITS FOR EMPLOYEES OF THE ARCHITECT OF THE CAPITOL

TUESDAY, MAY 14, 1963

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

The subcommittee met, pursuant to call, at 9:30 a.m., in room 215-A, House Office Building, Hon. Lindley Beckworth (chairman of the subcommittee) presiding.

Mr. BECKWORTH. The subcommittee will come to order.

This subcommittee was appointed to consider H.R. 5369 and H.R. 5377, identical bills to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act to the Architect of the Capitol and employees of the Architect of the Capitol.

The members of the subcommittee are Mr. Pool, Mr. Watson, Mr. Broyhill, and Mr. Wallhauser, and I was designated chairman. (H.R. 5377 follows:)

[H.R. 5377, 88th Cong., 1st sess.]

A BILL To amend the Civil Service Retirement Act in order to correct an inequity in the application of such Act to the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1(c) of the Civil Service Retirement Act, as amended (5 U.S.C. 2251(c)), is amended by inserting "the Architect of the Capitol and the employees of the Architect of the Capitol," immediately following "official duties,"

(b) Section 2(c) of such Act, as amended (5 U.S.C. 2252(c)), is amended by inserting "(other than the Architect of the Capitol and the employees of the Architect of the Capitol)" immediately following "congressional employee".

(c) Section 2(d) of such Act, as amended (5 U.S.C. 2252(d)), is amended by inserting ", except as provided under subsection (f)," immediately following "temporary congressional employee".

(d) Section 5(d) of such Act, as amended (5 U.S.C. 2255(d)), is amended by striking out "to the Architect of the Capitol or any employee under the office of the Architect of the Capitol."

SEC. 2. The provisions under the heading "Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1959 (72 Stat. 1064; Public Law 85-844), shall not apply with respect to benefits resulting from the enactment of this Act.

SEC. 3. The amendments made by the first section of this Act shall not apply in the case of employees retired or otherwise separated prior to the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

Mr. BECKWORTH. The first witness this morning is our colleague, Hon. David N. Henderson, of North Carolina.

**STATEMENT OF HON. DAVID N. HENDERSON, OF NORTH CAROLINA,
A MEMBER OF THE FULL COMMITTEE**

Mr. HENDERSON. Mr. Chairman, I deeply appreciate the promptness with which you have scheduled hearings on H.R. 5377, which I introduced, and the companion bill, H.R. 5369, which was introduced by our colleague, the gentleman from Virginia, Mr. Broyhill.

This legislation is identical in purpose to an amendment which was unanimously approved by our committee last year as a part of H.R. 10706, reported favorably to the House of Representatives September 14, 1962 (H. Rept. 2374). Incidentally, Mr. Chairman, I believe you offered the amendment in subcommittee.

This legislation is necessary to remove an inequity that has existed for quite some time in regard to employees of the Architect of the Capitol. All of the duties and responsibilities of these employees are devoted exclusively to the Congress of the United States, and they are truly congressional employees in the full sense of the words. Yet, through a quirk in the development of the laws providing retirement benefits for all other congressional employees, those congressional employees under the jurisdiction of the Architect of the Capitol have been left out.

When one of these employees of the Architect of the Capitol retires, his annuity is computed at $1\frac{1}{2}$ percent of 5-year high average salary multiplied by 5 years of service, plus $1\frac{3}{4}$ percent of such salary for the next 5 years of service, plus 2 percent for all service over 10 years. His fellow congressional workers, on the other hand, receive annuities computed at $2\frac{1}{2}$ percent of 5-year high average salary multiplied by the first 15 years of service, plus 2 percent of such salary for all service in excess of 15 years.

I supported the amendment of the gentleman from Texas last year, because it is time this inequity is removed, and strongly urge the subcommittee to favorably report my bill.

Thank you.

Mr. BECKWORTH. In view of the other calls on the time of the Chairman of the Civil Service Commission, we will permit you to proceed, Mr. Chairman.

**STATEMENT OF HON. JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL
SERVICE COMMISSION, ACCOMPANIED BY ANDREW E. RUDDOCK,
DIRECTOR, BUREAU OF RETIREMENT AND INSURANCE**

Mr. MACY. Thank you, Mr. Chairman. My statement can be very brief before your subcommittee.

The Civil Service Commission has filed with Chairman Murray of the full committee a report on H.R. 5369 and H.R. 5377, dated April 26, 1963. This statement embodies the Commission's views with respect to these two bills.

It has been the Commission's customary position in commenting upon legislative actions relating to congressional employees to merely set forth the action that will result from the enactment of the proposed legislation, without taking any position in support of or in opposition to the legislative proposal. This is the position that the Commission has taken with respect to this legislative proposal as well.

The bills, as you pointed out in your opening statement, would apply a liberalized annuity formula to the employees of the Architect of the Capitol. The formula proposed would conform with the formula presently applied to congressional employees. The number of employees involved would be approximately 1,100, based upon the current strength report of the Architect of the Capitol. This is out of a total of 1,373 employees as of March 31 of this year. The formula that is proposed now applies to those employees on the payroll of the Congress, who numbered as of March 31 of this year 7,703. The legislation is proposed to permit the retirement conditions of the employees of the Architect of the Capitol to conform to those conditions that currently exist for congressional employees.

The Congress provided a more liberal formula for congressional employees a number of years ago in amending the Civil Service Retirement Act. This liberalization was based upon the view of the Congress that the lack of assured tenure of office on the part of congressional employees made it difficult for them to develop an adequate retirement program under the career-type annuity formula that exists for the balance of the Federal employees covered by the Civil Service Retirement Act.

The basic difference in the formula is that for regular employees $1\frac{1}{2}$ percent of the high-5 average salary is applied for the first 5 years, $1\frac{3}{4}$ percent for the next 5 years, 2 percent for 10 years and above. The congressional formula is $2\frac{1}{2}$ percent of the high 5 up to 15 years. This latter formula is the one that would be extended to the employees of the Architect of the Capitol.

Mr. Chairman, the view of the Commission is that this is a matter for the Congress to decide with respect to their own employees. The purpose intended is that of conforming these benefits under the Retirement Act to those of congressional employees. The legislative proposal would accomplish that purpose, and in our judgment this is a matter for the Congress to decide.

Mr. Ruddock and I would be happy to answer any questions with respect to these bills that you or members of the committee may wish to present to us.

Mr. BECKWORTH. Mr. Pool, do you have any questions?

Mr. POOL. How does this affect your overall retirement fund? Has anybody objected to it? That is what I would like to know.

Mr. MACY. To my knowledge, Mr. Pool, there has been no objection. The increase in cost would be very small in relation to the size of the retirement fund. There are about 1,100 employees involved. This would mean a larger annuity for those that retire, an annuity that would be computed in the same fashion as the annuities for employees retiring from service with the Congress.

Mr. POOL. There is no objection from any other congressional employees?

Mr. MACY. None that we have heard of. This would put the Architect's employees on the same basis as congressional employees.

Mr. BECKWORTH. Mr. Broyhill.

Mr. BROYHILL. Mr. Macy, do you think it might be desirable to consider the possibility of one overall retirement formula rather than these separate formulas for legislative employees, for civil service employees in the executive branch, those in hazardous duties, such as

the metropolitan policemen and firemen, and for the District of Columbia schoolteachers? We are talking about American citizens who are all employees in one way or another of their National Government. What do you think about the general thought of studying all of these systems and the possibility of one retirement system?

Mr. MACY. A study was made back in 1953-54 in response to congressional action, which I believe was initiated by this committee in 1952, of all of the issues relating to retirement, and the recommendation you suggest was included in that report, but recognizing that there had been a number of actions taken to give preferred treatment, if you will, to certain groups of employees.

The several categories are these. The great bulk of employees are covered by what we call the regular formula. Probably 2,400,000 are covered by that. Then there is the hazardous-duty formula that has been applied to law enforcement officers. The House has passed Mr. Wallhauser's bill, which would provide a special benefit in terms of premium pay rather than retirement, which I think is entirely appropriate for an extension of the hazard view. There are, however, a number of bills pending that would also apply the liberalized provision.

Mr. BROYHILL. There are bills pending to raise or increase the hazardous-duty employment formula.

Mr. MACY. Well, largely to extend coverage of the hazardous-duty formula to additional groups.

Mr. BROYHILL. There are bills to increase the formula to 2½ percent, I believe, trying to restore the differential between regular employees and those hazardous position which existed prior to the most recent liberalization of the retirement formula. Those bills have been pending for some time, and I understand the Commission does oppose them.

Mr. MACY. That is right. The Commission's view has been that a liberalization of the retirement formula in recognition of special employment conditions is inappropriate. We oppose doing it for the law enforcement group when this occurred, and as I testified on Mr. Wallhauser's bill.

Mr. BROYHILL. You mean when they originally had the separate formula?

Mr. MACY. Yes. I did not testify, but one of my predecessors testified in opposition.

As far as the congressional formula is concerned, this was an action taken by the Congress with respect to its own employees, and as I indicated earlier the reason given for that was the uncertain tenure and the difficulty of accumulating sufficient service, so that a more liberalized formula was applied for the first few years of service.

Let me say in general response to your question that, yes, I think it would be desirable if we had a single system, but I do not see the possibility of uniformity unless the formula was to be liberalized across the board, and this would be extremely costly to the fund.

Mr. BECKWORTH. Mr. Wallhauser.

Mr. WALLHAUSER. Mr. Macy, just for history's sake, the statement is that since 1920 the employees of the Architect have been subject to the same benefits as employees of the executive branch.

Mr. MACY. That is correct.

Mr. WALLHAUSER. What is the major reason for wanting to change their benefits?

Mr. MACY. The principal reason advanced by those that support the legislation is that these are employees working with employees of the Congress, and that like conditions relating to retirement should exist for both groups. Therefore, this is an effort to correct an inequity.

Mr. WALLHAUSER. Does this group of employees; namely, the group of employees of the Architect of the Capitol, enjoy any benefits or privileges that the other employees do not?

Mr. MACY. I do not believe so. They have a separate personnel system. They are outside of civil service.

Mr. WALLHAUSER. So actually they are penalized as of now to some extent by not being under the same system?

Mr. MACY. They are penalized in contrast to congressional employees. They are receiving the same retirement formula that is applicable to the executive branch and to such agencies of the legislative branch as the General Accounting Office and the Government Printing Office.

Mr. WALLHAUSER. You say the cost to the fund would not be very large?

Mr. MACY. It would be negligible.

Mr. WALLHAUSER. Thank you.

Mr. BECKWORTH. Would you have a figure there, Mr. Chairman?

Mr. MACY. No. Mr. Ruddock and I were talking about that. We do not have enough in the way of experience as to the retirement pattern of employees of the Architect of the Capitol to indicate that to you. Do you have a rough shot on that, Mr. Ruddock?

Mr. RUDDOCK. Not cost in terms of dollars. I do have a comparison of what this would do to the annuity of the individual.

Mr. BECKWORTH. If you can conduct any kind of study of a brief nature that you might need in order to give us a reasonably sound estimate of cost—and we will call it an estimate—before we go to the floor of the House, it would be helpful. Many of the Members undoubtedly will be very interested in having at least an outside estimate. I surely would appreciate your trying to help us on that, even if it involves asking a few questions of the Capitol people here.

Mr. MACY. I am certain that we can produce some kind of estimate, but I can assure you that this will not be of such a magnitude that it would change our approach to retirement financing.

Mr. BECKWORTH. We will call it an estimate as we undertake to carry the bill forward.

Mr. WALLHAUSER. Would it be well if Mr. Ruddock put on the record what it would do to the retirement of the individual?

Mr. BECKWORTH. I did not mean to interrupt to the point of precluding that being answered. Go ahead.

Mr. RUDDOCK. Assume two employees, one who is subject to the regular formula for computing annuity and another subject to the formula applicable to congressional employees. Let us assume the same length of service at retirement and the same average salary. If the total service is 5 years the annuity computed under the congressional formula is 66.7 percent greater; if the service is 10 years, the congressional formula is 53.8 percent greater; after 15 years it is 42.9; after 20 years it is 31; after 25 years it is 24.3;

after 30 years the congressional formula is 20 percent greater; after 35 years it is 17 percent greater; after $36\frac{1}{4}$ years of service the congressional employee has reached maximum annuity, which is 80 percent of average salary. Any service he performed beyond that point would entitle him either to a refund of the deductions made during the service or he could have the amount of those deductions applied toward the purchase of additional annuity as a voluntary contribution. After 40 years of service the congressional formula produces an annuity only 4.9 percent greater, and if the service is 41 years and 11 months or greater the annuity is 80 percent of average salary for either an executive branch employee or a congressional employee. So this ranges all the way from an increase in annuity of 66.7 percent down to the point where the annuities become equal.

Mr. MACY. The maximum remains the same, 80 percent, so they are equal at that point.

Mr. BROYHILL. Mr. Macy, you said a moment ago the congressional employee or legislative employee has a formula of $2\frac{1}{2}$ percent for up to 15 years' service. Then it drops to what?

Mr. MACY. Two percent.

Mr. BROYHILL. From there on?

Mr. MACY. Two percent from there on, up to the maximum of 80 percent.

Mr. BROYHILL. How about his other Federal service and military service?

Mr. MACY. His military service is brought in as—

Mr. BROYHILL. At $2\frac{1}{2}$?

Mr. RUDDOCK. Two and one-half percent would apply to service as a congressional employee and military service, up to a total of 15 years.

Mr. BROYHILL. How about other Federal service?

Mr. RUDDOCK. This depends on how much congressional and military he has. If he has at least 15 years of congressional and military combined, then his downtown service would be at 2 percent.

Mr. BROYHILL. Say 5, 5, and 5.

Mr. MACY. Five congressional, 5 military, and 5 in the executive branch.

Mr. BROYHILL. With the legislative branch being the last 5.

Mr. RUDDOCK. The sequence would not make any difference. He would get $2\frac{1}{2}$ percent for his congressional employee service, $2\frac{1}{2}$ percent for his 5 years of military, and he would get 2 percent for his downtown service because that is service in excess of 10 years in the total. If he had 5 years congressional and 2 years military, he would get $2\frac{1}{2}$ percent for 7 years, he would get $1\frac{3}{4}$ percent for 3 years of his downtown service.

Mr. BROYHILL. His executive branch service is at the top of the heap to get the formula for downtown.

Mr. RUDDOCK. Always off the top.

Mr. MACY. You can understand, Mr. Chairman, why we have to have a computer in order to arrive at these annuities.

Mr. BECKWORTH. Mr. Watson, do you have any questions?

Mr. WATSON. No, sir.

Mr. BECKWORTH. If you have not already done this, I would appreciate a memorandum that would take the salary of \$4,000, the salary of \$6,000, the salary of \$8,000, and show the difference in what

these employees get under the present law and what they would get under the congressional formula.

Mr. RUDDOCK. In 5-year periods?

Mr. BECKWORTH. Yes, so that any person who might want to check it out could do so.

Mr. MACY. We will do this computing on the regular formula and the congressional formula.

Mr. BECKWORTH. Mr. Chairman, I recognize you have to leave. We have about four questions. I am not going to take the time to ask them, but I will furnish them to you and you can give us answers.

Mr. MACY. I have the questions right here.

(The questions and answers follow:)

MAY 20, 1963.

Hon. LINDLEY BECKWORTH,
*Chairman, Subcommittee,
Committee on Post Office and Civil Service,
House of Representatives.*

DEAR Mr. BECKWORTH: In the course of the May 14, 1963, hearings on H.R. 5369 and H.R. 5377 before your subcommittee, you requested from the Civil Service Commission three items of information for the record. The information desired is herewith submitted.

The first item deals with specific questions for which answers are desired. In the interest of clarity the questions are repeated accompanied by the information requested.

(1) Question. Mr. Macy, in your testimony last Friday on H.R. 4837 and H.R. 4838 I understand that, in response to a direct question, you stated that employees of the Architect of the Capitol are legislative employees. Is that correct?

Answer. Yes. I did so state.

(2) Question. Is it not also correct, as I have indicated, that certain of the employees under the Architect of the Capitol—those who work in the House and Senate restaurants—have been ruled by the Comptroller General to be subject to the congressional employees' provisions of the Retirement Act?

Answer. There has been a Comptroller General decision relating to House restaurant employees. Decision No. B-15712, dated April 14, 1941, held that personnel of the House restaurant are employees of the United States in the legislative branch of the Government entitled to the benefits and subject to the requirements of the Retirement Act applicable to legislative employees. The basis for this conclusion was that transfer of the operation and control of the restaurant from the Committee on Accounts of the House of Representatives to the Architect of the Capitol did not operate to make the restaurant an activity or function of the office of the Architect of the Capitol, but left it as an activity or function of the House of Representatives, the Architect of the Capitol being merely the agent or means through which the restaurant is operated by that body. Thus, House restaurant employees remained employees of the House of Representatives and as such were subject to the Retirement Act provisions for congressional employees.

Senate restaurant personnel were not involved in decision No. B-15712. Following operation for a number of years on a contract basis, the Senate restaurants were placed under the direction of the Architect of the Capitol by Public Law 87-82, effective August 1, 1961. This law authorized the Architect to act for the Senate in this respect and following the reasoning applied in B-15712, Senate restaurant personnel have been considered employees of the Senate and held "congressional employees" for Retirement Act purposes.

(3) Question. Do you perceive any reason to keep most of the employees of the Architect of the Capitol out of the retirement provisions that apply to all of their fellow congressional employees?

Answer. If Congress determines that employees of the Architect of the Capitol are subject to the same conditions of employment as those found to warrant the special annuity formula for congressional employees, I am not aware of any reason why the special formula should not apply to employees of the Architect.

(4) Question. Is it not inequitable, in your opinion, to include some of the Architect's employees—and all other congressional employees—in the congress-

sional employees' retirement plan, but to exclude others who would be covered by this bill?

Answer. Where the same conditions of employment obtain throughout a given class and these conditions of employment are found to warrant special retirement treatment, it is inequitable, in my opinion, to extend special retirement treatment to some members of the class and not to others.

The second item compares the basic annuity available under the regular and the congressional employee annuity formulas with high 5 average salaries of \$4,000, \$6,000, and \$8,000 based on service ranging from 5 to 30 years.

High 5 average salary	Years of service	Formula, basic annuity		Increase of congressional over regular
		Regular	Congressional	
				Percent
\$4,000.....	5	\$325	\$500	53.8
\$6,000.....	5	450	750	66.7
\$8,000.....	5	600	1,000	66.7
\$4,000.....	10	675	1,000	48.1
\$6,000.....	10	975	1,500	53.8
\$8,000.....	10	1,300	2,000	53.8
\$4,000.....	15	1,075	1,500	39.5
\$6,000.....	15	1,575	2,250	42.9
\$8,000.....	15	2,100	3,000	42.9
\$4,000.....	20	1,475	1,900	28.8
\$6,000.....	20	2,175	2,850	31.0
\$8,000.....	20	2,900	3,800	31.0
\$4,000.....	25	1,875	2,300	22.7
\$6,000.....	25	2,775	3,450	24.3
\$8,000.....	25	3,700	4,600	24.3
\$4,000.....	30	2,275	2,700	18.7
\$6,000.....	30	3,375	4,050	20.0
\$8,000.....	30	4,500	5,400	20.0

The final item covers the estimated cost which would result from enactment of either H.R. 5369 or H.R. 5377. It is estimated that to extend the special retirement formula for congressional employees to the Architect of the Capitol and his employees, as provided by the proposal, would result in additional costs of about \$315,000 annually. Of this total, approximately \$175,000 is required as an increase in normal costs of the civil service retirement system, while about \$140,000 is required as interest at 3½ percent on the estimated \$4 million increase in the unfunded liability of the system.

Sincerely yours,

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

MR. BECKWORTH. We want to accommodate you in connection with your next meeting, and then we, too, have another meeting.

We surely appreciate your being here, and thank each of you for your statements.

We have a statement for the record from Chairman Carl Vinson of the Armed Services Committee endorsing this legislation.

(The statement referred to follows:)

STATEMENT BY REPRESENTATIVE CARL VINSON OF GEORGIA

Mr. Chairman and members of the subcommittee, I deeply appreciate the opportunity to present a statement in support of the most equitable and desirable legislation contained in H.R. 5377.

This bill will correct a highly discriminatory situation that adversely affects a very fine, dedicated, and efficient group of legislative employees—the employees of the Architect of the Capitol—in their retirement benefits. Years ago the Congress, in recognition of the unique situation of congressional employees, enacted legislation providing a carefully planned and most suitable retirement program for congressional employees—but failed to include employees of the Architect of the Capitol in the program. As the author of the bill, the gentleman from North Carolina (Mr. Henderson) has so well pointed out—and he certainly is to be commended on introducing this legislation—retirement rights for employees of the Architect of the Capitol are markedly

inferior to those of other congressional employees. There is no justifiable reason for this discrimination, which would be corrected by the bill before you.

There is no question but that employees of the Architect of the Capitol are congressional employees. Their entire time, attention, skills, and working lives are devoted solely to serving the Congress. If there were any last, lingering doubts on this point, they have been cleared up by Chairman John W. Macy, Jr., of the U.S. Civil Service Commission. Mr. Macy just last Friday, in testimony on bills before another of your subcommittees, stated positively and unequivocally that employees of the Architect of the Capitol are congressional employees and are considered as such by the Civil Service Commission.

Mr. Chairman and members of the subcommittee, I strongly urge early approval of H.R. 5377.

Mr. BECKWORTH. We now recognize Mr. Charles Henlock, administrative officer, Architect of the Capitol.

STATEMENT OF CHARLES A. HENLOCK, ADMINISTRATIVE OFFICER, ARCHITECT OF THE CAPITOL

Mr. HENLOCK. Mr. Chairman, on behalf of Mr. Stewart, the Architect of the Capitol, I would like to present the following statement.

The regular year-round force under the Architect of the Capitol totals 1,175 employees, of which 282 are part-time charwomen and 121 patronage elevator operators and patronage laborers.

Of this total, 369 are employees of the Senate Office Buildings subject to the control of the Senate Committee on Rules and Administration (40 U.S.C. 174(c)); 381 are employees of the House Office Buildings and Capitol Power Plant subject to the control of the House Office Building Commission (40 U.S.C. 175); 64 are employees of the Senate and House wings of the Capitol subject to the control of the Senate Committee on Rules and Administration and the Speaker of the House, respectively (40 U.S.C. 167, 168). This makes a total of 814 employees subject, by statute, to congressional committee or commission control.

None of these employees is subject to the congressional employee benefits of the retirement system. Since 1920 they have been subject only to the same benefits as employees of the executive branch.

The total of 1,175 employees does not include employees of the House and Senate Restaurants under the Architect of the Capitol who already have been defined by the Comptroller General to be employees of the House and Senate and consequently are now subject to the congressional employee retirement system.

Whereas it is true that many of the employees under the Architect of the Capitol enjoy long tenure of office, yet this is also true of many employees of the Senate and House, particularly committee employees and employees of the Office of the Secretary of the Senate, Sergeants at Arms of the Senate and House, Clerk of the House, and others. The Senate has recently recognized this fact by establishing a seniority pay system for such employees of the Senate in the Legislative Branch Appropriation Act, 1963, passed October 2, 1962.

The Architect of the Capitol has long been defined by the Comptroller General, in numerous rulings, to be an officer of the Congress, and the Office of the Architect has likewise been defined to be a part of the legislative establishment.

Unlike the heads of other agencies under the legislative establishment—such as the Librarian of Congress and Public Printer—the

Architect does not function as an independent officer empowered by Congress to make and operate under his own rules and regulations, but actually performs most of his duties, under existing law, under the direction of committees and commissions of the Congress, who for many years have been vested by Congress with the authority to make rules, regulations, and policies governing the Architect in the exercise of his duties.

Because of the nature of the Architect's duties and the statutory setups under which he functions, it has been the practice of the Congress, particularly in recent years, to accord the Architect the same treatment as the Senate and House under general administrative laws.

The employees of the Architect do not have civil service or other protective status.

Laborers of the Architect of the Capitol work alongside of the laborers of the Sergeants at Arms of the Senate and House, and the Senate and House Restaurants, and yet are not accorded the same retirement benefits. This is true also with respect to other classes of employees.

The Architect of the Capitol urges that existing law be amended to include the Architect and employees of the Architect under the congressional employee benefits of the Retirement Act, so that all employees of the Congress may receive like benefits.

Mr. Chairman, I might add to this statement that perhaps one misconception is that a great many people do not realize that employees of the Architect of the Capitol are employees of the Congress, the same as those on your staff, and have been defined as such by the Comptroller General. The only reason we happen to be under the executive retirement system is because we went under the act in 1920. The legislative branch generally did not come under it until 1937, and at that time there was no particular benefit for us to change over to the congressional system because the systems were computed on about the same basis.

Mr. BECKWORTH. Thank you very much. Mr. Watson, do you have any questions to ask?

Mr. WATSON. No, sir, I have not.

Mr. BECKWORTH. Mr. Wallhauser?

Mr. WALLHAUSER. I have no questions.

Mr. BECKWORTH. Mr. Broyhill?

Mr. BROYHILL. These 282 part-time charwomen and 121 patronage elevator operators—will they come under the new act?

Mr. HENLOCK. Yes, sir. They are, however, eligible under the present act as well, but the point is the turnover among the elevator operators is so great they rarely take advantage of the benefit of coming under the act.

Mr. BROYHILL. That was the purpose of my question. Are they now under the existing formula for legislative employees.

Mr. HENLOCK. No, at present any benefit the patronage employees receive is the same as the executive department receives and the same as the rest of us receive, but under this act they would get the same benefits as other congressional employees. The point is, however, that the turnover is great and ordinarily they are not interested in retirement.

Mr. BROYHILL. Let us take the case of the elevator operator who may be going to school and working his way through school, which is a very fine part-time job for him. We can provide that type of employment up here. Assume he has 5 years of that service by virtue of working his way through school. He comes under this retirement program to get $2\frac{1}{2}$ percent of his first 5 years of service?

Mr. HENLOCK. He would under this bill.

Mr. BROYHILL. And yet the job on the face of it is a patronage job, a temporary job, not meant to be a career proposition. I know we have some elevator operators that are using that for their full-time livelihood, but many of them use it strictly as a temporary job.

Mr. HENLOCK. The same as doorkeepers and employees of that type who are now covered by the congressional retirement system.

Mr. BROYHILL. I am wondering whether or not we are stretching this type of system too far by covering or by bringing temporary employees under it, which are deliberately meant to be temporaries.

Mr. HENLOCK. I do not perceive what is the difference, however, between bringing our patronage employees under the congressional retirement system and having a doorkeeper or similar employee who is patronage under it? All your patronage employees of the House are temporary to the same extent that our elevator operators are.

Mr. BROYHILL. I am asking the question.

Mr. HENLOCK. In our judgment there is no difference.

Mr. BROYHILL. I am not trying to state a position, because I am a supporter of this legislation, but I want to make sure of the facts as this goes through the legislative obstacles where these questions will come up from others. I can certainly appreciate and understand how the employees of the Architect of the Capitol are people of a career nature and have these jobs as a main vocation, but there are others, such as the ones we have mentioned, who are not regular career employees and are strictly temporary. It is a question whether or not we should have the same kind of system for them as we have for the others. There must be some difference in our obligations to them.

Mr. HENLOCK. Well, we feel that they are in the same category as all the other employees of the House and Senate and therefore should be accorded the same benefit. On the other hand, we know from experience that not many of them stay 5 years, and there are not many of them that would avail themselves of this retirement benefit.

Mr. BROYHILL. I have one more question, Mr. Chairman. Under the regular civil service retirement system the employees are required to pay into the system, are they not?

Mr. HENLOCK. That is correct. The Architect of the Capitol has the authority to exclude temporary employees if he chooses. Normally we require a temporary or patronage employee to be on the payroll for a year before we begin deductions, unless he has had service in some other part of the legislative branch or under another Government agency before coming with us and was previously under the Retirement Act.

Mr. BROYHILL. Then the employee has no option whether he wants to remain under the system or not?

Mr. HENLOCK. We would not compel such an employee to come under the act. However, with respect to our regular permanent em-

ployees, which includes the charwomen, they are, by law, required to be placed under the act from the first day of their employment.

Mr. BROYHILL. Mr. Ruddock, what is the situation in the executive branch? Do not the regular civil service employees automatically come under the retirement law?

Mr. RUDDOCK. He comes under it from his first day of employment unless he is in an excluded category. Generally excluded are employees who are appointed for periods of less than a year, employees who are part-time or intermittent without a regular tour of duty, but in the absence of one of these types of exclusions the employee is under it from his first day of service.

Mr. BROYHILL. Under this legislation would it be mandatory or optional?

Mr. HENLOCK. It would be optional still with respect to temporary employees, Mr. Broyhill—and then only after a year's service. There is a good reason why we ask to have that provision retained in the Retirement Act. We, of course, employ numerous tradesmen, such as painters, plasterers, and bricklayers, on an hourly basis for temporary construction and repair work. They come on for a few weeks or a few months. We did not want to include them under the act and do not do so unless they are employed for a year or more and gradually accumulate considerable service and are converted to a per annum basis, in which case we would eventually bring them under the act. But ordinarily such class of employees do not receive the benefits of the act.

Mr. BROYHILL. That was another part of my question. I am glad you brought that up. They would come under the act, if you chose to bring them under the act, if they become more or less permanent employees?

Mr. HENLOCK. Yes, sir, but only under such condition.

Mr. BROYHILL. But as temporaries you would not bring them under it?

Mr. HENLOCK. That is correct.

Mr. WALLHAUSER. Where does it say this in the proposed legislation?

Mr. HENLOCK. That is in the basic law.

Mr. WALLHAUSER. And you still would retain that?

Mr. HENLOCK. Yes, sir. That provision has not been amended.

Mr. WALLHAUSER. That section is not amended?

Mr. HENLOCK. No, sir, that is not interfered with at all.

Mr. WALLHAUSER. You said something, I believe, to the effect that in 1937 there was no reason to request a change because they were then equal.

Mr. HENLOCK. That is my understanding.

Mr. WALLHAUSER. Do you know what year the change occurred?

Mr. HENLOCK. No, but perhaps Mr. Ruddock could answer that question.

Mr. RUDDOCK. My recollection is 1952.

Mr. JOHNSON. It was during the 83d Congress, Mr. Chairman, if I may interrupt.

Mr. WALLHAUSER. Since then have you made repeated efforts to have this type of legislation enacted?

Mr. HENLOCK. No, sir. It is only within the past year or two that we have actually pressed for action. We did make an effort to come

under the congressional retirement system when the Retirement Act was rewritten in 1956, but were not successful at that time.

Mr. WALLHAUSER. What has caused this request?

Mr. HENLOCK. We have all become more and more conscious each year as time has gone on as to what the differential is between the benefits of the two systems and how unjust it is to employees under the Architect to receive a different retirement from other employees of the House and Senate that have worked the same number of years side by side under a different system.

Mr. WALLHAUSER. Is this the result of an employee request?

Mr. HENLOCK. I would say it is a combination of both employees and Members. The employees are very actively interested. So also is Congressman Vinson, who is a member of the House Office Building Commission. Other Members have also expressed an interest.

Mr. WALLHAUSER. Thank you.

Mr. BECKWORTH. Mr. Pool?

Mr. POOL. No questions.

Mr. BECKWORTH. I want to thank Mr. Broyhill for bringing up these points. They are very important and we will want to give this thorough consideration. We do not want to do anything that would bring to the Government undue cost or extend this to any employee who is not to work here on a career basis. The points are mighty well taken.

The subcommittee will now meet in executive session.

(Whereupon, at 10:05 a.m., the subcommittee met in executive session.)

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