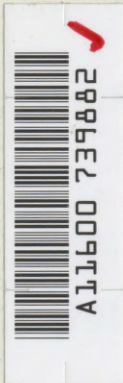


REDUCE STANDBY STATUS OF FIREFIGHTING
PERSONNEL IN U.S. GOVERNMENT

Y 4
.P 84/10
F 51/
PT. 1

89 Y 4
P 84/10
F 51/pt. 1



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

FIRST SESSION

ON

H.R. 10294 and Similar Bills

A BILL TO REDUCE THE TIME IN STANDBY STATUS OF FIRE-
FIGHTING PERSONNEL OF THE FEDERAL GOVERNMENT, AND
FOR OTHER PURPOSES

AUGUST 18, 1965

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



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1965

72 980

8298
022110
1211
8.
1

42
01/489.
127
1.79

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

TOM MURRAY, Tennessee, *Chairman*

JAMES H. MORRISON, Louisiana
THADDEUS J. DULSKI, New York
DAVID N. HENDERSON, North Carolina
ARNOLD OLSEN, Montana
MORRIS K. UDALL, Arizona
DOMINICK V. DANIELS, New Jersey
LINDLEY BECKWORTH, Texas
HARLEY O. STAGGERS, West Virginia
ROBERT N. C. NIX, Pennsylvania
JOE R. POOL, Texas
WILLIAM J. GREEN, Pennsylvania
SPARK M. MATSUNAGA, Hawaii
PAUL J. KREBS, New Jersey
RAYMOND F. CLEVINGER, Michigan
JAMES M. HANLEY, New York
JOHN V. TUNNEY, California

ROBERT J. CORBETT, Pennsylvania
H. R. GROSS, Iowa
GLENN CUNNINGHAM, Nebraska
EDWARD J. DERWINSKI, Illinois
ROBERT F. ELLSWORTH, Kansas
ALBERT W. JOHNSON, Pennsylvania
JOHN H. BUCHANAN, Jr., Alabama
JAMES T. BROYHILL, North Carolina

CHARLES E. JOHNSON, *Staff Director*
B. BENTON BRAY, *Associate Staff Director*
JOHN H. MARTINY, *Counsel*
WILLIAM A. IRVINE, *Assistant Staff Director*

SUBCOMMITTEE ON CIVIL SERVICE

LINDLEY BECKWORTH, Texas, *Chairman*

THADDEUS J. DULSKI, New York
ROBERT N. C. NIX, Pennsylvania
WILLIAM J. GREEN, Pennsylvania
SPARK M. MATSUNAGA, Hawaii
RAYMOND F. CLEVINGER, Michigan

ALBERT W. JOHNSON, Pennsylvania
ROBERT F. ELLSWORTH, Kansas
JAMES T. BROYHILL, North Carolina

Ex Officio Voting Members

TOM MURRAY, Tennessee

ROBERT J. CORBETT, Pennsylvania

CONTENTS

Statement of—

Broyhill, Hon. Joel T., a Representative in Congress from the State of Virginia.....	Page 3
Davis, Alvin E., special representative, International Association of Fire Fighters, AFL-CIO; accompanied by Lt. William P. Wynne, Washington National Airport Fire Department.....	15
Gisvold, Capt. Paul A., U.S. Navy, Deputy Chief, Office of Industrial Relations, representing Department of Defense; accompanied by Claud Johnson, Civilian Personnel Division, Headquarters, Air Force; John Wolverton, Military Construction Branch, Office of Chief of Engineers, Department of the Army; and Dale Rogers.....	11
Griner, John F., president, American Federation of Government Employees.....	27
McCart, John A., operations director, Government Employees' Council, AFL-CIO.....	23
Stahl, O. Glenn, Director, Bureau of Programs and Standards, U.S. Civil Service Commission, accompanied by Ben Wiseman, Pay Systems Section.....	8
Wolkomir, Nathan T., president, National Federation of Federal Employees.....	26

CONTENTS

26	Honorable National Federation of Federal Employees
2	Call for a Convention, accompanied by Ben W. Wynn, Jr.
23	General, John A. (1911-1912)
27	General, John A. (1911-1912)
11	General, John A. (1911-1912)
15	General, John A. (1911-1912)
3	General, John A. (1911-1912)

REDUCE STANDBY STATUS OF FIREFIGHTING PERSONNEL IN U.S. GOVERNMENT

WEDNESDAY, AUGUST 18, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CIVIL SERVICE 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 House Office Building, Hon. Lindley Beckworth (chairman of the subcommittee) presiding.

Mr. BECKWORTH. The subcommittee will come to order.

The Subcommittee on Civil Service is meeting this morning to consider H.R. 10294 and H.R. 961, identical bills to reduce the time in standby status of firefighting personnel of the Federal Government. We will also consider a number of other similar bills.

(The bill, H.R. 10294, follows:)

[H.R. 10294, 89th Cong., 1st sess.]

A BILL To reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 926), is amended—

(1) by inserting "(a)" immediately after "Sec. 401.";

(2) by striking out "(1) any officer or employee in a position" and inserting in lieu thereof "(1) any officer or employee (other than an officer or employee to whom subsection (b) of this section applies) in a position"; and

(3) by adding at the end thereof the following new subsection:

"(b)(1) The head of any department, independent establishment, or agency, including a Government-owned or controlled corporation, shall provide that any firefighter in a position requiring him regularly to remain at, or within the confines of, his station during longer than the ordinary period of duty established for full-time officers and employees generally under section 604(a) of this Act, a substantial part of which consists of remaining in a standby status rather than performing work, shall—

"(A) be placed on such duty for a period of eight hours in excess of forty hours a week, and

"(B) be entitled to receive premium compensation for such duty on an annual basis, in lieu of premium compensation provided under any other provisions of this Act, in an amount equal to 20 per centum of such part of the rate of basic compensation of his position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-10 of the Classification Act of 1949, as amended.

"(2) For all time worked in excess of forty-eight hours a week, such firefighter shall be entitled to receive compensation in accordance with applicable provisions of law relating to overtime, night, and holiday pay.

"(3) As used in this subsection, the term 'firefighter' means an officer or employee whose principal duty is to supervise or perform work in the prevention, control, and extinguishment of fires, in the driving or operation of fire protection vehicles and equipment, in the operation of fire alarm equipment, or in the dispatching of firefighting staff and equipment."

SEC. 2. Nothing contained in any amendment made by this Act shall be construed to decrease the existing aggregate rate of compensation of any employee on the rolls on the effective date of such amendment, but, when the position of such employee becomes vacant, any subsequent appointee thereto shall receive compensation provided for such position in accordance with such amendment.

SEC. 3. The foregoing provisions of this Act shall become effective on the first day of the first pay period which begins after the expiration of one hundred eighty days following the date of enactment of this Act.

Mr. BECKWORTH. In view of the complexities relating to working conditions, tours of duty, and compensation of firefighters employed by the Federal Government, it seems appropriate at the outset to review briefly the long but sporadic history of legislation dealing with the subject.

The key legislation, of course, was the Federal Employees Pay Act of 1945, Public Law 106 of the 79th Congress. That law was a great step forward in pay and personnel administration. It was also a tribute to its sponsor, the distinguished former chairman of the House Civil Service Committee, Robert Ramspeck, who is one of the best friends of Federal employees. At this point I might add it was my high privilege to serve under Mr. Ramspeck when he was chairman of the great Committee on Civil Service of the House.

The act laid down what were then very progressive and far-reaching rules on a broad range of employment and compensation policies. These included overtime pay, night differential, holiday pay, and treatment of irregular or occasional overtime work. Overtime pay at time and one-half regular rates was authorized in section 201. It was subject to a limitation as to maximum regular compensation to which the time and one-half could apply.

Firefighters always have had unique tours of duty in terms of weekly hours. Application of the 1945 Pay Act, therefore, provided substantial additional compensation for their overtime. In fact, this became generally recognized as more or less the "regular order" for these employees.

During the 83d Congress the administration submitted a proposal to reduce materially the overtime compensation authorized by the 1945 Pay Act for employees required to remain in their stations during longer than ordinary periods of duty. This proposal, with certain amendments, became section 401 of a new title IV added to the 1945 Pay Act.

In essence, section 401 limits premium compensation for firefighters (and a few others) to a maximum of 25 percent of that part of their basic salaries which does not exceed the first step of grade GS-9. Immediately after enactment, some departments established a maximum of 15 percent and some a maximum of 20 percent for their employees subject to the new section.

Still later, during the 85th Congress, the attention of our committee was directed to certain inequities in the compensation of firefighters which resulted from Public Law 763. To correct these inequities, Public Law 85-525 was enacted, placing premium pay for firefighters' work over 72 hours in a week on a basis similar to that provided for overtime work by most other salaried Federal employees. Before Public Law 85-525 firefighters received no additional compensation for work they often were called on to perform beyond their regular 72-hour tours of duty. During consideration of the bill we found that many firefighters were in a work status for as much as 100 hours or more a week.

Public Law 85-525 authorized time and one-half premium compensation for any work performed by firefighters beyond their regular 72-hour tours of duty.

In view of the many improvements and advances made in our Federal employees' working conditions and compensation since the 84th Congress, it is evident that the firefighters have fallen far behind once more. The record indicates strongly that overtime provisions for these very capable and critically needed employees compare unfavorably with those for other Federal employees. They have not kept pace with overtime practices in other governmental units and in private enterprise. Accordingly, the Chair has sponsored H.R. 10294, to bring the working conditions and premium compensation rights of Federal firefighters more closely in line with treatment accorded other Federal employees who work extra hours and with the practices in private enterprise. It is my high privilege to go into this subject matter at this time.

One of the men who has shown the greatest concern and interest in this matter is our very distinguished colleague from Virginia, Representative Joel Broyhill. I know he has done his best to try to focus attention on this problem. He has been doing an excellent job along this line. It is our privilege to hear from you at this time, Mr. Broyhill, and you may proceed as long as you desire.

STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. BROYHILL. Thank you very much, Mr. Chairman. I will not impose on this privilege you have given me because I have to be at another subcommittee meeting at 10:30 to oppose a bill which I hope will save our Nation's Capital from home rule.

The chairman and I have generally been together on most proposals but on one where we were on opposite sides the chairman beat the devil out of me, so I am glad we are on the same side on this legislation.

Mr. BECKWORTH. I will have to return the compliment by saying what an able adversary the gentleman from Virginia is.

Mr. BROYHILL. Mr. Chairman, there are several people who will testify on this legislation that will do a much more detailed job than I could do in describing the pros and cons of this legislation, but, simply stated, it is to bring the Federal firefighters in line with their counterparts, particularly in the large cities of the country and especially to bring them in line so far as working hours are concerned.

The chairman mentioned the action taken by Chairman Ramspeck in 1945, which was a very fine law at that time but since that time in 21 of the large cities in the United States they have reduced the firefighters' hours by 36.7 percent and increased their salaries by 163.5 percent, but insofar as the Federal firefighters are concerned their workweek is still the same as it was in 1945, a 72-hour workweek, and their pay increase, even though they had no reduction in working hours, is 11.7 percent less than their counterparts in major cities.

I am particularly concerned about this because many of the Federal firefighters live in my district and come to me to plead their case. I became more interested in their plight having served on the District Committee where we have direct jurisdiction over the police force

and the Fire Department. We have recognized the trend of the times and the competition in other fields of endeavor and have reduced the workweek of District of Columbia firefighters to 48 hours a week and have increased their pay substantially higher than the so-called Federal firefighters. If the requirements are not the same, if we are not requiring Federal firefighters to have the same skill as the District of Columbia firefighters, we should require the same, and I think we do. The duties of Federal firefighters are every bit as hazardous and complex as those of the District of Columbia firefighters, and therefore they should receive the same pay and fringe benefits.

The bill the chairman and I have cosponsored merely recognizes the trend of the times in considering the hours the Federal firefighters are on duty. We are not facing up to the problem yet of properly adjusting their pay. We have to take these things one at a time. But I think this would be a step toward eliminating some of the inequities that exist.

Mr. Chairman, I have a statement I would like to file for the record, if I may.

Mr. BECKWORTH. Without objection, it will be made a part of the record at this point.

(The statement follows:)

PREPARED STATEMENT OF HON. JOEL T. BROYHILL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, in a recent 20-year survey, 1945-65, conducted by the International Association of Firefighters, which I am sure will be submitted for the record by that good organization, it is clearly demonstrated that the 21 largest cities in the United States have reduced the hours of their firefighters by 36.7 percent while increasing their salaries by 163.5 percent. During the same 20 years, the Federal firefighter was working a 72-hour week in 1945 and is still working a 72-hour week in 1965. His total pay increase is 11.7 percent less than his counterpart in the major cities referred to.

Firefighters in the District of Columbia work an average of 48 hours a week at a substantially higher wage than that of the Federal firefighter. No adjustment has been made in their working hours in over 20 years whereas statistics will demonstrate that adjustments have been made in almost every place in the country with a professional firefighting force.

Our Federal firefighter is called upon to serve in some of our most essential and important installations in the country—from missile-launching sites to Federal airports, both civil and military. He must be well versed in the modern techniques of his profession and constantly alert to the extreme hazards of his job. He must be extremely well coordinated both mentally and physically, and display unusual emotional stability. It goes without saying the Federal firefighter must be courageous beyond usual bounds.

Mr. Chairman, I believe the legislation before this committee would help equalize the Federal firefighter's position in his profession and in Government pay scales. I feel that this is a just cause, and am pleased to join with you in strong support of these measures. I sincerely hope that the committee sees fit to act favorably in this instance.

Mr. BECKWORTH. We certainly appreciate your very constructive statement, Representative Broyhill. Any questions?

Mr. NIX. No, except to say the eloquence of the gentleman from Virginia is most persuasive.

Mr. BECKWORTH. Without objection, we will insert in the record at this point letters from the Bureau of the Budget, the U.S. Civil Service Commission, and the Department of the Navy.

(The letters follow:)

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 18, 1965.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to the committee's requests for the views of the Bureau of the Budget respecting H.R. 961 and H.R. 10294, bills to reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes.

These bills would change the provisions of the Federal Employees' Pay Act of 1945, as amended, with respect to work tours and salary payment for Federal employees classified as firefighters. In reports to your committee on these bills, adverse to enactment, the Civil Service Commission and the Department of the Navy set forth in detail both the present situation and the situation that would be created by the bills. The Civil Service Commission finds these bills would be preferential, and the Department of the Navy finds no need for either the 50-percent increase in firefighting personnel or the substantial increase in overtime compensation that would result from enactment of the proposed legislation. Both reports estimate the added costs imposed by the bills would total about \$31 million if all employees' tours were reduced to 48 hours and supplemental staff employed. Somewhat greater cost would be incurred if all tours remained at 72 hours and the employees were compensated at premium rates.

It appears the bills either would reduce the work tours of firefighters from 72 hours to 48 hours per week without change in salary, thus, in effect, providing a substantial pay increase; or, in the case of employees working more than 48 hours per week, would provide even greater pay increases in the form of special premiums for overtime, holidays, and nightwork. The Bureau of the Budget is aware of no justification for these pay increases for this selected group of Federal employees, and concurs in the adverse position taken by the Civil Service Commission and the Department of the Navy on these bills.

Accordingly, for the reasons expressed, the Bureau of the Budget recommends that your committee not give favorable consideration to the subject bills, as their enactment would be inconsistent with the administration's objectives.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 17, 1965.

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

DEAR MR. CHAIRMAN: This is in further reply to your requests of January 25, 1965, and August 10, 1965, for the Commission's views and recommendations with respect to H.R. 961 and H.R. 10294, respectively, bills to reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes.

The Commission opposes enactment of these bills.

The Federal Employees Pay Act of 1945, as enacted on June 30, 1945, provided that firefighters and similar protective and custodial employees required to work unusually long hours including large amounts of standby time were to be compensated in accordance with the general provisions of the act respecting overtime, night, and holiday work. Then, as now, most Federal firefighters were on a 72-hour workweek. In practice, following a ruling of the Comptroller General (25 Comp. Gen. 161; Aug. 8, 1945), agencies treated 8 hours of each 24-hour daily tour as noncompensable eating and sleeping time. Thus, for example, a firefighter was considered to be in a pay status for two-thirds of his 72-hour tour of duty (48 hours). He was paid at his basic hourly rate for the first 40 of these hours and at his overtime hourly rate for the remaining 8 hours. In addition, he received premium pay for nightwork and for work on holidays.

This system was objectionable because it resulted in unwarranted expense to the Government in not permitting recognition of the fact that for substantial amounts of their time on duty, firefighters were not required to perform actual

work. In addition, the system was impractical because of the work scheduling and recordkeeping problems which it generated.

In 1954, the Federal Employees Pay Act was amended to authorize the present simplified method of computing premium pay, except for irregular, unscheduled overtime in excess of regularly scheduled weekly hours, on an annual basis for employees required to remain on duty for long periods of time but not required to perform actual work during their entire tours of duty. This additional annual compensation is fixed as a percentage not to exceed 25 percent of that part of the rate of basic compensation for such positions not in excess of the minimum rate for grade GS-9. The percentage is determined in consideration of the number of hours of actual work required, the number of hours spent in a standby status, the extent to which the duties are made more onerous by night or holiday work, and any other relevant factors. Most of the Government's approximately 11,700 firefighters are assigned to tours of 72 hours a week and are required to perform a minimum of 24 hours of actual work. For employees on such schedules, the Commission has fixed a rate of 20 percent of base pay for regularly scheduled standby duty.

H.R. 961 would require departments and agencies to place firefighters on a basic workweek of 48 hours, the first 40 hours to be compensated at straight-time rates and the first 8 over 40 to be compensated at 20 percent of basic annual compensation not in excess of the minimum rate for grade GS-9. H.R. 10294 differs from H.R. 961 only in that it would limit the annual premium pay to 20 percent of basic compensation not in excess of the minimum rate for grade GS-10. This would entitle firefighters paid at rates not in excess of the minimum rate for grade GS-9 to the same aggregate pay for a basic workweek of 48 hours as they now receive for a basic workweek of 72 hours. Under H.R. 10294, those paid at rates in excess of the minimum rate for grade GS-9 but not in excess of the minimum rate for GS-10 would be entitled to greater aggregate pay than they now receive. The bills further provide that for all time worked in excess of 48 hours a week, firefighters shall receive overtime, night, and holiday pay in accordance with applicable provisions of law. This would mean a 10-percent differential for night work, double time for holiday work, and, for most firefighters, time and one-half for overtime hours.

These bills would necessitate hiring one additional firefighter for each two now employed on a 72-hour week basis, at a cost estimated to be in excess of \$31 million a year. In our opinion, the cost of this plan is prohibitive. However, continuing the 72-hour workweek under either bill would be approximately twice as costly.

The bills are objectionable also in that, in effect, they would require payment at straight-time rates for a considerable amount of nonworktime. Presently, a firefighter on a 72-hour tour is required to perform a minimum of 24 hours of actual work each week. If the work to be done were to be distributed evenly among members of a workforce augmented to permit the scheduling of 48-hour tours of duty, it would amount to approximately 16 hours a week for each firefighter. Thus, the Government would be required to pay each firefighter at straight-time rates for about 24 hours of standby time each week. This, of course, would be in addition to the 8 hours' standby time each week for which the 20-percent annual premium would be payable.

We believe that an employer may not reasonably be required to compensate for standby duty at rates as high as those paid for the performance of actual work. It is true that standby duty restricts an employee and limits the range of activities which he may pursue. It is equally true, however, that he is not required to perform any actual work during such periods, but is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits.

In connection with this, it is noted that firefighters generally have the benefit of many more nonworkdays than do employees on regular 5-day workweeks. For example, a firefighter whose workweek consists of three 24-hour days is on duty only 156 days a year, less leave, whereas an employee who works 5 days a week is on duty 260 days a year, less leave. This means that the firefighter has nearly twice as much time as most other employees to devote to recreation, being with his family, or engaging in other employment.

These bills would provide special preferential treatment for employees who supervise or perform firefighting or closely related duties. Other Classification Act employees who are required to work unusually long hours including large amounts of standby time would not be covered.

For the reasons given above, we recommend against enactment of H.R. 961 and H.R. 10294.

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.*

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., August 18, 1965.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Your request for comment on H.R. 961, a bill to reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes, has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

H.R. 961 would amend section 401 of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 926), to require weekly payment for tours of Federal Government firefighters on the following basis:

- (a) The first 40 hours compensated at straight-time pay.
- (b) The next 8 hours compensated on the 20-percent premium-pay-rate system subject to the restriction on maximum annual pay.
- (c) All hours in excess of 48 compensated in accordance with existing overtime, night, and holiday pay laws.

Presently, firefighters are compensated at straight time rates plus 20-percent premium pay. Typically, the approximately 10,000 Defense Department firefighters work a 72-hour week involving shifts of 24 hours on duty, 24 hours off duty.

Prior to 1954 firefighters and personnel in other occupations requiring standby tours were compensated in accordance with overtime, night, and holiday pay laws based on the principle that employees work a 40-hour week generally. In 1951, as a result of a study of pay practices, the Civil Service Commission proposed legislation to pay firefighters and other personnel in occupations requiring standby tours, on a lump sum basis for all of the extra pay features (i.e., in lieu of separate treatment of overtime, night, and holiday pay). The Commission's proposal was based on the following considerations:

- (a) The proposal would recognize that their work did not require substantially continuous effort, as compared with duties of other employees.
- (b) It would be administratively simple.
- (c) It would result in increased take-home pay for such employees as firefighters if their hours of duty were increased.
- (d) It would make possible either the performance of substantially greater services for the Government at relatively little additional cost, or a reduction in the number of employees required to continue existing services.

In 1954, the premium compensation basis for payment for firefighters and personnel in other occupations requiring standby tours was established by the Federal Employees Pay Act Amendments of 1954 (5 U.S.C. 901). In support of including firefighters within the premium compensation provisions of the amendments, the Civil Service Commission pointed out that standard overtime provisions for employees such as firefighters on standby tours of duty did not fit well because although the employees were ready to answer any calls they were not performing actual work. Serious administrative problems and unwarranted expense to the Government had resulted from this system of payment for the large amount of irregular overtime or standby duty required of these employees.

Further, the Bureau of the Budget pointed out that the then existing overtime provisions of the Federal Employees Pay Act frequently produced results that were overly liberal to employees on standby tours and therefore inequitable and extremely costly to the Government as well as inequitable to other employees not similarly compensated.

The conference committee on the act, in agreeing to include firefighters in the standby pay provisions of the bill stated that this was done "* * * to avoid the complexities which arise in attempting to determine premium compensation for night, overtime, and holiday work caused by long periods of standby duty frequently performed by firefighting personnel."

It is considered that the foregoing comments and conclusions of the Civil Service Commission, the Bureau of the Budget, and the conference committee remain valid for consideration in regard to H.R. 961.

Although the workweek of firefighters in large municipalities has decreased, this decrease is related to the number and severity of fires. Department of Defense installations should be compared with smaller residential and light commercial areas which experience fewer and less severe fires. In addition, Department of Defense installations are in a particularly advantageous position to take fire prevention measures.

The enactment of H.R. 961 would require an estimated 50 percent increase in firefighting personnel or, in lieu of personnel augmentation, a substantial increase in overtime compensation without benefit to the Government. The estimated additional costs which would be incurred by enactment of this bill are by 50 percent augmentation of staff, \$30 million; by retaining present staff on present duty tours and paying at premium rates, \$46,425,600.

For the foregoing reasons, the Department of the Navy, on behalf of the Department of Defense, is opposed to the enactment of H.R. 961.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report on H.R. 961 for the consideration of the committee.

For the Secretary of the Navy.

Sincerely yours,

F. R. DOWNS,
Commander, U.S. Navy,
Acting Director, Legislative Division.

Mr. BECKWORTH. Our next witness is Mr. O. Glenn Stahl, Director of the Bureau of Programs and Standards, U.S. Civil Service Commission. He is accompanied by Mr. Ben Wiseman of the Pay Systems Section. You may proceed, Mr. Stahl.

STATEMENT OF O. GLENN STAHL, DIRECTOR, BUREAU OF PROGRAMS AND STANDARDS, U.S. CIVIL SERVICE COMMISSION; ACCOMPANIED BY BEN WISEMAN, PAY SYSTEMS SECTION

Mr. STAHL. Thank you, Mr. Chairman.

Mr. Chairman, I would appreciate the opportunity simply to read and paraphrase from the letter which the U.S. Civil Service Commission just approved yesterday on this bill rather than to attempt any other prepared statement.

Mr. BECKWORTH. Without objection, you may do so.

(The letter referred to appears on p. 5.)

Mr. STAHL. The letter dated August 17, which has been delivered this morning, indicates that the Civil Service Commission opposes enactment of H.R. 961 and H.R. 10294.

The Federal Employees Pay Act of 1945 provided that firefighters and similar protective and custodial employees required to work unusually long hours including large amounts of standby time were to be compensated in accordance with the general provisions of the act respecting overtime, night, and holiday work. Then, as now, most Federal firefighters were on a 72-hour workweek. In practice, following a ruling of the Comptroller General, agencies treated 8 hours of each 24-hour daily tour as noncompensable eating and sleeping time. Thus, for example, a firefighter was considered to be in a pay status for two-thirds of this 72-hour tour of duty, or 48 hours. He was paid at his basic hourly rate for the first 40 of these hours and at his overtime hourly rate for the remaining 8 hours. In addition, he received premium pay for night work and for work on holidays.

This system was objectionable because it resulted in unwarranted expense to the Government in not permitting recognition of the fact that for substantial amounts of their time on duty, firefighters were not required to perform actual work. In addition, the system was impractical because of the work scheduling and recordkeeping problems which it generated.

In 1954, the Federal Employees Pay Act was amended to authorize the present simplified method of computing premium pay, except for irregular, unscheduled overtime in excess of regularly scheduled weekly hours, computing it on an annual basis for employees required to remain on duty for long periods of time but not required to perform actual work during their entire tours of duty. This additional annual compensation is fixed as a percentage not to exceed 25 percent of that part of the rate of basic compensation for such positions not in excess of the minimum rate for grade GS-9. The percentage is determined in consideration of the number of hours of actual work required, the number of hours spent in a standby status, the extent to which the duties are made more onerous by night or holiday work, and any other relevant factors. Most of the Government's approximately 11,700 firefighters are assigned to tours of 72 hours a week and are required to perform a minimum of 24 hours of actual work. For employees on such schedules, the Commission has fixed a rate of 20 percent of base pay for regularly scheduled standby duty.

H.R. 961 would require departments and agencies to place firefighters on a basic workweek of 48 hours, the first 40 hours to be compensated at straight-time rates and the first 8 over 40 to be compensated at 20 percent of basic annual compensation not in excess of the minimum rate for grade GS-9. H.R. 10294 differs from H.R. 961 only in that it would limit the annual premium pay to 20 percent of basic compensation not in excess of the minimum rate for grade GS-10. This would entitle firefighters paid at rates not in excess of the minimum rate for grade GS-9 to the same aggregate pay for a basic workweek of 48 hours as they now receive from a basic workweek of 72 hours. Under H.R. 10294, those paid at rates in excess of the minimum rate for grade GS-9 but not in excess of the minimum rate for GS-10 would be entitled to greater aggregate pay than they now receive. The bills further provide that for all time worked in excess of 48 hours a week, firefighters shall receive overtime, night, and holiday pay in accordance with applicable provisions of law. This would mean a 10-percent differential for nightwork, double time for holiday work, and, for most firefighters, time and one-half for overtime hours.

These bills would necessitate hiring one additional firefighter for each two now employed on a 72-hour week basis, at a cost estimated to be in excess of \$31 million a year. Or I might interpolate that if the alternative is followed, that is, of paying the premium rates provided rather than hiring additional employees, the cost of the plan would be still higher, and in our opinion this cost either way is prohibitive.

The bills are objectionable also in that, in effect, they would require payment at straight time rates for a considerable amount of non-work-time. Presently, a firefighter on a 72-hour tour is required to perform a minimum of 24 hours of actual work each week. If the work to be done were to be distributed evenly among members of a work

force augmented to permit the scheduling of 48-hour tours of duty, it would amount to approximately 16 hours a week for each firefighter. Thus, the Government would be required to pay each firefighter at straight time rates for about 24 hours of standby time each week. This, of course, would be in addition to the 8 hours' standby time each week for which the 20 percent annual premium would be payable.

We believe that an employer may not reasonably be required to compensate for standby duty at rates as high as those paid for the performance of actual work. It is true that standby duty restricts an employee and limits the range of activities which he may pursue. It is equally true, however, that he is not required to perform any actual work during such periods, but is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits.

In connection with this, it is noted that firefighters generally have the benefit of many more non-work-days than do employees on regular 5-day workweeks. For example, a firefighter whose workweek consists of 3 24-hour days—and this is the most common schedule, 3 24-hour days—is on duty only 156 days a year, less leave, whereas an employee who works 5 days a week is on duty 260 days a year, less leave. This means that the firefighter has nearly twice as much time as most other employees to devote to recreation, being with his family or engaging in other employment.

These bills would provide special preferential treatment for employees who supervise or perform firefighting or closely related duties. Other Classification Act employees who are required to work unusually long hours including large amounts of standby time would not be covered.

For these reasons we recommend against enactment of H.R. 961 and H.R. 10294.

I will be happy to attempt to answer any questions, Mr. Chairman and members of the committee, if any of you happen to have some.

Mr. BECKWORTH. Mr. Stahl, you mention your opposition to the bill. Is it the feeling of the Commission that the situation with reference to firefighters should not change for a long time to come?

Mr. STAHL. I would not say that problem has been faced directly, that it should remain exactly as it is. The Commission has addressed itself simply to what these two bills provide, and it rejects those as an acceptable solution.

Mr. BECKWORTH. Has the Commission undertaken to reexamine recently the situation as it pertains to firefighters?

Mr. STAHL. No, not recently, if you mean by that examine it in terms of the workweek schedule in relation to pay, no, we have not in the past year or two.

Mr. BECKWORTH. Would you consider doing that soon, in view of the many changes that have taken place with reference to the enactment of legislation relating to Federal employees?

Mr. STAHL. We would always be happy to consult with the agencies that have firefighters to see if anything appropriate could be worked out. The principal employer at the present time is the Department of Defense, which you will be hearing from. About 10,000 of the 11,700 Federal firefighters are employed in the Defense Department and the others are employed in such places as the Veterans' Administration and the like. But if it is the desire of the subcommittee that we undertake a study in this regard, we will be happy to do so.

Mr. BECKWORTH. I think it would be a good thing, since there have been many changes made with reference to policies and provisions through enactments in the last few years.

Any questions, Mr. Nix?

Mr. NIX. Mr. Chairman, it seems to me the gentleman has brought out that opposition to the legislation is based on facts which might or might not be those involved.

Mr. BECKWORTH. Mr. Green?

Mr. GREEN. No questions.

Mr. BECKWORTH. Thank you very much, Mr. Stahl.

Mr. STAHL. Thank you.

Mr. BECKWORTH. The next witness will be Capt. Paul A. Gisvold of the U.S. Navy, Deputy Chief of the Office of Industrial Relations. Captain Gisvold represents the Department of Defense. He is accompanied by Mr. Claud Johnson, Civilian Personnel Division, Headquarters, Air Force, and Mr. John Wolverton, Military Construction Branch, Office of Chief of Engineers, Department of the Army.

STATEMENT OF CAPT. PAUL A. GISVOLD, U.S. NAVY, DEPUTY CHIEF, OFFICE OF INDUSTRIAL RELATIONS, REPRESENTING DEPARTMENT OF DEFENSE; ACCOMPANIED BY CLAUD JOHNSON, CIVILIAN PERSONNEL DIVISION, HEADQUARTERS, AIR FORCE; JOHN WOLVERTON, MILITARY CONSTRUCTION BRANCH, OFFICE OF CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY; AND DALE ROGERS

Captain GISVOLD. Good morning, Mr. Chairman and members of the subcommittee.

I have with me at the table Mr. Dale Rogers, who is responsible for setting employment conditions for firefighters in the Department of the Navy.

The Navy appreciates this opportunity to appear before members of the subcommittee, as the representative of the Department of Defense, to discuss with you the Department of Defense's position with respect to H.R. 10294. This bill is the same as H.R. 961 except that it would limit overtime compensation to the minimum scheduled rate of GS-10, whereas H.R. 961 would limit overtime compensation to the minimum rate of GS-9. The objective of both bills is to reduce the time in standby status of firefighting personnel of the Federal Government.

H.R. 10294 would amend section 401 of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 926), to require weekly payment for tours of Federal Government firefighters on the following basis:

(a) The first 40 hours per week would be compensated at straight time pay.

(b) The next 8 hours would be compensated on the basis of a 20-percent addition to annual base pay.

(c) All hours in excess of 48 compensated in accordance with existing overtime, night, and holiday pay laws.

Typically, the approximately 10,000 Defense Department firefighters work a 72-hour week involving shifts of 24 hours on duty, 24 hours off duty. They are compensated at straight time rates plus 20 percent premium pay, as indicated by Mr. Stahl.

Prior to 1954 firefighters and personnel in other occupations requiring standby tours were compensated in accordance with a so-called two-thirds rule. This rule recognized that such employees, while subject to calls to duty at any time, would spend at least 8 hours out of every 24-hour period in eating and sleeping. Thus, under the provisions of 25 Comptroller General 161, only two-thirds of each hour in a 24-hour standby status was regarded as compensable.

In 1954, the basis for payment of firefighters and personnel in other occupations requiring standby tours was changed by the Federal Employees Pay Act Amendments of 1954 (5 U.S.C. 901). These amendments set up a system for compensating employees serving tours of duty in a standby status on the basis of a percentage of their annual basic compensation for all overtime, night, and holiday work performed during their regularly scheduled tours. This percentage varied from 5 to 25 percent—and of course we ended up with the 20 percent—depending upon the total length of the scheduled tour per week, and the average amount of actual worktime within such tour.

In support of including firefighters within the premium compensation provisions of the amendments, the Civil Service Commission pointed out that standard overtime provisions for employees such as firefighters on standby tours of duty did not fit well because, although the employees were ready to answer any calls, they were not generally performing actual work during their standby periods. Serious administrative problems and unwarranted expense to the Government had resulted from this system of payment for the large amount of overtime or standby duty required of these employees. Further, the Bureau of the Budget pointed out that the then existing overtime provisions of the Federal Employees Pay Act frequently produced results that were overly liberal to employees on standby tours and therefore inequitable and extremely costly to the Government as well as inequitable to other employees not similarly compensated.

The conference committee on the act, in agreeing to include firefighters in the standby pay provisions of the bill stated that this was done—

* * * to avoid the complexities which arise in attempting to determine premium compensation for night, overtime, and holiday work caused by long periods of standby duty frequently performed by firefighting personnel.

It is considered that the comments and conclusions of the Civil Service Commission, the Bureau of the Budget, and the conference committee remain valid for consideration in regard to H.R. 10294.

Although the workweek of firefighters in large municipalities has decreased, this decrease is related to the number and severity of fires. Department of Defense installations should be compared with smaller residential and light commercial areas which experience fewer and less severe fires. In addition, Department of Defense installations are in a particularly advantageous position to take preventive measures. It is considered that tours of duty and compensation practices for firefighters in the Department of Defense continue to compare favorably with those observed in the smaller municipalities.

The enactment of H.R. 10294 would require an estimated 50-percent increase in firefighting personnel or, in lieu of personnel augmentation, a substantial increase in overtime and other premium compensation without benefit to the Government. The estimated additional costs which would be incurred by enactment of this bill are by 50 percent

augmentation of staff, \$30 million; by retaining present staff on present duty tours and paying at premium rates, \$46,425,600.

The actual increase in cost would fall somewhere between these two estimates because it would not always be feasible or possible to utilize the more economical approach of augmenting the existing staff of firefighters. You would have to have some overtime built in there.

Because of these substantially increased costs, and because equity does not require payment of full overtime and night differential rates for regularly scheduled time in a standby status, the Department of the Navy, on behalf of the Department of Defense, is opposed to the enactment of H.R. 10294.

I have a few figures which may be of some interest that I would like to give you.

The largest cities are tending toward a 40- to 48-hour workweek. The smaller cities have longer workweeks. In general, cities over 500,000 have an average workweek of 55 hours, and in cities over 10,000 the average workweek is 63 hours. If you want to take a bracket of cities between 10,000 and 20,000, the average is about 68 hours a workweek, which compares favorably with our 72. The Army has about 3,050 firefighters, the Air Force 3,250, and the Navy 3,700, and the strength of fire stations runs from 1 to 100. The average compares very closely with the smaller municipalities we are talking about.

The demand on firefighters can be compared to the average per capita fire loss. For the period 1954 to 1963 the nationwide average was \$6.11 per capita. The Federal Government average was \$3.07, giving some indication of the comparative frequency and severity of the fires.

We can make a quick survey of the latest annual salaries of firefighters for various cities. They come out of a 1962 data book, so we will have to modify them somewhat.

Tucson, Ariz., with a population of 213,000, has a fire department strength of 260 people and the annual entrance salary was \$4,320.

Waukegan, Ill., with a population of 56,000, has a strength of 63 people and their annual entrance salary was \$5,500 and they get a plus 1 percent after 1 year of duty.

Going down to a lower bracket, Danbury, Conn., with a population of 23,000, has a strength of 48 people and an annual entrance salary of \$4,200.

Murphysboro, Ill., with a population of 9,000, has a strength of 5 people and an annual entrance salary of \$3,900.

We recognize these rates are 3 years old. We could extrapolate by increasing them 10 percent and they would still fall below the current Federal entrance rate of \$5,376—\$4,480 plus 20 percent. Also, the Federal Government gives annual increases of \$150 which would bring those salaries up.

The base pay of an average firefighter in the Federal Government is about \$5,000, and adding 20 percent he gets \$1,000 more, so it is roughly \$6,000. With 10,000 firefighters in the Department of Defense, the annual cost is \$60 million. If we were to reduce our workweek to 48 hours we would have to hire 5,000 additional people which would cost \$30 million additional. If we were to go to a premium rate for overtime, the additional cost per employee would be

\$4,492.80 and there is a night differential of 10 percent of the base pay which brings it up \$149.76. So you have roughly \$4,642.56 per employee, which is the increase due to premium pay. So with 10,000 employees this is \$46,425,600 additional pay for the Department of Defense to operate under that particular program.

I would like to thank you, Mr. Chairman, for the opportunity to present the Defense Department's position. I am now ready to answer any questions.

Mr. BECKWORTH. Is it your opinion that no change at all should take place with reference to the hours that firefighters work and what they receive in the way of pay?

Captain GISVOLD. Yes; I would say it is all right as it is from the data we have accumulated. That does not mean we should not make another survey and see what the trend is toward going to a shorter workweek. The work hours appear adequate for us.

For your information, I think we made some kind of a trial arrangement of work hours in Boston, which Mr. Rogers can discuss.

Mr. ROGERS. Approximately 5 years ago there was a representation from the employees at the Boston Naval Shipyard that their tour of duty was too long. Their request was supported by Speaker McCormack, and the Department undertook a trial experiment at the Boston Naval Shipyard, putting these people on a reduced workweek, a 40-hour workweek. After a comparatively short period of time, the employees and the employee representatives expressed their discontent with this arrangement because it did mean, due to the reduction in the number of actual work hours, a reduction in compensation. It involved an entirely different tour. The resistance to the change built up so at the end of a year our management estimated that 95 percent of the employees were impatient to get back to the old 72-hour systems with 24 hours on and 24 hours off.

This is not to suggest that further experimentation with something in between these two could not be done. I think the Department has not received any representations from the employees collectively, or individually, to evidence this as a significant problem today.

(Off the record.)

Mr. NIX (acting chairman). This Boston experiment that you mentioned reduced the hours to 40. Is that what you said?

Mr. ROGERS. Yes, sir.

Mr. NIX. And correspondingly, you reduced the pay?

Mr. ROGERS. Yes.

Mr. NIX. Obviously they do not want to stick with that. I would not either. I do not see how it is related to what we are discussing. I do not get the connection. I do not see how it can be an example.

Mr. ROGERS. The objective of the bills, as we have understood them, was to reduce the amount of hours in a standby status.

Mr. NIX. Yes.

Mr. ROGERS. That is precisely what this experiment did.

Mr. NIX. Yes.

Mr. ROGERS. Implicit in the scheme for reduction is the argument that standby hours are paid for at a discount rate. Admittedly this is true. So the experiment in Boston, I think, suggests that the employees themselves are dominantly willing and interested in

continuing to put in standby hours at a discount rate. They are not willing to sacrifice 20 percent of their compensation.

Mr. NIX. I know you said that. You did not include the increase in pay that is contemplated in this proposed legislation.

Mr. ROGERS. Quite so. This legislation was not a part of that experiment.

Mr. NIX. I do not see that it is applicable to the situation.

Thank you.

Captain, I want to thank you on behalf of the chairman. He had to leave because he was called to another meeting.

We want to thank you for your appearance here. The only comment I can make is, that your position has been made absolutely clear. Thank you.

The next witness is Mr. Alvin E. Davis, special representative, International Association of Fire Fighters, AFL-CIO.

**STATEMENT OF ALVIN E. DAVIS, SPECIAL REPRESENTATIVE,
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO,
ACCOMPANIED BY LT. WILLIAM P. WYNNE, WASHINGTON
NATIONAL AIRPORT FIRE DEPARTMENT**

Mr. DAVIS. I would like to introduce Lieutenant Wynne from the National Airport. He is a Federal firefighter and has been for 18 years. If there should be any technical questions about the profession, he will be happy to answer them.

My name is Alvin E. Davis. I am the special representative, International Association of Fire Fighters, AFL-CIO.

Some 14,000 Federal firefighters throughout the United States—we may call them the forgotten few—are working a 72-hour workweek. These employees of the Federal Government have not had a reduction of hours in more than 20 years.

Cities in all parts of our Nation have gradually reduced the archaic and unreasonable workweek of their firefighters. As early as 1946 the city of Philadelphia, Pa., granted their municipal firefighters a 48-hour workweek.

We believe that in all simple justice these firefighters' hours should not keep them away from their homes and families any longer than those of other workers; not taking into consideration that they are subject to callback on their off-duty time.

The Bureau of Labor Statistics Bulletin No. 1445, entitled "Salary Trends, Firemen and Policemen, 1924-50," released in April 1965, states, and I quote, "Average overall cities studied, the firefighters' hours on duty were reduced about 25 percent by cities employing almost nine-tenths of all firemen."

In a recent 20-year survey, 1945-65, conducted by the International Association of Fire Fighters using 21 of the largest cities in the United States, we find that these cities have reduced the hours of their firefighters by 36.7 percent while increasing their salaries by 163.5 percent. In the same period we find that Federal firefighters were working a 72-hour week in 1945 and they still are working a 72-hour week, while their salaries have been increased only 151.8 percent. With no reduction in hours they have lost ground in pay by 11.7 percent.

(The surveys referred to follow:)

20-year survey—21 cities in the United States

[Hours worked—Salaries, 1945, 1955, and present (firefighters)]

City	1945		1955		1965	
	Work-week	Salary (base)	Work-week	Salary (base)	Work-week	Salary (base)
New York, N.Y.	48.0	\$3,000	42.0	\$5,920	40.0	\$8,098
Chicago, Ill.	72.0	3,000	56.0	4,925	56.0	6,840
Philadelphia, Pa.	72.0	2,590	48.0	4,500	47.5	5,940
Los Angeles, Calif.	72.0	3,000	62.0	5,280	62.0	8,580
Detroit, Mich.	74.0	3,041	63.0	5,162	56.0	7,000
Baltimore, Md.	84.0	2,400	68.0	4,100	56.0	6,468
Houston, Tex.	72.0	2,160	60.0	4,200	56.0	5,568
Cleveland, Ohio	72.0	2,676	60.0	4,914	56.0	6,960
Washington, D.C.	72.0	2,400	60.0	5,241	48.0	7,610
St. Louis, Mo.	84.0	2,400	67.0	4,388	60.0	6,141
Milwaukee, Wis.	84.0	2,545	68.0	4,713	63.0	7,015
San Francisco, Calif.	67.0	3,000	56.0	5,280	56.0	8,580
Boston, Mass.	84.0	2,300	48.0	4,160	48.0	6,275
Dallas, Tex.	72.0	2,154	72.0	4,500	56.0	6,000
New Orleans, La.	84.0	2,028	60.0	3,600	54.0	4,680
Pittsburgh, Pa.	72.0	2,595	55.0	4,579	52.0	6,195
San Antonio, Tex.	72.0	2,100	72.0	4,210	60.0	5,040
San Diego, Calif.	75.0	2,904	67.0	5,004	63.0	8,148
Seattle, Wash.	72.0	2,580	48.0	4,380	48.0	6,840
Buffalo, N.Y.	72.0	2,250	56.0	4,250	40.0	6,500
Cincinnati, Ohio	72.0	2,347	63.0	4,692	56.0	6,428
Average	73.7	2,546	59.5	4,666	53.9	6,709
1945-55, reduction in hours	percent		23.9			
1945-55, increase in salary	do.			83.2		
1955-65, reduction in hours	do.				10.4	
1955-65, increase in salary	do.					43.7
1945-65, reduction in hours	do.				36.7	
1945-65, increase in salary	do.					163.5

20-year survey—Federal civil service firefighters, United States

	1945		1955		1965	
	Work-week	Salary (base)	Work-week	Salary (base)	Work-week	Salary (base)
Firefighters	72	\$2,166	72	\$2,955	72	\$5,556
1945-55, reduction in hours			None			
1945-55, increase in salary (percent)				36.4		
1955-65, reduction in hours					None	
1955-65, increase in salary (percent)						88
1945-65, reduction in hours					None	
1945-65, increase in salary (percent)						151.8

In 1945 Federal firefighters were under civil service CPC schedule.

Public Law 83-763, September 1, 1954, placed them under Government schedule and provided 20 percent for the 32 hours in excess of 40 hours, which was in lieu of night work and holiday pay received previously under CPC schedule.

The Federal firefighter has not had a reduction in his hours for more than 20 years. Many civil service employees under Government schedule have been upgraded, Federal firefighters classification has not been upgraded. Insofar as his relative standing regarding salary, he has lost ground for the 20-year period, while his duties, responsibilities, and the hazards of his job have, over the 20-year period, constantly increased.

TWENTY-FIVE YEAR SURVEY, 1939-64, CITIES, POPULATION 100,000 OR MORE

Salary increases (authority of Bureau of Labor Statistics, Bulletin No. 1445).

Comparison with other workers

Over the quarter century from 1939 to 1964, the 184-percent rise in maximum salary scales of patrolmen and firefighters fell short of the rise in average annual salaries of urban public school teachers and the hours and weekly earnings of factory production workers. The comparisons are made in the following tabulations:

Percent increase from 1939 to 1964

Firefighters and policemen: Maximum salary	184
Urban public school teachers: Average annual salaries	192
Federal Classification Act employees	253
Factory production workers: Average weekly earnings	336

Mr. DAVIS. In recent hearings before the Post Office and Civil Service Committee of the House of Representatives, Dr. Hazel Davis, association director of the National Education Association, made the following statement: "The classified civilian employees of the Department of Defense all over the world are paid the same salary schedule as Federal civilians employed in Washington, D.C." We agree with the statement made by Dr. Davis with one exception, the Federal firefighters—the firefighters of Washington, D.C., work a 48-hour week, therefore, why is it not fair and logical to apply the same treatment to employees, most of whom come under the Department of Defense, serving as firefighters, the same hours of duty. To key directly to Washington, D.C., whose hours, pay, etc., are determined by this Congress, we feel also it is logical. Washington firefighters have achieved a cut from 72 to 48 hours a week since 1948 with periodic increases in salary.

The Federal firefighters are still working 72 hours a week while both Houses of Congress plus the President of the United States have approved a 48-hour week as being the maximum that a Washington firefighter should work. Can there be any justification for a Federal firefighter, whose working conditions are set by the same Congress, being held to a 72-hour week.

As to the maintenance of present pay, the precedent is clear; historically, in any occupational field, reduction in hours is accomplished with no loss of pay. If the reduction in hours is justified, and we believe it undeniably is, there need be no supporting arithmetical logic. If such be needed, however, the retention of the present 20 percent premium could be justified on the grounds that the 48-hour tour is 20 percent over the normal Federal 40-hour workweek.

Traditionally, the Congress of the United States and the U.S. Civil Service Commission, in recommending improved benefits for Federal employees, have used as their yardstick such topics as, duties, requirements, responsibilities, knowledge, and in the case of firefighters, surely, exposure and hazards. In recent years these requirements of Federal firefighters have increased tremendously.

As recently as June 1965, the Department of Defense determined the positions of Federal firefighters as absolutely essential in support of our military installation on D-day, and for the critical period immediately thereafter. It stresses the essentiality of the position with respect to D-day requirements as paramount.

We quote from the U.S. Civil Service Commission Standard Form 78, some of the (a) duties, and (b) requirements as specified by one Federal agency for appointment to the fire service of that installation:

Employees shall respond to all fire alarms and other emergencies. As a firefighter he may serve in any one of the following capacities while fighting fires: hydrantman, hoseman, ladderman, nozzleman, rescuer, extinguisher operator, pump operator, or other position of related capacity. He also may act as a fire alarm operator, make inspections of buildings for potential fire hazards, perform standby duties during hazardous operations, perform salvage operations, operate firefighting apparatus, perform minor maintenance and repair of firefighting apparatus and fire equipment and participate in practice drills and training. The employee may be exposed to excessive heat or cold, dampness, fumes, smoke or gases, electrical energy or dust. He will be required to work both inside and outside of buildings during various times of the day or night. His duties may require arduous physical exertion such as heavy lifting and carrying, pulling, pushing, reaching, climbing, crawling, kneeling, and repeated bending. He must possess rapid mental and muscular coordination, as well as emotional and mental stability.

We well realize the importance of brevity, however, we feel that some facts and figures to substantiate our earlier statement, "In recent years the requirements of Federal firefighters have increased tremendously," should be furnished.

First, we pick an Air Force base at random; we will not attempt to describe the amounts and the complexity of their firefighting equipment, then and now; just some actual conditions that surely speak for themselves.

In 1941 this base was servicing such planes as the C-46 and C-47 that carried a gas load of about 650 gallons of 100-octane gasoline, and a passenger load of about 22. In 1943 this base received approximately 45,000 landings. In 1964, 375,000 landings were recorded.

Today, what a vast difference in their operations, likewise what a tremendous increase in the duties, responsibilities, required knowledge, and hazardous exposure of firefighters.

First, untold types of aircraft are serviced by this base. To mention several specific planes, the 135 and 137, carrying a fuel load of approximately 15,000 gallons, the 124's, with a passenger capacity of 200 and a fuel load of 11,712 gallons. This 124 will carry 127 litter patients or 200 ambulatory patients.

Picture this one, the KC-135, air-to-air refueling aircraft, with a capacity fuel load of 27,000 gallons, which is equivalent to the carrying capacity of approximately four of the largest gasoline trucks that travel over our highways today.

In 1950 the gasoline storage capacity at this base was 100,000 gallons. Today, 1965, the fuel storage capacity is 4 million gallons.

The many types of planes that land at this base necessarily require that the firemen be knowledgeable of all kinds of aircraft. The minute a plane from another country or a varied type sets down at any base the firefighters must immediately familiarize themselves with that aircraft.

Yesterday's aircraft was propelled by 100-octane gasoline. Today, the propellant is referred to as fuel, known, among others, as JP-4 and JPX, the elements of which are practically unknown. What we do know is that the explosive point of this fuel ranges up to 95 percent as compared with gasoline of yesterday with an explosive point of up to 6 percent.

Another extremely hazardous condition experienced by firefighters of today is that most all aircraft carry high amounts of liquid oxygen, combustion is thereby highly accelerated.

Next we have picked at random an Army depot, Army Maintenance Command. This depot extends over 21,000 acres. The realty investment alone is \$65 million. There are more than 1,700 individual buildings on this base—all buildings as well as their contents are combustible—45 individual heating plants, 60 housing units averaging 2 to 5 bedrooms.

Its many warehouses have more than 6 million square feet of storage space, only two-thirds of which is covered by automatic sprinklers. They also have 1,600,000 square feet of ammunition storage. The base has four cafeterias plus snackbars and 162 miles of paved roads.

This particular base has two four-man fire companies; they have mutual aid with surrounding towns. We ask that you picture in your mind the vastness of these installations, bearing in mind the hazardous exposures and then compare with the district of a fire company in any municipal city.

In conclusion, we quote from a statement of an Air Force captain, Chief of Occupational Medicine on a Federal installation:

On countless daily occasions, situations occur which contain potentially dangerous development. In each of these instances, the firefighters are the first to be alerted, the first on the scene. They furnish the immediate, primary efforts that save men and machines.

We respectfully request that you reduce the 72-hour workweek of these faithful Federal employees.

Mr. Nix. I want to thank the witness for a most comprehensive and clearly put statement.

I recall you mentioned some accompanying documents that you will submit with your statement.

Without objection, they will be printed in the record.

(The documents referred to follow:)

Labor ruling: The following letter from Atomic Energy Commissioner; Director of Labor Relations, Mr. Oscar S. Smith; to, Mr. Charles Donahue, Solicitor of Labor, U.S. Department of Labor, requests the Department of Labor's interpretation on two points involving applicability of the Work Hours Act: (1) to certain firefighters; and (2) to certain employees exempted from the Walsh-Healey Act.

JUNE 27, 1963.

MR. CHARLES DONAHUE,
Solicitor of Labor, U.S. Department of Labor,
Washington, D.C.

DEAR MR. DONAHUE: A question has been raised as to the applicability of the provisions of the Work Hours Act of 1962 to firefighters employed at a Commission-owned facility operated by a cost-type contractor. The employees in question are engaged solely as a precaution against fires and to extinguish fires.

We are aware of no rulings or decisions to the effect that firefighters are considered "laborers or mechanics" within the meaning of the 8-hour laws, nor are we aware of any rulings or decisions on this question under the Work Hours Act of 1962. However, in one decision, *Swisher v. United States* (57 Ct. Cls. 123, 136 (1922)), the court held that firefighters serving at a U.S. explosives plant were not laborers or mechanics within the meaning of the 8-hour laws.

We would appreciate it if you could advise us whether, assuming the contract for operation of the facility in question is not subject to the Walsh-Healey Act, firefighters performing functions as above described are laborers or mechanics within the meaning of the Work Hours Act of 1962.

Related to the question raised above is the fact that under the Department of Labor's Rulings and Interpretations No. 3, section 39(c), certain employees are not covered by the stipulations set forth in the Walsh-Healey Act. We would

20 REDUCE STANDBY STATUS OF FIREFIGHTING PERSONNEL

appreciate clarification in the case of a contract to which the provisions of the Work Hours Act of 1962 are applicable to such Walsh-Healey exempted employees if they are considered to be laborers or mechanics.

If we can provide any further information, please let us know.

Sincerely yours,

OSCAR S. SMITH,
Director, Division of Labor Relations.

JULY 12, 1963.

OSCAR S. SMITH,
*Director, Division of Labor Relations,
Atomic Energy Commission, Washington, D.C.*

DEAR MR. SMITH: This will respond to your request for our opinion as to the application of the Contract Work Hours Standards Act to firefighters, engaged by a contractor-operator of an AEC facility as a precaution against fires and to extinguish fires.

In our opinion, firefighters such as you describe should be considered "laborers or mechanics" within the meaning of the Contract Work Hours Standards Act. The act is specific in its inclusion of "watchmen and guards" in the statutory classification of laborers and mechanics. The view of the Court of Claims in the *Swisher* case, to which you refer, was that the similarity of the fireman's work in that case to that of a watchman supported its conclusion that the fireman was not within the category of laborers and mechanics intended by the Congress to be covered by the 8-hour laws. The court's decision was also rested on other grounds, some of which now appear to be of dubious validity under principles applied by the Supreme Court in the construction of later statutes of similar purport. Some time before the replacement of the 8-hour laws by the new statute, the Department of Labor had concluded, and advised some Federal agencies which inquired about it, that the *Swisher* case had lost its vitality in the light of subsequent judicial authority and that firefighters should be viewed as laborers and mechanics for purposes of the 8-hour laws. In view of the broadening language of the new statute, we think its intent to include such employee is reasonably clear.

You have also asked about the situation of laborers and mechanics to whom the Walsh-Healey Act does not apply, although their employer has a Walsh-Healey contract. If the contract is one which may require or involve the employment of laborers and mechanics, and is otherwise of the character described in section 103 of the act and is not exempt under the first sentence of subsection (b) of that section or by any administrative action under section 105, we believe the act is clear that their employment, on any contract work which is not "required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act" (sec. 103(b)), is intended to be brought within the provisions of the Contract Work Hours Standards Act. This is, as you know, consistent with the Department's long-standing position that omission of 8-hour law stipulations from a contract in the case of an overlap between its coverage and that of the Walsh-Healey Act would be authorized only where provisions of the Walsh-Healey Act "are clearly applicable to complete performance of the contract" (Rulings and Interpretations No. 3, sec. 21(c), and see 41 CFR sec. 9-12.5002-2(d)).

Yours sincerely,

CHARLES DONAHUE, *Solicitor of Labor.*

FIRE AND CRASH RESCUE DIVISION,
3535TH CIVIL ENGINEERING GROUP,
Mather Air Force Base, Calif., March 12, 1962.

DIVISION OFFICE INSTRUCTION NO. 92-11,¹ FIRE PROTECTION AND AIRCRAFT
RESCUE

RESCUE AND FIRE EXTINGUISHMENT PROCEDURES, B-52 AIRCRAFT

Purpose

To establish uniform and effective procedures for rescue and fire extinguishment for B-52 type aircraft.

¹ This DOI supersedes DOI 92-11 dated April 11, 1960.

1. *Scope*.—The provisions of this DOI are applicable to all Fire and Crash Rescue Division personnel.

2. *Responsibility*.—It shall be the responsibility of the senior fire officer on duty to assure that the following procedures are carried out effectively.

3. *Procedures*.—Upon notification that a B-52 type aircraft is experiencing difficulties, an emergency will be declared. The following procedures will be executed:

(a) *Approach*: When possible, the approach will be on the nose of the aircraft unless otherwise directed by the senior fire officer. The first truck will normally position on the pilot's side of the aircraft, next to the fuselage. The second truck will position on the opposite side of the fuselage. The balance of the fire equipment will build up the fire fighting teams by positioning first on the rescue side of the aircraft, then on the opposite side until all firefighting equipment has been committed. One O-11A will be positioned on the tail for rescue of tail gunner.

(b) *Location of crew*: There are normally six crew members in the forward section of the aircraft and one in the tail gunner position. (See attachment 1.)

(c) *Normal and emergency canopy removal*:

(1) Attachment 2 explains in detail the opening of hatches.

(2) Attachment 2 shows the location of the hatches, access door, and emergency cutting areas.

(3) Attachment 3 shows the method for jettisoning the tail gunner's section.

(d) *Procedure to be used to prevent seat ejection*:

(1) Place pin in seat ejector initiator location in the forward section of the right seat arm. Emergency: Cut initiator tube.

(2) Place pin in the hatch jettisoning initiator located in the rear of seat. Emergency: Cut initiator tube.

(3) During an emergency, remove hatch and cut initiator tube. (See attachments 4 and 5.)

(e) *Forcible entry points for cutting*: Attachment 6 indicates how cutting areas are marked.

(f) *Location of guns and method of safetying*: The guns are mounted in tail gunner's compartment. The guns will not fire without electrical power.

(g) *Methods of safetying landing gear*: When aircraft has experienced landing gear difficulties and upon landing and completing its rolls, maintenance and/or aircraft crew personnel will insert the down lock pins.

(h) *Location and capacity of fuel tanks*. (See attachment 7.)

(i) *Location of batteries*: The batteries on a B-52 are located in the main shell well section and back tail section and will be disconnected as necessary. (See attachment 7.)

(j) *Location of oxygen tanks in the aircraft*: The B-52 uses liquid oxygen which is stored in cylinders, located forward of the tail section in the fuselage. (See attachment 6.) The oxygen is converted and distributed through a system in the forward area of the aircraft.

(k) *Hot brakes*: Hot brakes create a hazard due to the fact that the tire heats up and may blow off the wheel. Do not stand near the wheel. In the event of overheated brakes, the following methods of cooling may be used, depending upon availability of equipment, agents, and circumstances. The officer in charge will determine necessary action to be taken. When tires are burning, apply water fog, foam fog, dry powder, or chlorobromomethane. When no fire is present, use any of the following cooling methods:

(1) Taxi aircraft or tow if practical.

(2) Compress air, if available.

(3) Eject air blower.

(4) Direct fog, not on but near, so as to obtain cooling effect.

KENNETH R. WADLEIGH,
Lieutenant Colonel, USAF, Base Fire Marshal.

(The document "Emergency Rescue Procedures, No. 209, of August 1957, was retained in the committee files.)

Mr. Nix. The first objection I noted is that this legislation would cost the Government a great deal of money.

A second is that it would involve a great deal of bookkeeping.

A third is that this 8-hour period when the firemen can eat and sleep and read puts this category outside the usual work of this type.

Those are some of the objections that I noted sitting here.

Have you encountered the same objections?

Mr. DAVIS. Mr. Chairman, in answer to that, and in connection to your question, I would like to now mention the copy that I submitted for the record of a letter to the Solicitor of Labor, U.S. Department of Labor, from the labor relations officer of the Atomic Energy Commission. This letter was written in the middle part of 1963.

(The letter referred to appears on p. 19.)

Mr. DAVIS. The Atomic Energy Commission asked the Solicitor of Labor for his interpretation on two points involving applicability of the work hours of certain firefighters and to certain employees exempt from the Walsh-Healey Act. Our Department of Labor said to the AEC that they must conform with the Walsh-Healey Act and the Work Hours Act.

In effect, Mr. Chairman, what I am saying to you is that the Federal Government has said to you, or to me, if we are going to contract to furnish fire protection on any Federal installation, we must work firefighters only 8 hours a day, pay them time and a half for overtime and double time for Sundays and holidays. I therefore cannot see how our Federal Government can say to a private contractor who is furnishing fire protection for a Federal installation that he can only work firefighters 8 hours a day, 40 hours a week, any additional hours worked shall be in accord with the Work Hours Act of 1962, while they continue to work their own employed firefighters 72 hours a week.

At this point, I would like to state for the record that we, prior to today's hearing requested a meeting with the Civil Service Commission, our purpose being to discuss with them facets of this legislation. No such meeting materialized.

I served in the Washington, D.C., Fire Department for 37 years before retiring. I was president of Local 36, IAFF, during the time that Congress twice granted District of Columbia firemen shorter hours. Therefore I am well aware that implementing a 50-percent reduction in the hours of a fire department presents a greater problem than reducing the hours of an office force. Recruited employees have to be trained, et cetera.

Therefore, if it should be the wisdom of this committee that the proposed reduction from 72 hours a week to 48 hours a week is too drastic all in one step, we would be agreeable to work out with this committee or with the Civil Service Commission, whereby this reduction could be accomplished in, say, two steps which would bring the Federal firefighters to near comparability with municipal firefighters. Let us say that possibly a plan could be agreed on, whereby, effective January 1, 1966, Federal firefighters' hours would be reduced to 60 hours per week, they would continue to work the 24-hour shifts during such time as they remained on this schedule. Then on July 1, 1966, their hours would be reduced to 48 hours per week, at which time they would go on the same work schedule approved by the Congress and now in effect in the Washington, D.C., Fire Department.

Mr. NIX. While you make that offer, you are firm in the conviction that an inequity now exists, that in justice it ought to be corrected?

Mr. DAVIS. I very definitely feel that there is an existing inequity and that it should be corrected.

Mr. NIX. Thank you very much.

I again repeat that your statement was excellent.

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. NIX. Now Mr. John McCart, our distinguished friend for many years, will be the next witness.

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

Mr. McCART. My name is John A. McCart, and I am the operations director of the Government Employees' Council.

With your permission, I would like to have the formal statement we have presented to the subcommittee included as a part of the record, and I would like to summarize the viewpoint of our organization.

Mr. BECKWORTH. Without objection.

(The statement referred to follows:)

STATEMENT OF THE GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the 31 unions associated with the Government Employees' Council appear today to urge favorable action on H.R. 10294. These AFL-CIO unions represent employees in the classified, wage board, and postal services of the Federal Government, including employees affected by the pending proposal.

We desire to express our appreciation to you as author of H.R. 10294 and to Representative Joel T. Broyhill for sponsoring a similar bill, H.R. 961. To you and other members of the subcommittee we are grateful for arranging this hearing.

In effect, H.R. 10294 establishes a basic 48-hour workweek for Federal firefighters who are required to spend a large number of hours each week at or near their work sites on a standby basis.

In 1945, the workweek of firefighters was fixed at 72 hours. Most of these men must remain within the confines of their stations for three 24-hour periods each week. There are variants of this schedule, but in the main the employees in question must remain away from their homes for a 72-hour period.

H.R. 10294 proposes that firefighters be transferred to a basic 48-hour week. For the 8 hours beyond the normal 40-hour week, they would receive a pay differential of 20 percent. Hours in addition to the basic 48 would be compensated in the same manner as for other employees paid under the Classification Act.

The effect of retaining the 20-percent differential is to maintain their present rate of pay while the number of hours is reduced. This is consistent with the accepted practice of installing a shorter workweek in other sectors of the economy without loss of pay to the individuals affected.

It is well to note that the hours of work of firefighters in Federal agencies has remained unchanged during the two decades which have elapsed since the 72-hour week was established. Industry has accepted a basic 40-hour week. Under the National Fair Labor Standards Act, employees processing products in interstate commerce have a 40-hour week, with overtime beyond that point. In some industries, such as garment and dress manufacturing, a 35-hour week has been in effect for a number of years. Unions both in and out of Government have long proposed a 35-hour week. A 32-hour week is accepted in some industries. Yet, there remain Federal Government employees who continue to toil 72 and 60 hours weekly, with a differential not exceeding 20 percent to compensate for all overtime, night, and holiday work.

All of us are aware of the physical and mental demands made upon those engaged in firefighting duties. They must remain constantly agile, mentally and emotionally stable and alert in order to execute efficiently the highly responsible duty of saving lives and property.

With the passage of years, the responsibilities of these men have increased immeasurably. Hazards have risen. Their skill has been sharpened by the necessity of becoming more knowledgeable about equipment and structures.

As an example, firefighters must now know how to combat emergencies which could develop from nuclear-powered ships. Fuels have become more powerful and combustible. The fuel load of aircraft has increased dramatically, thus enlarging the possibility of conflagration. The number of aircraft landing at military installations has climbed to a point where some fields are accommodating today more than eight times the planes they handled 25 years ago. Highly combustible ammunition is stored in many military installations.

As a consequence, the demands upon Federal firefighters have accelerated tremendously.

What has been the pattern in hours of work in municipal fire departments during the past 20 years? There has been a continuous reduction in hours accompanied by increases in salary. From 1945 to 1965, in 21 cities in all parts of the country, the firefighters' workweek has declined more than 36 percent, while salaries have risen more than 163 percent. In contrast, there has been no change in the work cycle of Federal fire personnel.

The basic question confronting the Federal Government on this legislation is whether it can continue to insist on the enforcement of the 40-hour week for private firms and fail to take some step to alleviate the 72-hour week for firefighters. In this day, such a work cycle is an anachronism to all, except those who must spend those hours at their station. To them it is a reality.

The important point is that the Federal Government recognize the problem and take some step to correct it. Evidence of the Government's good faith as an employer is certainly in order.

Mr. Chairman, to you and your colleagues we express our thanks for receiving our comments on this important legislation.

Mr. McCART. As you know, the council represents some 31 unions, the AFL-CIO family consisting of employees of the postal wage board and classified services of the Federal Government.

We support the position presented to you on this legislation by Mr. Davis, the representative of the International Association of Fire Fighters, and the other unions join in promoting favorable consideration for this legislation.

By the way, I certainly do not want to let the opportunity pass without expressing our thanks to the chairman of the subcommittee and to Mr. Broyhill for the introduction of bills on the subject and arrangement for early hearings.

I think the problem is rather simple, Mr. Chairman. The hours of work of the firefighters who work for the Federal Government have remained unchanged for two decades. While for all in the private sector, and certainly in the Federal Government itself, there have been continuing reductions in the hours of work.

As you are well aware, the Fair Labor Standards Act for many years has placed a 40-hour workweek limitation on employees who process goods in interstate commerce. Overtime is paid beyond that number of hours. In several of our large industries, a 35-hour workweek has been in effect for a long number of years. There is a growing number of plants where a 32-hour week has been negotiated. Yet, the workweek of the Federal firefighters remains the same.

The purpose of this bill is simple. It aims at reducing the present 72-hour week to 48 hours while the employees retain the pay they are receiving now. This is in keeping with the practice that has occurred in private industries when hours are reduced.

With respect to the premium pay benefits in the bill, we do not contemplate there is going to be a large amount of premium pay for overtime, holiday, or night work. So what we are speaking about basically is the installation of a 48-hour week and retaining the present amount of pay.

To make the record clear, Mr. Chairman, I would like to allude to the opening statement made by the chairman of the subcommittee

in which he traces some of the history of the legislation involving firefighters.

He noted, for example, that in the 83d Congress the then administration proposed legislation which would substantially reduce the overtime compensation authorized by the 1945 pay act. That was just what was done.

(Off the record.)

Mr. Nix (acting chairman). It just occurred to me that the other party was in the chair at that time.

Mr. McCART. Yes. That was just what was done.

Despite the efforts of Congress to provide pay savings that would result in no reduction in the aggregate pay of these employees, some of them continued to suffer a loss until the last pay bill of 1964 because of the peculiar technical operations of the law.

I mention this to make the record clear, and to assure you that we opposed that portion of Public Law 763 during the time it was under consideration by the House and Senate.

The responsibilities, the hazards of firefighters have increased tremendously as we have moved ahead with technological change.

For example, since the conclusion of World War II firefighters have acquired the responsibility for safeguarding the property and lives of people who could be exposed to nuclear-powered ships constructed and used by the Navy. Fuels have become more sophisticated, more powerful, more combustible. Fuel loads have increased. The landings and takeoff of planes at military installations have increased dramatically, some to the extent of eight times more than they handled 25 years ago.

Mr. Chairman, I think it boils down to this: The basic question confronting the Federal Government on the bills pending before the subcommittee is whether it can continue to insist on the enforcement of the 48-hour week for private firms and fail to take some step to alleviate the 72-hour week for firefighters.

In this day, such a work cycle is an anachronism to everyone except those who must spend those hours at their station. To them it is a reality.

I was very much interested, Mr. Chairman, in the suggestion by the Civil Service Commission and the Department of the Navy and the International Association of Fire Fighters relative to a study of the matter, and I think all involved have shown considerable flexibility in that connection.

I would simply suggest, Mr. Chairman, that the study not be deferred for a year, or a year and a half, or 2 years.

I was slightly disappointed to hear Captain Gisvold refer to a study in terms of next year. I think the problem is immediate. The problem has been immediate for too long. The change is long overdue.

Mr. Chairman, we prefer to see this legislation acted upon. If in the wisdom of the subcommittee a review by the Commission, the agencies, and the unions is deemed desirable before legislative action is taken, we would be happy to cooperate under the sponsorship of the subcommittee in accelerating this study so the problem can be resolved.

Thank you very much.

Mr. Nix. On behalf of the chairman of the subcommittee I want to thank you for a most informative statement. It is always a pleasure

to see you. It is a pleasure to have you here while I am momentarily sitting in the chair.

Thank you very much.

The next witness is Mr. Nathan T. Wolkomir, president of the National Federation of Federal Employees.

Mr. Wolkomir.

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

Mr. WOLKOMIR. Mr. Chairman and members of the subcommittee, I am Nathan T. Wolkomir, president of the National Federation of Federal Employees. Our organization includes in its membership a sizable number of firefighters in the Federal service who would be affected by the provisions of H.R. 961 and H.R. 10294.

I wish to express the support of the National Federation of Federal Employees for these measures which are designed to alleviate and improve the conditions of employment and compensation of Federal firefighting personnel. These bills are directed toward the correction of conditions which for many years have been in urgent need of improvement.

These bills in essence provide for a basic 40-hour week with premium compensation of 20 percent for 8 hours in excess of 40. Time worked in excess of 48 hours would be compensated in accordance with applicable provisions of law relating to overtime, night, and holiday pay.

The overall effect of these bills would be to more adequately compensate firefighters for time on the job and would reduce the standby time.

Mr. Chairman, studies have shown that the pay and hours of employment of firefighters in the Federal service compare unfavorably with their counterparts in the fire departments of major cities of the United States, although their duties are no less hazardous and demanding. Indeed, the Federal firefighters have responsibilities which in some instances are greater than those in city service, at least from the standpoint of national security.

At present, both from the standpoint of pay and hours of duty, Federal firefighters are seriously disadvantaged. In addition, the Federal Government is disadvantaged as well, since recruitment and retention of qualified personnel becomes increasingly difficult as the pay and working conditions of these employees lags.

In addition to expressing our support for H.R. 961 and H.R. 10294, we desire at this time to urge the subcommittee to consider an amendment to these bills, in accordance with additional resolutions adopted by the 1964 national convention of the National Federation of Federal Employees.

These resolutions urge that all premium pay be included in the computations for retirement credits. In view of the recurring requirement of firefighters to work an unusual schedule of hours, such an amendment is logical and equitable. This is especially true in view of the fact that other categories of employees receive retirement credit for premium pay. For example, wage board employees properly receive retirement credit for night differential pay.

Mr. Chairman, on behalf of the National Federation of Federal Employees I wish to express our appreciation for the interest shown in

the welfare of these employees by the introduction of H.R. 961 and H.R. 10294 and by these hearings.

Mr. Nix. Thank you very much, Mr. Wolkomir.

Our next witness is Mr. John F. Griner, president of the American Federation of Government Employees.

Mr. Griner.

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

Mr. GRINER. The American Federation of Government Employees supports the bill H.R. 10294, because it will benefit a large group of Federal employees whose work consists of "the prevention, control, and extinguishment of fires."

The bill would improve the method of compensation for firefighters whose rate of pay now is fixed under section 401 of the Federal Employees Pay Act of 1945, as amended, on an annual basis. A percentage, not to exceed 25 percent, is presently added to the scheduled annual rate in lieu of premium pay as compensation for the requirement of the position to remain regularly "at or within the confines of his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work. * * *"

The bill H.R. 10294 would add a new subsection to section 401 of the Pay Act, which would deal specifically with the compensation of firefighters. This new subsection would have the effect of establishing a basic workweek of 48 hours for this group of employees for which they would receive as basic pay the annual rate provided in the Classification Act for the particular position involved. To this annual rate would be added 20 percent to compensate the employee for the requirement that he remain within the confines of his station and in a standby status. This premium of 20 percent built into the annual rate may be paid only to the extent it will not exceed the minimum scheduled rate for GS-10, or \$7,900.

The firefighter would receive premium compensation for all time worked in excess of 48 hours a week. This additional compensation would be "in accordance with applicable provisions of law relating to overtime, night, and holiday pay." The bill would change to 48 hours the regularly scheduled tour of duty of 72 hours ordinarily required in the Defense Department.

There is a saving clause in the bill which would continue in effect any existing rate which exceeded the rate of pay now received. This provision is always necessary for reasons of equity, since persons already employed did not accept their employment under the conditions provided in the legislation proposed to change existing conditions.

The purpose of this bill is to endeavor to deal justly and equitably with the problem of compensating employees who, because of the very nature of their work, must remain continuously within the physical limits of their official posts of duty. They must be ready at all times, day or night, to prevent or deal with unforeseen or emergency situations. Unless their organizational unit is able to provide 24-hour service it is of little use.

Recognition of longer periods spent at a post of duty as being in a duty status was first stated in the War Overtime Pay Regulations of

the Civil Service Commission. The legal basis for considering standby duty as duty for which employees are entitled to payment was the U.S. Supreme Court decision of *Armour & Co. v. Wantock et al.* decided in 1944 (323 U.S. 126).

Recent surveys have highlighted the hazardous character of the duty performed by firefighters. They may be provided with numerous items of protective equipment and with the most advanced equipment for fighting fires, but they still cannot be protected from finding themselves in a building about to collapse because of weakened floors. There is no protection from falling rafters or explosions.

One recent survey showed that firefighters sustained injuries seven times more often than the average worker and that the odds of being killed in line of duty were three times greater than that for the overall work force. Of the firefighters who died while actively employed, 48 percent died from heart disease. Of those who died from heart ailments 44 percent did not reach the age of 50.

In an article in the medical publication, *Modern Medicine*, Dr. Nathaniel E. Reich of the State University of New York, wrote that "strenuous occupations such as firefighting have an adverse effect on the cardiovascular system," and lead to hypertension, coronary thrombosis, and like conditions. He also wrote that both heat and cold induce stress reactions, and that when injuries and shock are extensive a heart disorder may occur. The same conditions, he said, may occur as a result of burns or of inhaling smoke and gases.

Thus it is not possible to compensate a firefighter on the basis of time spent even in fighting a fire. He may not be called to actual firefighting duty for many hours but when the gong sounds he is risking his life and, his health and the possibility of ultimately shortening his lifespan because of a weakened heart or of some other disorder growing out of his service.

There is ample evidence of the need for making special provision for this group of employees in the Federal service and for making effective such an amendment to existing law as that proposed in H.R. 10294. Thank you, Mr. Chairman, for considering the AFGE viewpoint on this measure.

Mr. Nix. Thank you, Mr. Griner.

There being no further witnesses, the meeting will stand adjourned subject to the call of the Chair.

(Whereupon, at 11:40 a.m., the committee adjourned, subject to the call of the Chair.)

