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EXEMPTION OF POSTAL FIELD SERVICE
FROM THE WHITTEN AMENDMENT

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HEARING
BEFORE THE
COMMITTEE ON POSTAL OPERATIONS
OF THE
COMMITTEE ON
OFFICE AND CIVIL SERVICE
USE OF REPRESENTATIVES
EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 6249, H.R. 6299, and H.R. 6622

BILLS TO MAKE THE PROVISIONS OF PUBLIC LAW 82-253, AS
AMENDED, INAPPLICABLE TO THE POST OFFICE DEPARTMENT

MARCH 23, 1965

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EXEMPTION OF POSTAL FIELD SERVICE FROM THE WHITTEN AMENDMENT

TUESDAY, MARCH 23, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON POSTAL OPERATIONS 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, Cannon Building, Hon. Thaddeus J. Dulski (chairman of the subcommittee) presiding.

Mr. DULSKI. The meeting will come to order.

The Subcommittee on Postal Operations is meeting this morning to begin the consideration of legislation to exempt the postal field service from the employee ceiling limitations of the Whitten amendment.

Mr. Morrison, vice chairman of the committee, introduced H.R. 6299, and I introduced H.R. 6249. These are identical bills.

(H.R. 6249 follows:)

[H.R. 6249, 89th Cong., 1st sess.]

A BILL To make the provisions of Public Law 82-253, as amended, inapplicable to the Post Office Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1310(a) of Public Law 82-253, as amended (65 Stat. 757), which fixes a ceiling on permanent employees in the Federal Government is amended by changing the first proviso to read: "This limitation shall not apply to the postal field service of the Post Office Department:".

Mr. DULSKI. The Whitten amendment, enacted November 1, 1951, as an amendment to an appropriation act, is contained in section 1310, Public Law 82-253.

Section 1310 prohibits any Government agency from making an initial career appointment, or from making a conversion to career employment, which would increase the total number of permanent employees of the Federal Government in excess of 10 percent above the total number of permanent employees on September 1, 1950. The limitation applies until termination of the national emergency proclaimed by the President on September 16, 1950.

In 1962, 10 percent of the permanent employees of the postal field service were excluded from the limitation by an amendment to section 1310 contained in section 717(b) of the Federal Salary Reform Act of 1962, Public Law 87-793.

The bills now before the subcommittee are intended to exempt all permanent appointments in the postal field service from the limitation.

Also I propose to introduce a new bill—H.R. 6622—to make it clear that the exemption is intended to apply only to the postal field service.

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(The new bill follows:)

[H.R. 6622, 89th Cong., 1st sess.]

A BILL To exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1310(a) of the Supplemental Appropriation Act, 1952, as amended (5 U.S.C. 43, note), is amended by striking out "That increases in the number of permanent personnel in the Postal Field Service not exceeding 10 per centum above the total number of its permanent employees on September 1, 1950, shall not be chargeable to this limitation: And provided further,".

(b) Section 1310 of such Act, as amended (5 U.S.C. 43, note), is amended by adding at the end thereof the following subsection:

"(f) This section shall not apply to the postal field service of the Post Office Department."

Mr. DULSKI. We are very happy to have as our first witness the Honorable Richard J. Murphy, Assistant Postmaster General, Bureau of Personnel.

He has with him a very dear friend of ours, Mr. John Swygert, Director, Installations Management Division, Bureau of Operations.

STATEMENT OF HON. RICHARD J. MURPHY, ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL; ACCOMPANIED BY JOHN D. SWYGERT, DIRECTOR, INSTALLATIONS MANAGEMENT DIVISION, BUREAU OF OPERATIONS, AND ALFRED J. DUMAS, EMPLOYMENT AND PLACEMENT DIVISION, BUREAU OF PERSONNEL

Mr. MURPHY. Mr. Chairman, I also have with me Mr. Alfred J. Dumas from the Employment and Placement Division, Bureau of Personnel.

Mr. DULSKI. We are very happy to have you with us.

Mr. MURPHY. First of all, Mr. Chairman, I want to thank you on behalf of the Postmaster General for the opportunity of appearing here this morning and to strongly commend both you and Mr. Morrison on behalf of the Postmaster General for introducing this particular bill which we in the Post Office Department feel is very much needed indeed.

Because of the constant growth in mail volume, it has been necessary each year to increase the employment in the postal field service. The end result has been that while the rest of the executive branch has sustained only a very moderate increase in the number of permanent employees since September 1, 1950, the increases in the postal field service have served to bring the executive branch, as a whole, perilously close to the authorized ceiling.

At the time the Whitten amendment was adopted, its sponsors indicated clearly that there was no intention to restrict the postal postal field service in its normal and inevitable growth. Although this was not reflected in the language of the original act, it did not constitute an immediate problem.

However, with the steadily continuing growth in the postal service, Congress did recognize the plight of the Department, and by Public Law 87-793 of October 11, 1962, provided:

That the increase in the number of permanent personnel in the postal field service not exceeding 10 percent above the total number of its permanent employees on September 1, 1950, shall not be chargeable to this limitation.

Despite this temporary relief, the needs of the Service continue to expand and now the postal field service is over our pro rata share of the Whitten ceiling. In fact, we have made substantial inroads into the pro rata share of the ceiling applicable to the balance of the executive branch.

Since the increased mail volume has demanded more employees than allowed under our permanent work force, our only alternative has been to employ largely noncareer temporary personnel. These are known as "temporary substitutes." Persons in this category lack career status and are unsure of their continued employment. They are subject to displacement when career appointments arise. Many of the best qualified eligible candidates on civil service registers will not accept less than career-permanent employment and await such openings.

As a result, our employment problems are increased. For example, turnover among the temporary group is high, causing extra expense to the Government for processing, recruiting, and training. In addition, there are personal and public aspects of the problem. For example, most employee organizations have objected to employing temporary substitutes, and I think quite rightly so; employees themselves dislike such status; postmasters are unsure of the full nature of their permanent work force; and operating costs are increased due to problems of seniority, assignments, retraining, and turnover.

Why is relief needed? The postal increase results from these factors:

1. There is a constant increase in population in the Nation, with more than a proportionate increase in mail volume each year; additional personnel are required to handle the workload. The percentage of personnel added to process the increased volume of mail is not as high as the increase in mail volume. Roughly, we add 2 percent more man-hours to handle a 3-percent increase in mail volume. Sometimes less than that.

Through training, better supervision, patron cooperation, improved work methods, and some mechanical assistance, we are constantly seeking to hold down the total number of employees and man-hours and improve the productivity factor.

However, it has not been possible to prevent some rise in the number of employees in the face of an ever-mounting mail volume.

There are now approximately 57,000 postal employees who are nonpermanent. They have been needed to augment the permanent work force, primarily in peak periods, but many of them have worked 10 or 12 hours a day, 6 days a week. We have found that a large number of assignments filled by temporary employees can and should be regularized and established as full-time, 8-hour-a-day assignments to be filled on a permanent career basis.

In recent years the Department has taken certain actions to level out the workflow and to provide for the establishment of more regular full-time positions while reducing temporary substitute employment. This is important to the stability, morale, and efficiency of the work force. It has the enthusiastic support of the employee

organizations and enables us better to cope with the increased mail volume at less cost than would otherwise be the case.

The solution, as we see it, Mr. Chairman, is to exempt the postal field service from the ceiling provisions of the Whitten amendment. From testimony before the House Post Office and Civil Service Committee in June 1954 it is believed that Congressman Jamie Whitten was concerned about the expansion of agencies other than the Post Office at the time his amendment to the Supplemental Appropriations Act of 1952 was advanced. There appears to be general recognition among Members of the Congress that mail volume will continue to increase, and with this increase there is an inevitable need to increase postal employment. I believe they will just as readily appreciate the value of regularized, stable employment in terms of the increased efficiency and morale which it affords.

Therefore, Mr. Chairman, I would like to strongly endorse the efforts of yourself and Congressman Morrison to exempt the postal field service from the provisions of the so-called Whitten amendment.

Thank you very kindly.

Mr. DULSKI. I have only one question. When I introduced H.R. 6249, I intended that the bill would exempt only the postal field service employees from all provisions of the Whitten amendment. I did not have any intention to have the exemption to apply to other employees of the Post Office Department. What is your comment on that?

Mr. MURPHY. Yes, sir. I have noticed that this morning, Mr. Chairman. As a matter of fact, I had a very brief consultation with Mr. Martiny before the meeting got underway, and I believe that there is a substitute provision here, a bill, which would effectively take care of that problem and accomplish your original objective. I think Counsel Martiny has the wording there. I have looked it over, and I am in accord with the wording of that provision.

Mr. DULSKI. Mr. Swygert, do you have a statement?

Mr. SWYGERT. No, sir.

Mr. DULSKI. Mr. Cunningham?

Mr. CUNNINGHAM. I have no questions. I appreciate Mr. Murphy's testimony.

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. DULSKI. Mr. Daniels.

Mr. DANIELS. I am happy to see Mr. Murphy here and the other members of the Post Office staff. I wholeheartedly agree with the views expressed by Mr. Murphy.

It is a fact that the volume of mail has been increasing year after year by approximately 3 percent, and in order to give the service to the public it is necessary to supplement the work force by these subs.

So I believe it would be in the best interests of the service of the Post Office Department that we rectify this situation and put permanent career employees to work.

Mr. CUNNINGHAM. Will the gentleman yield? I have an observation. I am one who feels that the Appropriations Committee should not interfere with the work of this committee. It is none of their business.

Mr. DULSKI. Thank you very much, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman, for the opportunity of appearing this morning.

Mr. DULSKI. The next witness is Mr. Warren B. Irons, the Executive Director of the U.S. Civil Service Commission.

Good morning, Mr. Irons.

STATEMENT OF WARREN B. IRONS, EXECUTIVE DIRECTOR, U.S. CIVIL SERVICE COMMISSION

Mr. IRONS. Good morning, Mr. Chairman. I have here a statement on behalf of the Chairman of the Civil Service Commission, Mr. John Macy, who could not be present this morning.

In effect, this statement endorses the position expressed by Mr. Murphy, and, if it is agreeable with you, I would like to just insert it in the record to save the time of the committee.

Mr. DULSKI. All right. If there is no objection, it is so ordered.

(The prepared statement of the Chairman of the Civil Service Commission follows:)

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

I am pleased to present this statement on behalf of the Civil Service Commission to support H.R. 6249 and H.R. 6299.

These bills would exempt the postal field service from the numerical limitations on permanent employment established by Public Law 82-253, as amended, the Whitten amendment.

As noted in our report, the original object of limiting the number of permanent Federal employees (not total Federal employment) was to avoid a rapid increase in the permanent work force during the Korean emergency. That particular emergency has long since ended and total employment in the executive branch has shown no tendency to increase rapidly in recent years despite the general growth of the Nation in population and production, the advent of large-scale new Federal programs such as the space program, and the continued need for a heavy defense effort. Total employment in the executive branch for January 1965 (irrespective of type of appointment) was 2,452,278, down 9,475 from January 1964. Fluctuations in the total occur from month to month, of course, dependent on seasonal and other factors as they affect the various agencies.

Within the relatively stable employment picture as a whole, the Post Office Department has shown steady growth. As you are aware, the volume of mail is particularly responsive to changes in population and the general level of business activity, and these have been going steadily up. Consequently, the Department has needed more employees to move the mail. This is not a temporary or emergency situation, but a natural result of an expanding economy.

In the interest of efficient operations and improved employee morale, the Department has attempted to stabilize the work situation by reducing temporary employment and providing regular 8 hours a day assignments wherever feasible. The wisdom of this effort was recognized by the Congress in 1962 with the enactment of section 717 of the Postal Service and Federal Employees Salary Act which granted a special 10 percent offset for permanent postal field service employment. At that time we pointed out that if the ceiling on permanent employment were apportioned among the various agencies, the postal field service would have exceeded its share by more than 68,000 positions. While the 10 percent offset provided momentary relief, the latest compilation of Commission data on permanent employment indicates that as of October 31, 1964, taking into account the extra 10 percent, the postal field service was in excess of its share by more than 44,000 positions. The balance of the Federal service cannot, in the future, absorb this sort of continued increase and stay within the overall ceiling. If legislation such as H.R. 6248, curtailing the use of temporaries in the postal field service, or legislation to alter the ratio of career substitutes to regulars from 1 to 5 to 1 to 4 should be enacted, the trend toward more permanent postal employees would be accelerated.

I should like to have inserted in the record a brief table on the state of the ceiling as of October 31, 1964. It shows that the continuous increase in permanent postal employees is squeezing the rest of the service against the ceiling.

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In view of all these facts, it seems clear that the immediate solution is to recognize fully the situation of the Post Office Department and remove the postal field service from the numerical limit on permanent employment as these bills propose to do.

Mr. IRONS. I would also like to ask that the Commission's report on this bill be inserted in the record.

Mr. DULSKI. Very well. If there is no objection, it will be inserted at this point in the record.

(The report of the Civil Service Commission and the table referred to follows:)

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., March 23, 1965.

HON. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Room 213, Cannon House Office Building.

DEAR MR. CHAIRMAN: This is in further reply to your request of March 17, 1965, for the views of the Civil Service Commission on H.R. 6249 and 6299, identical bills "To make the provisions of Public Law 82-253, as amended, inapplicable to the Post Office Department."

The Commission endorses this proposed legislation. It would remove the Post Office Department from coverage under the ceiling on the number of permanent Federal employees established in section 1310(a) of Public Law 82-253, as amended (65 Stat. 757; 5 U.S.C. 43, note). A partial step in this direction was taken in 1962 when a special exemption for the postal field service (10 percent of its permanent work force as of September 1, 1950) was provided by Public Law 87-793. We believe the further step should be taken to delete the postal field service from coverage altogether.

The original statutory provision, section 1302 of Public Law 81-843, commonly referred to as the Whitten amendment, was enacted to prevent a rapid increase in the permanent Federal work force as a result of the Korean emergency. The language of the amendment has been changed several times since, with respect to ceiling requirements; first, to impose a numerical ceiling on the permanent work force, limiting it in size to the number of permanent employees as of September 1, 1950; next to raise the limit to 110 percent of this 1950 total; and most recently to grant the 10-percent exemption for the postal field service referred to above.

The 14½ years since September 1, 1950, have seen many changes in the composition of the Federal work force generally and the Post Office Department specifically.

It would be beneficial to employee morale and would contribute to effective manpower management if decisions to hire permanent or temporary employees could be solely for reasons related to the employment needs of the Department and without regard to limitations imposed for other purposes.

Therefore, the Commission strongly endorses these proposed bills.

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.

Status of permanent Federal employment under the Whitten ceiling as of October 1964

	Total	Postal	Nonpostal
Total, all areas.....	2,488,814	591,636	1,897,178
Ceiling fixed by Public Law 82-253, as amended.....	1,893,236	440,421	1,452,815
Increase in ceiling authorized by Public Law 87-793.....	40,038	40,038	0
Augmented ceiling.....	1,933,274	480,459	1,452,815
Permanent employees as of October 1964.....	1,931,973	525,187	1,406,786
Room in ceiling.....	1,301	44,728	46,029

Mr. IRONS. I believe there has been distributed to the committee a table showing the status of the permanent Federal employment under the Whitten amendment ceiling as of October 1964, which I think clearly illustrates the plight the executive branch finds itself in because of the increasing needs of the postal field service to expand its permanent employment.

As of October 1964 the total room under the Whitten amendment ceiling for the entire executive branch is 1,301. When we break that between postal and nonpostal, you see we have the postal service 44,728 over its proportionate share of the ceiling, which again emphasizes the need for the legislation which you and Congressman Morrison have introduced, sir.

The Commission would fully support the proposed amendment that I have seen this morning which would exempt the postal field service from all provisions of the Whitten amendment.

Are there any questions?

Mr. DULSKI. I have one question. What is the percentage of increase, if any, in the number of permanent employees during the last 2 years in the postal field service and in the employees of the Federal Government?

Mr. IRONS. Each has increased about 3 percent in the last 2 years. The problem arises because we have to compute the increase from 1950, and there the postal service greatly exceeds its proportionate number of employees under the Whitten ceiling.

Mr. DULSKI. Thank you very much.

Any questions?

Mr. CUNNINGHAM. No questions.

Mr. DULSKI. Mr. Daniels?

Mr. DANIELS. Do you feel the addition of permanent employees will be in the best interest of the service rather than have them serve as they do at the present time?

Mr. IRONS. I do not think there is any question about it. I think it stands to reason that the postal service will find it easier to recruit permanent employees than it will temporary employees, and they will find it easier to retain them, and both of those things will save the postal field service money and should produce a better, more efficient operation.

Mr. DANIELS. Do you feel it will also improve the morale of these employees as well?

Mr. IRONS. Without question.

Mr. DANIELS. Thank you.

Mr. DULSKI. Thank you, Mr. Irons.

The next witness is the illustrious president of the National Association of Letter Carriers, Mr. Jerome Keating.

Mr. KEATING. With me this morning is Mr. J. Stanly Lewis, our secretary-treasurer, and J. Don Kerlin, our legislative consultant.

STATEMENT OF JEROME J. KEATING, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS; ACCOMPANIED BY J. STANLY LEWIS, SECRETARY-TREASURER, AND J. DON KERLIN, LEGISLATIVE CONSULTANT

Mr. KEATING. Mr. Chairman, on behalf of our 170,000 members, I want to urge favorable consideration of H.R. 6249, introduced by the distinguished chairman of this committee, and H.R. 6299, introduced by Congressman Morrison, also a member of this subcommittee.

These two bills have the same purpose, and that is to remove the postal field service of the Post Office Department from the provisions of the so-called Whitten rider. The Whitten rider places a limitation on the number of permanent employees that can be employed by the Federal Government.

It was originally adopted on September 27, 1950, and amended in 1952, and it based the limitation upon the number of Federal employees on the rolls in 1950, permitting an increase of only 10 percent in the regular complement. This limitation is based on the Government-wide total number of employees.

Because of the growth in population, the increase in the volume of mail brought about by the increase in business activity in the Nation, and the spread of the population by the movement to the suburbs, the Post Office Department has had to enlarge its complement of employees substantially.

Following 1950, the other agencies of Government were not enlarging their complement to any extent, and the Post Office Department was able to secure the necessary number of positions from the percentage applicable to other agencies.

It must be remembered that this limitation goes back for 15 years. The Government has entered into new activities, and the point has been reached where it is absolutely impossible for the Post Office Department to secure sufficient regular employees under the provisions of the Whitten rider.

The amendment before you today would remove the limitation only from the postal field service of the Post Office Department and would retain it on the other agencies of Government.

In 1950, when the limitation was applied, we had a population of 152,300,000. In December 1964, the population had increased to 193,300,000—or an increase of 27 percent.

Since 1950, the average new home starts have been 1,500,000 per year, and the number of delivery offices under the Post Office Department has increased from 4,667 in 1950 to 6,008 in 1964—an increase of 28.7 percent.

The gross national product has increased from \$284.6 to \$633.5 billion, and the volume of mail has increased in a comparable manner. In 1950, the Post Office Department handled 45,063,737,000 pieces of mail; in 1964, the Post Office Department handled 69,676,477,000 pieces of mail—or an increase of 54 percent.

In order to keep the mail moving, the Post Office Department has found it necessary to resort to the hiring of great numbers of temporary employees. This has been a most expensive way of handling the mail. On June 30, 1964, we had 442,319 regular employees, and 148,714 temporaries and substitutes. This was a ratio of 1 substitute to every 2.9

regular employees. The figure I quoted for the regular employees includes postmasters, regional officials, and everybody else in the Post Office Department.

Of course, substitutes do not replace postmasters and executive officials—but they do replace clerks and carriers—and the ratio as applied to the clerks and carriers in the postal service is practically one to every 2.5 regulars.

Congress passed a law which limited the ratio to one substitute to every five regulars. This ratio has become meaningless because of the excessive use of temporary employees.

We would have a much more efficient postal service if the service were put on a more stable basis through the appointment of full-time career people to a greater extent. We will probably always have a certain number of career substitute employees in the postal service, but there is no need for temporary substitutes except during the Christmas period and other short periods during the year.

The problem in the postal service is to have enough manpower to take care of the volume of mail. When there is a restriction upon the number of people who can be employed, and you have no control over the programs to be put into operation, then you have to use the employees that you have for longer hours. Overtime is an expensive operation.

Postmaster General Gronouski, in a speech delivered on March 17 of this year, called attention to this problem in the following words:

One problem, for example, that has vexed me ever since my appointment as Postmaster General is that of excessive overtime. Last year alone we have 24,000 man-years of overtime. In some cases, employees were working 60 and 70 hours a week. We received complaints about this—and we knew they were legitimate complaints.

In the first place, no amount of overtime pay can compensate for a work schedule that fatigues an employee and disrupts his family life.

In the second place, from a management point of view, we were working these people to the point where they were no longer as effective and efficient as they should have been.

Thirdly, it is inconsistent for an administration which is actively discouraging excessive overtime in private industry to be requiring it of its own employees.

We agree with these statements, and we feel that it is necessary to remove the postal field service from the provisions of the Whitten rider and place a limitation upon the use of temporary substitutes, to provide better and more efficient service.

Again, I would like to repeat that the Post Office Department does not have a planned operation wherein they can put off doing the things they have to do for another year. If you do not deliver the mail today, it does not evaporate—but tomorrow it is still there and has to be delivered. The public decides now much mail is going to be sent out, and the Post Office Department is expected to have the manpower and the facilities to take care of it.

The Post Office Department has no way of controlling volume; it has no way of restricting growth in population; it has no way of restraining people from building in the suburbs. The Post Office Department has to grow and spread with the growth of the American population.

It has reached the point where the Whitten rider has become an expensive luxury, as far as the postal service is concerned, and it has become an unfair restriction upon the employment of regular career employees in the postal service.

We believe that the time has come to repeal it completely in the postal service.

We appreciate having had this opportunity to present our views in behalf of this legislation and urge you to favorably report these bills and secure their enactment as early as possible in this session of Congress.

Mr. DULSKI. Thank you very much for your short and concise statement.

This will be a step in the right direction by placing this in effect, not only H.R. 6249 and H.R. 6299, but also the amendment that I read to Mr. Murphy. Do you favor the amendment?

Mr. KEATING. That is very good. It clarifies and does not change the intent of the bill.

Mr. DULSKI. That is right. The intent is there. It clarifies the language in the bill.

Mr. KEATING. Yes.

Mr. DULSKI. Mr. Cunningham.

Mr. CUNNINGHAM. No questions.

Mr. DULSKI. Mr. Daniels.

Mr. DANIELS. I just want to compliment Mr. Keating. You came before the committee with a clear, constructive, thoughtful presentation, and your views will be given very serious consideration by this committee.

Mr. KEATING. Thank you.

Mr. DULSKI. Thank you very much, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman and members of the committee.

Mr. DULSKI. There are other witnesses who were scheduled to be heard March 25, but they are ready now with statements.

Mr. E. C. Hallbeck, president of the United Federation of Postal Clerks, and Mr. Patrick Nilan, legislative representative.

Mr. Hallbeck

STATEMENT OF E. C. HALLBECK, PRESIDENT, UNITED FEDERATION OF POSTAL CLERKS; ACCOMPANIED BY DONALD E. DUNN, EXECUTIVE VICE PRESIDENT

Mr. HALLBECK. Mr. Chairman and members of the committee, unfortunately Mr. Nilan's wife was operated on yesterday, and he is home in Minneapolis. I am happy to report she is doing well. But in his absence I am accompanied this morning by Mr. Donald E. Dunn, the executive vice president of the United Federation of Postal Clerks.

Mr. DULSKI. Very well.

Mr. HALLBECK. For the record, my name is E. C. Hallbeck, and I am the president of the United Federation of Postal Clerks, AFL-CIO, with headquarters at 817 14th Street NW., Washington, D.C.

We are the sole national bargaining representatives of the 245,000 clerical employees in the Postal Establishment under the terms of our national agreement with the Post Office Department.

I can assure you, without fear of contradiction, that this very large group of Federal employees, nearly a quarter of a million strong, is supporting legislation to exempt the postal service from the employment restrictions of the Whitten rider.

We unequivocally endorse H.R. 6249, sponsored by Mr. Dulski, and H.R. 6299, sponsored by Mr. Morrison, to achieve that goal, and that would, of course, include also the amendment which you read to Mr. Murphy.

We all know the history of this amendment: How it was tacked onto an appropriation bill in 1952 as a device for denying permanent civil service status to thousands of employees hired for emergency duties during the Korean war.

Maybe there were sound reasons for it then. I do not know. Today that question is, or ought to be, moot—at least as far as the Post Office Department is concerned.

For surely an arbitrary ceiling on employment related to the population and productivity levels of 1950 cannot be accepted as valid or workable 15 years later.

As a matter of fact, the Whitten amendment is no longer a ceiling on employment. It is a straitjacket on our ability to serve the public. Quite literally, it restrains the Post Office from performing its duties with efficiency and/or dispatch.

The Whitten amendment has accomplished something that neither snow, nor rain, nor sleet, nor gloom of night has ever been able to do—namely, “staying these couriers,” that is, our clerks and carriers, “from the swift completion of their appointed rounds.”

This straitjacket is also a restraint on fair employment practices by the Federal Government. For in order to subvert the intent of the law—that is, to get around its clear requirement that postal employment levels today shall not be higher than 10 percent of the level on June 30, 1950—it is necessary to hire excessive numbers of “temporary” employees.

And it is equally necessary to work these temporary employees excessive hours at straight time—to the clear detriment of the public service and in defiance of the Government’s own labor standards, at least as they apply those standards to private industry.

Only last week the Postmaster General himself described this excessive overtime by substitutes as “disgraceful.”

It is tremendously expensive because no one can work 10 and 12 hours a day, day in and day out, week in and week out, and still perform the kind of useful service that gives full value for each dollar of wages. It has long since been established that there is no real economy in excessively long hours.

The fact of the matter is, as you gentlemen well know, if management ever resorted to such stratagems in private interstate commerce, they would be clobbered by the U.S. Department of Labor for their baldfaced exploitation of employees and for clear violations of the Fair Labor Standards Act of 1938, which established guidelines on overtime compensation for work performed in excess of 40 hours a week.

We recognize that the issue of the Whitten rider is part of a much larger question. This question involves a fundamental overhaul of postal working conditions. Our last national convention, for example, listed such an overhaul as our paramount objective in this session of Congress. Specifically, we seek payment of premium pay to all postal employees for service in excess of 8 hours a day and 40 hours a week, as well as for work on Saturdays, Sundays, and holidays.

But such objectives cannot even be considered, let alone achieved, until the Whitten rider is somehow unhorsed.

In fairness to this administration, I would point out that President Johnson's temporary Executive order of last October was a step in the right direction. That order, you will recall, was designed to provide career status for some 10,000 to 15,000 temporary and indefinite substitutes in the postal field service who meet certain requirements.

In practice, however, relatively few temporaries have been converted or can be—even though they qualify. Why? Because the Whitten straitjacket prevents the Department from filling regular vacancies where and when they exist.

It is also true that since July of last year the employment of substitutes for more than 10 hours in any one day requires the prior approval of regional directors. Unfortunately, such approval has been easily obtained.

In many sections of the country, substitutes are still averaging up to 55 hours a week and more at straight time. This is better, to be sure, than the 60, 70, and 80 hours they logged by the thousands prior to last summer. This slight improvement continues to be offset by the employment of additional temporary employees.

All of us were happy to note that the new budget for fiscal 1966 calls for an increase of 20,500 regulars to help cope with the mail explosion—whose volume is increasing now at the rate of some 3 percent a year and is measured in billions of pieces.

The President has said that 15,000 additional regulars are needed immediately in a 2-year program to reduce excessive overtime caused, as everyone agrees, by the imbalance of substitutes and their utilization. But this increase, I would stress, is totally dependent on whether the Post Office is given relief from the restrictions imposed by the Whitten amendment.

At best, all these proposals are piecemeal and patchwork. They have not yielded very much in hard results or measurable progress—nor can they—so long as the Whitten amendment makes a stabilized and balanced employment impossible, so long as the Whitten amendment consigns "temporary" substitute employees to long years of uncertain status and cheats them out of credit for seniority purposes, so long as the Whitten amendment means that assignment of postal clerks, where it is clearly demonstrated that they are needed, cannot be made on a permanent basis.

Hardly a day passes, Mr. Chairman, that our mail does not yield specific examples of the bitter fruit of the Whitten amendment.

Let me read you a few lines received just the other day from a clerk in a small Pennsylvania town.

"Our office," she writes—

cannot appoint any clerks though the need for more is now urgent. Right now subcarriers and special delivery messengers are doing clerical work and they are working 12 and 14 hours a day. One special messenger who is working and gets paid for 168 hours in every 2-week pay period does not see why he should belong to a union and pay dues. That's nice for the morale of the regular clerks.
Please—

and she emphasized the word—

work for repeal of the Whitten amendment.

In Gretna, La., a suburb of New Orleans, postal receipts have increased 42 percent over a 2-year period, but career substitutes and

even temporary substitutes are working more than 10 hours a day in violation of our national agreement because additional help cannot be authorized and is so "sorely needed."

I have evidence from Fort Worth, Tex., showing that a group of 10 substitutes selected at random have averaged nearly 55 hours a week at straight time throughout the whole of calendar 1964.

It can always be argued, from a particular individual's point of view, that if he finds long hours at no overtime a rewarding career, he is entitled to it. But from the standpoint of public policy and labor morality the existence of such conditions in the postal service constitutes a continuing national disgrace.

And such conditions also provide a rather clear-cut answer to the mounting demands of patrons across the country who are asking you and us what is wrong with the mails?

Thank you, Mr. Chairman, for this opportunity to be heard and to express the appreciation of the United Federation of Postal Clerks to yourself and the members of the committee for the time and attention given to this important subject.

Mr. DULSKI. Thank you, Mr. Hallbeck. That was a very fine statement.

Mr. Cunningham?

Mr. CUNNINGHAM. No questions.

Mr. DULSKI. Mr. Daniels?

Mr. DANIELS. No questions of Mr. Hallbeck.

Mr. DULSKI. Thank you very much.

Mr. HALLBECK. Thank you, sir.

Mr. DULSKI. Mr. John P. Snyder is not present this morning but his prepared statement will be inserted at this point in the record. (The prepared statement of Mr. Snyder follows:)

PREPARED STATEMENT OF JOHN P. SNYDER, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF POSTMASTERS OF THE UNITED STATES

Mr. Chairman and members of the subcommittee, my name is John P. Snyder, and I am executive director of the National Association of Postmasters of the United States, having served in this capacity since March 1, 1964.

Our national president, David R. Trevithick, postmaster of Salt Lake City, Utah, had expected to be at this hearing today in support of H.R. 6249 and H.R. 6299 and deeply regrets that due to unforeseen circumstances he could not.

Our association, which accepts only postmasters and retired postmasters as members, represents 92 percent of the Nation's 34,000 postmasters.

I have been requested by our president to express his appreciation for the privilege of appearing before you to endorse H.R. 6249 and H.R. 6299.

The Whitten amendment was primarily a wartime measure and, no doubt, served a good purpose. We, the postmasters and managers of the post office, have felt the impact of this by restrictions placed upon employment of regular career postal employees.

Repeatedly, the Postmaster General has spoken of something of which we are all aware—tremendous growth of both population and mail volume. To cope with this situation we must be given the same privileges as private industry to secure employees who are efficient. The Whitten rider in many cases bars this and puts a limitation on the number of permanent employees the Department or the Government can employ.

We feel that by removing this amendment as proposed, the Post Office Department will go forward in securing desired help that in turn will give better, more efficient and economical service to the public.

We appreciate having this opportunity to present our views in support of H.R. 6249 and H.R. 6299.

Mr. DULSKI. Next is Mr. Sidney Goodman, president of the National Postal Union, accompanied by Mr. David Silvergleid, secretary. We are very happy to have you with us, Mr. Goodman.

STATEMENT OF SIDNEY GOODMAN, PRESIDENT, NATIONAL POSTAL UNION; ACCOMPANIED BY DAVID SILVERGLEID, SECRETARY

Mr. GOODMAN. Not anticipating being here this morning, since we were not scheduled originally, and not anticipating the expeditious manner in which the distinguished chairman and members have handled this matter before the committee, we will submit our statement this afternoon. It is inadvertently on my desk.

Mr. CUNNINGHAM. Mr. Chairman.

Mr. DULSKI. Mr. Cunningham?

Mr. CUNNINGHAM. I know of no opposition to this bill, and with the cooperation of the witnesses I am wondering if they would not agree to placing their statements in the record and giving the gentlemen and the others who are not quite prepared sufficient time to file their statements.

Mr. DULSKI. That is satisfactory.

Mr. GOODMAN. Yes, Mr. Chairman, we are prepared to file our statement, and I would merely say that the previous witnesses have amply covered the situation. Very frankly, I join them.

I just want to say briefly that the world in the Post Office has changed radically since the Whitten amendment was passed. Public Law 68 became effective December 3, 1955, and ushered in a new era. If the Whitten amendment ever had any applicability to the Post Office Department—and this is dubious originally—it certainly has none now. It has introduced a vicious cycle of instability and waste and has created mass resentment on the part of the employees.

I think, happily, the administration, the Department, the Congress, and certainly representatives of the employees can all join in concurring in heartily supporting the proposed legislation.

Thank you.

Mr. DULSKI. Thank you very much. Thank you, Mr. Silvergleid. (The prepared statement of Mr. Goodman follows:)

PREPARED STATEMENT OF SIDNEY A. GOODMAN, PRESIDENT, NATIONAL POSTAL UNION

My name is Sidney A. Goodman, and I am privileged to serve as president of National Postal Union, located at 509 14th Street, N.W., Washington, D.C. We represent over 53,000 postal employees, organized in excess of 500 local affiliates in 50 States, including Alaska, Hawaii, Puerto Rico, and the District of Columbia. I am accompanied by our secretary-treasurer, David Silvergleid.

We sincerely appreciate the subcommittee's action in scheduling early hearings on H.R. 6249, introduced by its distinguished chairman, and H.R. 6299, introduced by the distinguished ranking majority member, Congressman James H. Morrison. These measures propose to exempt the postal service from provisions of the Whitten amendment, establishing a ceiling on permanent employees in the Federal Government. Action to relieve the Post Office Department of this outmoded and uneconomical stringent restriction is long overdue.

The Whitten amendment restricts the number of career employees in the Post Office Department to 110 percent of the quota that existed on September 1, 1950. Ever since its passage in 1952, the Department has had no alternative but to appoint temporary employees because of restricted career quotas, in view of the

need for additional personnel required to handle the vast increase in mail volumes. Thus the Whitten rider in the Post Office Department only resulted in appointment of temporary instead of career employees, rather than restricting appointments as such.

The Whitten amendment has been responsible for major instability and waste. It has created understandable resentment among many eligibles who have waited for as long as 4 or 5 years or even more, for conversion to career positions.

President Lyndon B. Johnson is to be commended for issuance of Executive Order 11187 on October 23, 1964, as is Postmaster General John A. Gronouski for its liberal interpretation and application.

However, even after the benefits of this Executive order have been applied to an estimated maximum of 15,000 to 20,000 eligible temporary employees, there will still remain approximately 35,000 temporary, noncareer employees in the Post Office Department. Whatever its merits at the time of passage, the Whitten rider is hopelessly outmoded so far as the Post Office Department is concerned.

We submit that elementary logic, efficiency, and consideration of personnel require that the Post Office Department be exempted from operation of the Whitten amendment. National Postal Union strongly endorses H.R. 6249 and H.R. 6299 and urges their early enactment to effectuate this objective.

We sincerely appreciate this opportunity to present our views on this subject.

Mr. DULSKI. Mr. Daniel Jaspán, legislative representative of the National Association of Postal Supervisors. Do you have a statement for the record?

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

Mr. JASPÁN. Mr. Chairman, I do not have a statement prepared.

Mr. DULSKI. If you do not have a statement now, you can submit one later.

Mr. JASPÁN. I appreciate the opportunity, Mr. Chairman.

Mr. CUNNINGHAM. I would make a unanimous-consent request that they have 2 weeks to submit their formal statements.

Mr. JASPÁN. I would not need that much time.

Mr. CUNNINGHAM. How about the other witnesses? Any objection?

Mr. DULSKI. Any objection for 2 weeks? About a week I imagine would be enough. They would have been scheduled Thursday and they would have had the statements by Thursday, so I imagine 1 week is enough.

Mr. CUNNINGHAM. One week would be enough?

Mr. JASPÁN. One week will be plenty.

Mr. CUNNINGHAM. Unanimous-consent request.

Mr. NIX. Yes.

Mr. DULSKI. There is no objection, and it is so ordered.

Mr. JASPÁN. Mr. Chairman, I would like to stress at this time that our national convention was held in Miami, Fla., last August, and we went on record unanimously as supporting this stand taken by the bills you and Mr. Morrison introduced. We are wholeheartedly in support of this legislation and also happy to say we can agree with everything that was said by the previous witnesses.

We will submit a further statement within the time limit that you set.

Mr. DULSKI. Thank you.

(The prepared statement of Mr. Jaspán follows:)

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

Mr. Chairman and members of the subcommittee, my name is Daniel Jaspán. I am the legislative representative of the National Association of Postal Supervisors, composed of more than 28,000 supervisors in the postal field service, in all 50 States and Puerto Rico. Our membership also includes supervisors in the motor vehicle and maintenance services.

We appreciate the opportunity to appear before this subcommittee in support of H.R. 6249 and H.R. 6299, introduced by Congressmen Dulski and Morrison, respectively, to make the provisions of Public Law 82-253, as amended, inapplicable to the Post Office Department.

Our association is certain that it was not the intent of the so-called Whitten amendment to interfere with the efficient operations of the postal service. When the rider was attached to an appropriation bill, the number of pieces of mail handled by the various post offices was just about two-thirds of the amount now handled.

Since the mail volume has increased by more than 50 percent, it is unreasonable to expect this increase to be handled properly by a 10-percent increase in permanent personnel. This restriction has led to an increased number of temporary employees which, in our opinion, could only lead to inferior mail service.

In addition to being an unrealistic procedure, the employment of temporary employees is unfair to the regular employees, to the temporary employees, and to the postal service.

Regular employees are more capable of handling the mail and are the logical employees to do so. In many cases, the temporary employees have full-time positions outside of the post office and are tired before they begin handling mail. We cannot expect their performance to be as high as that of the employees who devote their full time to the postal service. In addition to this, there is a much larger turnover among temporary employees than there is among regular employees.

The restrictions of the Whitten amendment hamper the activities of the postal supervisors and postmasters. Our association, when it met in Miami, Fla., in 1964, for the regular biennial convention, unanimously adopted a resolution asking that the restrictions of the Whitten amendment be removed from the postal service. We hope that the action of this subcommittee and the full committee will lead to the elimination of these restrictions. We are sure that this will result in a much better mail service and increased morale among all employees.

Since the mail received in the various post offices must be moved and moved as expeditiously as possible, there must be the manpower to do so. It is our firm belief that the mail can be moved by fewer career employees than by temporary employees, and that there will be fewer misdirected letters and other kinds of mail.

We appreciate the opportunity of appearing before this subcommittee and presenting our views. We hope that fast action will be taken so that the postal service can become the most efficient postal service possible.

Mr. DULSKI. The next witness is Mr. George L. Warfel, president, National Association of Special Delivery Messengers.

STATEMENT OF GEORGE L. WARFEL, PRESIDENT, NATIONAL ASSOCIATION OF SPECIAL DELIVERY MESSENGERS

Mr. WARFEL. Mr. Chairman and members of the committee. I did not bring my paper with me because I expected to be here Thursday.

However, I will file my statement, and it will be entirely in favor of these two bills. We appreciate the introduction of them, and our stand is no different from that of those who have testified. We are for them very much.

Thank you.

Mr. DULSKI. Thank you for your cooperation.

(The prepared statement of Mr. Warfel follows:)

PREPARED STATEMENT OF GEORGE L. WARFEL, PRESIDENT, NATIONAL
ASSOCIATION OF SPECIAL DELIVERY MESSENGERS

Mr. Chairman and members of the subcommittee. I appear before you representing the National Association of Special Delivery Messengers of the U.S. postal service, which holds national exclusive recognition for representing special delivery messengers.

First, we wish to express our thanks to you, Mr. Chairman, to Mr. Morrison and each member of the committee for your interest in our welfare as shown by the introduction of these bills and for holding these hearings, to the end that the postal service may be exempt from the restrictions of the Whitten rider which has been in effect since 1960.

You have just heard the statement of Assistant Postmaster General Murphy, for the Post Office Department, and Mr. Irons has presented the views of Mr. Macy, Chairman of the Civil Service Commission. Both the Post Office Department and the Civil Service Commission agree, and recommend, enactment of this legislation, limiting its scope to the postal field service.

As a result of the large increase in population, coupled with a much larger increase in volume of mail, the operation of the Whitten rider has had an adverse effect on the entire postal service, because needed help could not be appointed to career positions, nor regular vacancies filled. For this reason we trust that the subcommittee will make a prompt and favorable report to the full committee, and that the full committee will soon approve it for action, on the floor of the House.

Mr. DULSKI. Mr. Everett Gibson, legislative representative of the National Federation of Post Office Motor Vehicle Employees.

STATEMENT OF CHESTER PARRISH, SECRETARY-TREASURER,
NATIONAL FEDERATION OF POST OFFICE MOTOR VEHICLE
EMPLOYEES

Mr. PARRISH. Mr. Chairman, my name is Chester Parrish. I am secretary-treasurer of the National Federation of Post Office Motor Vehicle Employees, representing Mr. Gibson.

We do not have a prepared statement. We do join with the other witnesses that testified this morning in support of the legislation.

Thank you, sir.

Mr. DULSKI. Thank you very much.

You will have a statement at a later time?

Mr. PARRISH. Yes, sir. We will submit a statement.

(The prepared statement of Mr. Gibson follows:)

PREPARED STATEMENT OF EVERETT G. GIBSON, PRESIDENT, NATIONAL FEDERATION
OF POST OFFICE MOTOR VEHICLE EMPLOYEES, AFL-CIO

Mr. Chairman and members of the subcommittee, my name is Everett G. Gibson. I am the president of the National Federation of Post Office Motor Vehicle Employees, AFL-CIO, with headquarters at 412 Fifth Street NW., Washington, D.C.

We have national exclusive recognition under Executive Order 10988 and are the sole bargaining representatives for all motor vehicle service employees under the terms of the national agreement with the Post Office Department.

We endorse H.R. 6249, sponsored by Mr. Dulski, and H.R. 6299, sponsored by Mr. Morrison, which would exempt the postal service from the provisions of the Whitten amendment.

With the increase in the mail volume and the increase of Government-owned vehicles, it has been made necessary to increase the number of temporary substitutes to perform the hauling of the mails in the postal field service. At the present time many of our temporary substitutes are forced to work 10 or 12 hours a day for 6 days a week, and, in many cases it is impossible to give them a day off. If the postal field service is exempt from the provisions of the Whitten amendment, it would permit the Post Office Department to authorize additional permanent positions so that the present temporary substitutes could be appointed to a career

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status and be allowed to work under normal working conditions, as other regular employees within our service.

We appreciate having had the opportunity to present our views and endorse H.R. 6249 and H.R. 6299, and urge this committee to favorably report on these bills and that they be enacted into law during this first session of Congress.

Mr. DULSKI. Mr. John McCart, operations director, Government Employees' Council, AFL-CIO.

STATEMENT OF JOHN McCART, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. McCART. Good morning, Mr. Chairman.

Since I was scheduled to testify on Thursday, I would like the opportunity of presenting the statement that you referred to earlier.

I just would like to make two very brief comments. The first is that the 30 organizations I represent fully endorse the position of the other witnesses with respect to your and Congressman Morrison's bills.

I think we have the situation here that is contrary to the basic concept of civil service itself. The Civil Service Act was approved with the idea of having employees enter Federal service and progress in an orderly way to career status. When you have thousands upon thousands of temporary employees who remain in that status over a long period of years, this contravenes the basic idea of the Civil Service Act.

In addition, you have employees competing against each other because some employees are eligible for overtime payments.

In the case of the temporary employees who work 50 and 60 and 70 hours a week, they do not receive overtime compensation.

For these reasons, Mr. Chairman, we heartily subscribe to the bills that are under consideration by the subcommittee and ask your early approval.

Mr. DULSKI. Thank you very much, John.

(The prepared statement of Mr. McCart follows:)

PREPARED STATEMENT OF JOHN A. McCART, OPERATIONS DIRECTOR, GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the council and its 30 associated unions representing employees in the postal, classified, and wage board services of the Federal Government, urges the subcommittee to act favorably on the pending bills.

The bills under consideration today relate to the effect of the Whitten amendment on the operations of the Post Office Department. Following enactment of the original language, Congress in 1962 recognized the particular disadvantage to postal operations by adding a proviso to section 1310(a) of Public Law 82-253. The effect of this action was to alleviate the application of the original Whitten amendment as approved in 1951.

Nevertheless, the problem of sufficient permanent employees in the Post Office Department remains because the Whitten amendment fails to recognize the tremendous increase in the volume of mail occasioned by an unprecedented growth in population, the upward trend of our economy and improved communications in the past 15 years.

The effect of the limitation on the number of career personnel available to process the mail has been to require the Post Office Department to resort to various other inadequate methods of meeting this gigantic problem.

One has been a substantial increase in the number of temporary employees. Many have been retained so long in this capacity that they are permanent workers

for all practical purposes. This practice contravenes not only the aim of the Whitten amendment, but also the intent of the Civil Service Act itself. The purpose of the civil service statute, as amended, is to provide an orderly procedure for individuals to enter public service and to progress to permanent status upon completion of satisfactory service as a probationary worker. Such a system is essential if the Federal Government is to maintain a skilled nucleus of employees to insure efficient execution of Federal functions on a continuing basis. Continuous expansion of the number of temporary postal workers to perform permanent functions deprives them of their proper civil service status and denies to the Department the necessary complement of permanent, skilled workers.

A second disadvantage results from the assignment of temporary postal workers beyond the normal 40-hour week. In some cases, they work 60 and 70 hours. Since these employees are not paid at overtime rates, the Government is placed in the position of not applying to its own employees the overtime requirements of the Fair Labor Standards Act, which prescribe overtime compensation for millions of other employees in the country. A further inconsistency is apparent because the same Federal Government which supervises the wage-and-hour law, permits its own agencies to work employees in excess of 40 hours a week without appropriate compensation.

The practice is inequitable not only to these substitute postal workers, but also to the permanent staff of skilled, career employees. Sustained employment of the temporary individuals provides unfair competition for those who have achieved permanent status through the normal method.

From the standpoint of sound management, use of temporary substitutes outside unusual peak periods often creates more problems than it solves. Individuals in this status have no job security. Successful applicants on civil service registers are often uninterested in temporary jobs. Turnover among temporary workers is much higher than among the permanent work force.

It is fair to predict that the volume of mail will continue to increase in the foreseeable future. If no action is taken to relieve the Post Office of the impossible burden of the Whitten amendment, the present problems of handling mail will simply be compounded. In short, administration of the postal system will continue to be impeded.

From the time of its original enactment, the council has opposed section 1310 of Public Law 82-253, referred to as the Whitten amendment. Its purpose was to prevent undue expansion of the Federal payroll and unwarranted grade increases in Federal jobs during the Korean conflict. However laudable this objective was, it is our belief that control of the Federal payroll can be achieved more adequately through the normal appropriations process. In presenting its financial needs to Congress, each agency is required to justify its mission and personnel annually in connection with the presentation of its budget to the House and Senate.

Because the bills under consideration today will improve the efficiency of postal operations, and will insure greater equity to postal employees, the council urges the subcommittee to give them favorable consideration at an early date.

Mr. DULSKI. Mr. Harold McAvoy, president, National Association of Post Office & Postal Transportation Service, Mail Handlers, Watchmen & Messengers.

STATEMENT OF HAROLD McAVOY, PRESIDENT, NATIONAL ASSOCIATION OF POST OFFICE & POSTAL TRANSPORTATION SERVICE, MAIL HANDLERS, WATCHMEN & MESSENGERS

Mr. McAvoy. Mr. Chairman, with your permission, I would like to be in a position to file a brief in accordance with what you and the gentleman said, and to go on record as fully endorsing the bills before the committee, plus your amendment. Thank you.

Mr. DULSKI. Thank you very much, Mr. McAvoy.

(The prepared statement of Mr. McAvoy follows:)

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PREPARED STATEMENT OF HAROLD McAVOY, NATIONAL PRESIDENT, NATIONAL ASSOCIATION OF POST OFFICE MAIL HANDLERS, WATCHMEN, MESSENGERS, & GROUP LEADERS

Mr. Chairman and members of the subcommittee, for the record my name is Harold McAvoy. I am national president of the National Association of Post Office Mail Handlers, Watchmen, Messengers, & Group Leaders.

Our national organization is the sole bargaining representative of 35,000 employees in the post office service under the terms of our national agreement with the Post Office Department.

Our national headquarters is located in the Warner Building, 13th and E Streets NW., Washington, D.C.

We are part of the American Federation of Labor-Congress of Industrial Organizations and the Government Employees' Council.

Again for the record, I want you and the committee to know that we fully endorse the bill, H.R. 6249 introduced by you, Mr. Chairman, and H.R. 6299 introduced by Congressman James Morrison.

As stated many times, the Whitten amendment was adopted by the Congress to deny permanent civil service status to many employees hired for emergency services during the Korean emergency.

The 10-percent requirement found the Post Office Department forced to hire excessive numbers of temporary employees. These employees worked many hours at straight time. As our people belong to the AFL-CIO, it is my opinion that the straight-time feature was in clear violation of everything we in labor represent.

The administration's Executive order, October 1964, designed to provide career status for some 15,000 temporary and indefinite substitutes was a big step in the right direction, but at this writing, under the Whitten amendment the practice continues. Many clerks are hired throughout the country for dual purposes. They are allowed to work as a clerk or a mail handler, whenever some supervisor creates his own emergency. As our organization, through winning exclusive recognition has agreed to work along craft lines with the rest of the exclusive rights labor unions, this so-called emergency is in direct violation of what we agreed to do—work along craft lines.

In conclusion, I urge you, Mr. Chairman and members of your committee, to exempt the Post Office from the ceiling provisions of the Whitten amendment.

Mail volume continues to increase which brings increased employment. With the elimination of the Whitten amendment, the increased need for additional employees, under a career status is the answer to meeting the challenge of moving the mail.

Thank you, Mr. Chairman and the members of your committee, for the privilege of appearing before you and to urge speedy and favorable consideration on H.R. 6249 and H.R. 6299.

Mr. DULSKI. Mr. Ross Messer, legislative representative, National Association of Post Office & General Services Maintenance Employees.

STATEMENT OF ROSS MESSER, LEGISLATIVE REPRESENTATIVE, NATIONAL ASSOCIATION OF POST OFFICE & GENERAL SERVICES MAINTENANCE EMPLOYEES

Mr. MESSER. Thank you, Mr. Chairman. We were scheduled for Thursday, and we will file a statement.

We would like to endorse the provisions of both bills, including the amendment, and would like to say that, in addition to the clerks and carriers who are having difficulty in securing appointments, the Whitten amendment ceilings are also playing havoc with the automation process in the postal service, which is caused by the increased mail volume.

Mr. DULSKI. Thank you very much.

(The prepared statement of Mr. Messer follows:)

STATEMENT OF ROSS A. MESSER, LEGISLATIVE REPRESENTATIVE, NATIONAL ASSOCIATION OF POST OFFICE & GENERAL SERVICES MAINTENANCE EMPLOYEES

Thank you, Mr. Chairman and members of the subcommittee for the opportunity to appear before you today.

I am Ross A. Messer, legislative representative of the National Association of Post Office & General Services Maintenance Employees, with headquarters at 724 Ninth Street NW., Washington, D.C.

We are the national exclusive bargaining representative with the Post Office Department for the 17,000 postal field service maintenance employees, under the terms of our national agreement with the Post Office Department.

This association has locals in the 50 States, Puerto Rico, the Virgin Islands, and the District of Columbia.

We would like to take this opportunity to thank Chairman Dulski and Congressman Morrison for the introduction of H.R. 6249 and H.R. 6299 which would remove the ceiling on the number of permanent positions in the postal field service. The Whitten amendment, approved by Congress in 1950 and amended in 1952, placed a limitation on the number of overall Federal employees by permitting an increase of only 10 percent in the regular complement.

The provisions of the Whitten amendment have caused the employment of many temporary employees in the postal field service due to the ceiling which cannot be exceeded on permanent employees. This ceiling has not only hampered the employment of clerks and carriers, but it has also caused many temporary employees to be employed in the maintenance service.

During the last several years, the Post Office Department has been automating many of the larger offices. The installation of automated equipment, such as the Mail Flo system, the automatic letter sorting machines, the Mark II Facer Cancellors, has required a constant increase in the number of maintenance service personnel to maintain this equipment.

The postal service is also occupying new quarters in many cities. The new quarters, in most instances, are considerably larger than the old quarters in order to accommodate the automated equipment and the increase in the mail flow. In order to operate and properly maintain the larger space, there is a need for a larger maintenance force.

This association wholeheartedly endorses the provisions of H.R. 6249 and H.R. 6299.

We also endorse an amendment proposed by Assistant Postmaster General Richard J. Murphy which would limit the application of the proposed legislation to the postal field service and exempt the Post Office Department from the provisions of the proposed legislation.

It is hoped that the subcommittee will favorably report the proposed legislation, with the amendment, to the full committee, so that it may report the proposals at the earliest possible date.

I wish to again take this opportunity, Mr. Chairman, to again thank you and the members of the subcommittee for the opportunity to appear before you today.

Mr. DULSKI. Mr. Nathan T. Wolkomir, president, National Federation of Federal Employees, or Mr. Robert L. Smith.

STATEMENT OF ROBERT L. SMITH, ASSISTANT TO THE PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. SMITH. Mr. Chairman, Mr. Wolkomir is not here.

Mr. DULSKI. You are Robert L. Smith?

Mr. SMITH. Yes; assistant to the president. We have a prepared statement which we will submit on Thursday when we were scheduled to appear.

We do want to thank you for the opportunity of being here today and for the fast action that is being taken by this committee on these bills. We do want to endorse these bills. We feel this is a step in the right direction.

I do want to emphasize that statement that we feel it is a "step" in the right direction and that we would like to see this move toward

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removing the Whitten amendment throughout the civil service. With that, we will submit our statement on Thursday.

Mr. DULSKI. Thank you very much, Mr. Smith.

(The prepared statement of Mr. Wolkomir follows:)

PREPARED STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman, my name is Nathan T. Wolkomir. I am president of the National Federation of Federal Employees (NFFE) and appear before this committee to speak for our members and in behalf of all Federal employees on these vital bills introduced by you and Mr. Morrison.

The following statements are an indication of the confusion that the previous subcommittee made on the subject of this hearing. They are still applicable and are quotations from Senate Document 35, 83d Congress, first session, entitled "An Analysis of the Whitten Amendment," March 18, 1953.

"The subcommittee is of the opinion that this legislation is ill-advised even with this amendment and that it is designed to achieve goals which can be far better obtained through effective Civil Service Commission regulations."

"This program proved to be both costly and nonproductive."

"The subcommittee concludes that this provision is ambiguous, conflicting, and adversely affects recruiting which is of major concern to good Government practice."

"The subcommittee concludes that this provision is duplicatory and unnecessary because this intent is already provided for by regulations of the Civil Service Commission."

"* * * administrative confusion and complexity * * * has resulted."

"Administration of this provision has proven most difficult." * * *

"This is further complicated by the fact that there are many establishments now in existence which did not exist on September 1, 1950, while other organizations which existed on September 1, 1950 have disappeared or changed considerably."

"This provision has considerably increased the complexity and cost of handling noncompetitive promotions in the Federal civil service."

These statements clearly reflect the confusion, chaos and constrictions that have thwarted the promotion and hiring programs within the Federal service through this outdated and arbitrary legislation. Further, the experience of the Federal service under this legislation reflects the deep responsibility placed upon the gentlemen of this subcommittee and all Members of Congress in writing legislation. Fortunately, now that experience has shown the need, errors may be corrected through amendment and repeal as dictated by this experience in implementing the law.

The experience under the Whitten amendment which was written to meet a situation that existed 15 years ago has been bad. Congress has already alleviated this situation once by giving an additional exception of 10 percent to the Post Office through Public Law 87-793, section 717(b), dated October 11, 1962, and known as Postal Service and Federal Employees Salary Act of 1962.

Progress for any branch of the Federal service in lifting personnel ceilings should relieve the rest of the service. On this basis we support Mr. Dulski's bill, H.R. 6249, and Mr. Morrison's bill, H.R. 6299, which if enacted will remove the entire postal field service of the Post Office Department from the personnel ceilings set by the Whitten amendment. If the objective of these bills is to free these positions in the postal field service numbering approximately 400,000 to be added to the total positions in the rest of the Federal service, we certainly endorse said bill.

Federal employees throughout the Government service have suffered under the restriction of the Whitten amendment. Our hope is that the steps being taken by this committee in removing the postal field service from under this law will have the beneficial results intended by the bill. But, speaking for those employees outside the postal field service, I trust that the members of this committee will insure the correction of this unjust situation which hinders promotions and creates roadblocks for proper staffing of both old and new agencies by introducing further bills that will eventually remove every agency in Government from the limitations of the Whitten rider. Budgetary limitations in themselves necessitate ceilings that are unjust because of universal applications rather than indepth agency analysis and determination of needs by the agency.

There is a further fact to be considered in this inhibition against permanent appointments. It removes incentive from temporary appointees to acquaint themselves with the work as they would do if they were looking forward to more or less permanent employment. They naturally consider themselves transients and they have no incentive to perfect themselves in the agency or department in which they are employed.

So the tendency is to do what may be required awaiting the time when they can get a better position on the outside. That is a very unwholesome situation for our Federal service to be in.

As to those portions of the Whitten rider which go considerably into the details of personnel administration, they are the outgrowth of certain conditions brought to light during World War II which set up in the minds of many Members of Congress the belief that some administrators were taking advantage of the rapid expansion of the personnel to move forward more rapidly certain employees who did not possess necessarily the qualifications for the higher positions and some instances were shown of tremendously rapid increases in pay and position where there did not seem to be a background of either experience or education to justify same.

That evidently impelled the Congress to enter into the field of personnel administration, a job which no legislative body is competent to undertake.

The restrictions on transfers and transfers with promotions and status after an employee has accepted the temporary promotion has added a great deal to the element of fear and uncertainty as to what will be the final outcome to the individual. That has made it increasingly difficult actually when it could be demonstrated that a certain employee was needed in a defense agency because of unquestioned qualifications such employee best qualified might be very reluctant to take the chance of going into new surroundings, and in spite of the assurance that the permanent status would be retained to the grade level or the present position, nevertheless the fear would exist and so for necessary assignments administrators are hampered in their selection.

Now it seems to me as a practical proposition there is just one way to approach this problem and that is a discussion with the heads of the operating agencies and the Civil Service Commission on the difficulties they have had in administration of all the features of the Whitten amendment and what could be done to improve procedures, at the same time carrying out the expressed will of Congress to explore the avenues as to whether everything possible for orderly personnel administration had been done in the executive branch within the prescribed limits of the Whitten amendment.

On behalf of the members of NFFE may I say thank you for the prompt action which this subcommittee and the full committee has taken to consider and move bills to the floor. Further, I want to state our appreciation for the opportunity to present our position on these bills before this subcommittee and to commend the chairman and the staff for the help they have extended to NFFE.

Mr. DULSKI. At this point in the record we will insert a statement of Mr. Ashby G. Smith, president of the National Alliance of Postal Employees.

(The prepared statement of Ashby G. Smith follows:)

PREPARED STATEMENT OF THE NATIONAL ALLIANCE OF POSTAL EMPLOYEES

Mr. Chairman, I thank you for the privilege of presenting to you and the honored members of this committee the views of the National Alliance of Postal Employees on the legislative proposals before you.

My name is Ashby G. Smith. I am president of the National Alliance of Postal Employees. We maintain offices at 1644 11th Street NW.

Mr. Chairman, on behalf of the more than 28,000 members of the National Alliance of Postal Employees, I wish to report to you their support for H.R. 6249 and H.R. 6299.

We are aware of, and appreciative of the considerations that led to the adoption of Public Law 82-253, but it is our considered opinion that the ceiling fixed on employment in the postal service is unrealistic.

It is unrealistic because it ignores the tremendous increase in the volume of mail, an increase that is steady year after year. You are as aware as I of the figures which document this increase.

The ceiling is unrealistic because it does not take into consideration the increasing services which the public is demanding from the postal service.

In spite of the mechanization that has taken place in the postal installations, in spite of the efficiency achieved by reorganizations, in spite of the greater efficiency of the employees, it is impossible, with restricted manpower, for the Post Office Department to effectively do the job that it is assigned to do.

As a result, the postal service is being subjected to constant, and bitter criticism. This criticism cannot but affect the morale of the postal employees and destroy or dissipate the pride that he or she would like to take in the job. It must affect the morale of top postal officials who must go before the public to account for defects in service which this limitation on employees makes inevitable.

The one means presently available to partially correct this situation; namely, the hiring of temporary and indefinite employees is objectionable on several counts. It brings into Federal service a host of employees who are not covered by civil service. Most of these employees are of high caliber, but, because they are of uncertain tenure and have faint hope of permanent career status, it is difficult for them to participate in the esprit de corps that characterize career employees.

All things being equal, the availability of faster transportation facilities, the skilled administrators brought into the postal service in recent years, the reorganization projects and increased mechanization should have resulted in a vast improvement in the mail service. But all things have not been equal and we are convinced that the blame for a large measure of this inequality must rest with the so-called Whitten amendment. Because we feel that this burden must be lifted if we are to provide the service to which the Nation is entitled, we, the National Alliance of Postal Employees, respectfully urge that this committee approve for passage H.R. 6249 and H.R. 6299.

I thank you.

Mr. DULSKI. Also a prepared statement of Mr. John Griner, president, American Federation of Government Employees.

(Mr. Griner's prepared statement follows:)

PREPARED STATEMENT OF JOHN GRINER, PRESIDENT, AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES

Favorable action by this subcommittee on the bills H.R. 6249 and H.R. 6299 is recommended by the American Federation of Government Employees. Removing the application to the Post Office Department of Public Law 82-253, as amended (Whitten amendment), would directly benefit that Department and contribute to the efficient operation of the executive branch as a whole.

Representatives Morrison and Dulski are to be commended for sponsoring this legislation which is long overdue.

The Whitten amendment needs modification because it has placed a somewhat rigid ceiling on the number of permanent civil service employees throughout the executive branch. But it is our belief that this provision should be repealed in its entirety. That has been the expressed viewpoint of our membership.

Since the enactment of the original Whitten amendment, the American Federation of Government Employees has opposed this method of limiting Federal employment. It is artificially restrictive and, if ever defensible, had its usefulness only during the period which called it into being—the Korean war. It permitted no adaptation to a sharply increasing population nor to a growing economy.

The effect of the Whitten amendment has been felt most acutely by the Post Office Department because a 27-percent increase in population since 1950 has had a tremendous impact on its operations. Enactment of legislation as that provided by these two bills would ease what has come to be not only a needless restriction on the executive branch, particularly the postal field service, but a contradictory situation whereby the Government violates the spirit of the law which it has imposed on nongovernmental employers.

To handle a volume of mail which has increased 55 percent from 1950 to 1964, the Post Office Department has had to resort to the employment of temporary and substitute employees who on June 30, 1964, comprised 25 percent of the total personnel of the Department. This situation has hampered the operation of the world's largest postal service, and threatens to become more acute each year. Recruitment is becoming more difficult and it is grossly unfair to offer temporary status to thousands of employees who are performing the same duties as those having permanent status.

Some temporaries have worked long years in that status and are denied the benefits which should accrue for long and satisfactory service. Many temporaries

have been unwilling to accept this status for long and turnover has attained major proportions. The result has been excessive expense for recruiting and processing new employees and training those added to the rolls for short periods. Thus the savings and economies which the Whitten amendment was intended to accomplish have been nullified by the unforeseen growth of postal operations for which added personnel must be provided.

This anomalous situation has led to excessive overtime for which these temporary postal workers are not compensated at overtime rates. Thus the Government which requires private industry to compensate its employees at premium rates for work beyond 40 hours in a week works its own employees overtime without extra pay. Furthermore, continued employment of such a large number of temporary employees is contrary to the intent of the Civil Service Act and the principal purpose of the civil service system; namely, to develop and maintain a public service based on merit and providing a career for those who desire to make it their lifework.

Circumstances which surrounded the original Whitten enactment in 1950 no longer prevail. It has become an anachronism that has hampered far more than it has assisted the Federal service.

The cumulative effect of the Whitten amendment, however, has been to create a deficit, so to speak, in permanent positions in the postal service which could continue to operate only at the expense of the remainder of the executive branch. In 1962 Congress added a provision to section 1310(a) of Public Law 82-253 which alleviated but did not fully remedy the adverse effect on the postal service by granting a special 10-percent offset for permanent postal field service employment. Despite the change, the postal service exceeded its share of permanent positions by more than 44,000 as of October 31, 1964, when the Civil Service Commission made its latest compilation of permanent employment.

If these bills are approved, the postal field service can be put on a sound administrative basis and be manned entirely by a body of employees who can, if they so wish, make it a career. The average of permanent positions now existing in the postal field service could then be freed for the benefit of the other departments and agencies of the executive branch.

It is our considered belief, Mr. Chairman, that the Whitten amendment should be repealed. However, the legislative action under consideration here today is realistic in its recognition of existing conditions as well as beneficial to the entire Federal service.

Thank you, Mr. Chairman, for receiving this statement.

Mr. DULSKI. I think we have concluded the entire list of witnesses.

I want to thank you for the wonderful cooperation we received from those who were to be testifying on March 25.

Thank you very much.

(Whereupon, at 10:53 a.m., Tuesday, March 23, 1965, the subcommittee continued in executive session.)





