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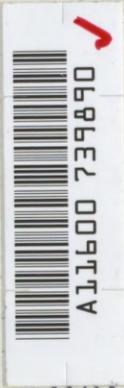
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REDUCE STANDBY STATUS OF FIREFIGHTING PERSONNEL IN U.S. GOVERNMENT

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(Part II)



HEARING BEFORE THE COMMITTEE ON CIVIL SERVICE OF THE COMMITTEE ON OFFICE AND CIVIL SERVICE HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

SECOND SESSION

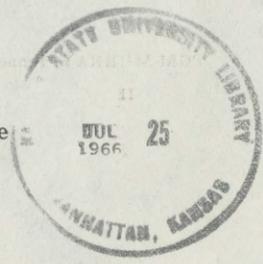
ON

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

APRIL 28, 1966

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

THURSDAY, APRIL 28, 1966

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

The subcommittee met at 10:25 a.m. in room 215, Cannon House Office Building, Hon. Thaddeus J. Dulski presiding.

Mr. DULSKI. The meeting will come to order.

The Subcommittee on Civil Service is meeting this morning to continue the hearings on H.R. 10294, a bill to reduce the time in standby status of Federal firefighters, and related bills. As indicated in the title of H.R. 10294, its purpose is to reduce the "standby" time which Federal firefighters must spend on the job so that it more nearly accords with up-to-date practices which apply to firefighting personnel in other governmental units.

Hearings on this legislation were begun August 18, 1965, and were recessed pursuant to unanimous agreement based on an arrangement for further study and investigation made by Chairman Beckworth with the U.S. Civil Service Commission.

I believe the record will show that, on the basis of testimony presented last year, the Civil Service Commission stated, in effect, that there is admittedly a serious problem with respect to "standby" time required of Federal firefighting personnel, but that the Commission did not feel that H.R. 10294, as introduced, would provide the proper remedy.

Chairman Beckworth then inquired as to whether the Commission had undertaken recently to examine the situation, and the response of the Commission's representative was in the negative. Mr. Beckworth then asked if the Commission would consider a reexamination of the problem "in view of the many changes that have taken place with reference to the enactment of legislation relating to Federal employees." The response was favorable, subject to approval of the Chairman of the Commission.

Other witnesses, representing the Department of Defense and employee organizations, later indicated their willingness to cooperate in the proposed reexamination or study.

Accordingly, Chairman Beckworth on August 27, 1965, wrote Chairman John W. Macy, Jr., of the Civil Service Commission, proposing that the study be undertaken, in cooperation with the employee organizations concerned, and received a favorable reply. Without objection, Chairman Beckworth's letter will be printed in the appendix to these hearings. (See appendix, p. 29.)

These hearings will take into consideration the results of the study and, it is hoped, will develop sufficient information to permit the subcommittee to write a bill that is consistent with the interests of both the Government and the Federal firefighters. The Commission's staff report of the study and a letter of transmittal from Civil Service Commission Chairman John W. Macy, Jr., will be placed in the appendix to these hearings.

I also believe it would be well to insert in the record, at this point, a proposed amendment to H.R. 10294 in the nature of a compromise. Without objection, this will be done.

(The proposed amendment is as follows:)

Strike out all after the enacting clause and insert in lieu thereof the following:

"That (a) there shall be for each firefighter a basic workweek of sixty hours within a workweek cycle of two weeks and with a work shift system of twenty-four consecutive hours beginning at eight ante meridian. Such workweek of sixty hours shall be effective beginning on the first day of the first pay period commencing on or after the first day of the second month following the date of enactment of this Act and shall continue in effect until the close of the first workweek cycle which begins in the first year following the date of enactment of this Act.

"(b) Effective beginning immediately after the close of the first workweek cycle which begins in the first year following the date of enactment of this Act, there shall be for each firefighter a basic workweek of fifty-six hours with a day work shift system of ten consecutive hours and a night work shift system of fourteen consecutive hours.

"(c) Subsections (a) and (b) of this section shall not affect any basic workweek of forty or more hours, but less than fifty-six hours, of any firefighter with respect to which the hours of work would be increased if such subsections were applicable to such workweek.

"(d) The aggregate per annum compensation received by a firefighter under any basic workweek referred to by this section shall be held and considered to be basic compensation or basic salary of such firefighter for all Federal employment purposes, rights, benefits, and responsibilities.

"(e) For all time worked by a firefighter in excess of his regular hours of work under any basic workweek referred to by this section, such firefighter shall be entitled to receive compensation in accordance with applicable law relating to overtime, night, and holiday pay.

"(f) 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.'; and

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

"(b) Subsection (a) of this section shall not apply to firefighters."

"(g) As used in this Act and the applicable amendment made by this Act, the term 'firefighter' means a civilian officer or employee of any department, agency or independent establishment in the executive branch of the Federal Government, including a Government-owned or controlled corporation, 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.

"(h) Nothing in this Act or in any amendment made by this Act shall be construed to decrease the existing aggregate rate of compensation of any firefighter on the rolls on the date of enactment of this Act, but, when the position of such firefighter is vacant, any subsequent appointee thereto shall receive compensation in accordance with this Act and the amendments made by this Act.

"(i) The foregoing provisions of this Act shall become effective (except as otherwise provided therein) on the first day of the first pay period commencing on or after the first day of the second month following the date of enactment of this Act."

Amend the title so as to read: "A bill to correct certain employment inequities for firefighters of the Federal Government, and for other purposes."

Mr. DULSKI. Our first witness is the Honorable John W. Macy, Jr., Chairman of the U.S. Civil Service Commission. It is always a pleasure to have you with us, Mr. Macy, and you may proceed as you see fit.

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

Mr. MACY. Thank you, Mr. Chairman.

Mr. DULSKI. I just want to tell you, at the beginning, that, when I was a councilman in Buffalo, I introduced the resolution that was passed for a 40-hour week for firefighters.

Mr. MACY. I am sure that those who are attending this hearing that represent that group will be very pleased to know that is your past action.

Let me say before I start my statement that this problem of hours of work and compensation for firefighters has been under serious consideration within the Commission since the hearing last August, and that we have had extensive studies and extensive consultation with the departments that use firefighters and with the organizations of employees. I only wish that we could have come out with some uniform agreement.

I am appearing before you today to offer the Commission's views on hours of work and compensation for firefighters employed by the Federal Government.

At the hearing of this subcommittee on August 18, 1965, on H.R. 961 and H.R. 10294, which would require firefighters to be placed on a basic 48-hour workweek for which they would receive base pay plus 20 percent additional annual compensation, it was brought out that no up-to-date comprehensive study was available on the pay and hours of work of Federal firefighters. In a letter dated August 27, 1965, Chairman Beckworth of the subcommittee asked the Commission to conduct a study of this matter and present a report to the Committee on Post Office and Civil Service.

Commission staff has made a study, and I have transmitted the staff report to the committee. If you are merely looking at the framework of municipal practices, the following proposals can be supported:

- (1) To reduce the hours of Federal firefighters on a 72-hour tour;
- (2) To reduce their premium pay correspondingly; and
- (3) To save the pay of the firefighters on the rolls at the time.

The staff report findings point along this line. However, for compelling reasons I shall outline later, the Commission recommends against legislation to reduce Federal firefighters' hours of duty at this time.

In the course of the study, Commission staff developed extensive information on practices of both Federal and municipal fire departments with respect to hours of work and rates of pay. There was frequent consultation with Federal agencies concerned, particularly the Department of Defense which employs 87 percent of the firefighters, and with representatives of the unions having Federal firefighters, among their members.

Information on tours of duty of municipal fire departments revealed that Federal practices were no longer as fully in line with those of the cities as they were 10 years ago. But municipal practices vary widely. Based on data in the "1965 Municipal Year Book," there are 254 cities with workweeks of 72 hours or more among the 722 cities for which this information is tabulated. Most of the 72-hour tours, 108, are in cities with populations between 10,000 and 25,000.

The median workweek for firefighters in all reporting cities over 10,000 in population is 63 hours and the mean, weighted by the number of firefighters assigned to each workweek, is 56 hours. While these figures do not support the present 72-hour workweek established for most Federal firefighters, neither do they support the 48-hour workweek provided for in H.R. 961 and H.R. 10294. Rather, they point to a measure about halfway between these two. The 60-hour workweek now prescribed for a minority of Federal firefighters appears consistent with prevailing non-Federal practices. If any change were to be made, the Commission believes that it would be most practicable to adopt 60 hours as the maximum weekly tour for Federal firefighters averaged over a reasonable span of weeks, and with exceptions in unusual circumstances. To allow the agencies affected, especially the Department of Defense, time to review operations, obtain needed additional funds, and recruit additional firefighters, such a maximum tour of duty should not in any event go into effect until July 1, 1967.

If the 72-hour workweek should be reduced, the scale of pay for firefighters should be reduced accordingly and new firefighters would be hired at the lower rates. Otherwise, reduction of the workweek would be a pay increase which would exceed the economic guidepost, with which the President has said Federal pay actions should be consistent. Raising to 20 percent the existing 10-percent rate of additional compensation for a 60-hour tour would amount to about a 9-percent increase in the aggregate pay scale for 60-hour tours.

Section 401 of the Federal Employees Pay Act of 1945, as amended, authorizes agency heads, with the approval of the Civil Service Commission, to pay additional annual compensation not in excess of 25 percent of base rates in lieu of other premium pay to employees with unusually long periods of duty, and with a substantial part of their time on duty spent in a standby status rather than actual performance of work. Under this authority, the Commission has established a 20-percent rate of additional annual compensation that applies generally to Federal firefighters with 72-hour workweeks, and a 10-percent rate of additional compensation that applies generally to firefighters with 60-hour workweeks. Both of these rates apply where the tours of duty involve shifts of 24 hours during which firefighters are allowed to prepare their meals and to sleep, usually for an 8-hour period during each of the 24 hours. Facilities are provided in the fire stations for these purposes.

Thus, if 72-hour tours of duty were to be reduced to 60 hours, the rate of premium pay in the departments affected would decrease to 10 percent, the same rate now being paid to those firefighters on 60-hour tours. This would be entirely appropriate; there is no basis for maintaining the higher rate of premium pay if the hours of overtime work are reduced. This does not mean, of course, that in such an eventuality the firefighters on the rolls should suffer a reduction in their aggregate pay. To prevent this, a provision could be enacted to preserve the existing aggregate pay, that is, salaries plus additional annual premium pay of those firefighters on the rolls whose workweeks were to be reduced from 72 hours.

The base pay of nearly all civilian firefighters is set under the national statutory schedules of the Classification Act. Thus, it is aligned to the overall Federal salary structure on the basis of the

relative difficulty and responsibility of the firefighter's work, rather than by direct comparisons of salaries with those of non-Federal fire departments. The Commission's study, however, included comparison of Federal with municipal firefighters' salaries to determine how the Government's pay rates for this occupation stand up when measured against rates paid by others. It was concluded that they stand up very well.

The mean of the minimum rates for fire departments in cities with more than 10,000 population, based on figures in the 1965 Municipal Year Book, is \$5,453. The mean of the maximums is \$6,411. For Federal firefighters having a 60-hour weekly tour and paid a 10-percent rate of additional annual compensation, the minimum gross rate is \$5,105 and the maximum is \$6,650. Thus, the minimum is somewhat below the mean minimum for city departments, and the maximum is somewhat above the maximum for city departments.

In terms of medians, the Federal minimum rate with the 10 percent addition exceeds the median minimum for all size groups of cities except those with 250,000 or more population, and is within \$100 of the median for cities in the 250,000 to 500,000 group. The Federal maximum with the 10 percent additional pay exceeds the medians for cities of each population group, including the largest, and for all except the over 500,000 group the Federal rate is substantially higher than the municipal median. The comparison has been made throughout with Federal rates of a 60-hour tour. The 72-hour rate of base pay plus 20 percent additional would compare even more favorably with municipal rates.

But there are, Mr. Chairman, other important considerations which outweigh comparability of Federal practices with those of municipalities. The Commission discussed the staff report with the Department of Defense, the Government's principal employer of firefighters; the Department is of the opinion that the existing 72-hour tour is the most effective arrangement for fire protection at its many installations. The Department expresses strong preference for continuing existing tours, stressing its views that its fire departments are comparable to those in the smaller municipalities, and that reducing the hours of its firefighters would—

Require hiring 4,600 new firefighters, contrary to the President's efforts to hold down Federal employment.

Add \$30 million to annual operating costs, when the President is making a special effort to hold expenditures down.

Be harmful to the morale of firefighters, because of the lowering of aggregate pay scales.

Possibly make recruiting difficult, because of the less attractive pay following reduction in hours.

Mr. Chairman, I urge the subcommittee to call before it, spokesmen for the Department of Defense for further presentation of these and other views.

The employee organizations, which will be speaking for themselves shortly, I am sure would not be averse to a workweek reduction to 60 hours, at least as a first step, but condition this on maintaining the 20-percent rate of additional pay as a going scale if the 72-hour workweek is reduced. I understand that there have been suggestions from some of the employee organizations for a new bill along these lines, which would also include the 20-percent additional pay in the base

used for retirement computations. This suggestion is the subject of other bills. Although it is not within the scope of this study, the Commission could not recommend favorably on this additional benefit which would depart from a longstanding practice of relating retirement to base pay only.

After reviewing the staff study and considering the views of both the agencies and the employee groups, the Commission supports the Department of Defense position that a statutory change in the hours of Federal firefighters is not warranted at this time. Proposed changes would necessitate employment of additional personnel to maintain existing fire protection and would raise annual costs of the Government by more than \$30 million.

Mr. Chairman, that is the Commission's statement. I would like to apologize to you and to the committee counsel for the late hour at which the requested report was submitted. However, as I indicated in my opening statement, there had been an effort on the part of the Commission through consultation to try to arrive at a plan that would be accepted by all groups. I fear that consultation did not produce that result and it also delayed the submission of the report.

I believe the report will give you a substantial compendium of facts with respect to this program. It also includes, in greater detail than I have presented in my statement, the recommendations of the Civil Service staff for this 60-hour proposal and the related adjustment in compensation to that reduction in hours.

I believe that it is important for the committee to have the views of the principal operating agency in view of the need of the Department to hire additional personnel and the accrued additional costs through reduction. The consequences of those increases need to be borne in mind in any legislation.

Let me also assure you, Mr. Chairman, if it is the will and wish of your subcommittee to depart from what I have recommended, we will of course be happy to work with you in development of appropriate language.

Mr. DULSKI. Thank you very much, Mr. Chairman. As always, we are very happy to see you appear representing the Civil Service Commission. You are a very able and forthright representative. I have a great deal of admiration for the fine work you have done and I know of the heavy pressures on you.

I have a few questions I would like to ask to develop the legislative background. My first question is: To what extent do the working hours of firefighters vary within the agencies of the Federal Government?

Mr. MACY. There is some limited variation. The Department of Defense, which employs 87 percent of all firefighters, has almost universally 72 hours, 24 hours on, 24 hours off. The Veterans' Administration has adopted a 60-hour workweek and has also adopted the 10 percent additional compensation in contrast to the 20 percent compensation that goes with the 72-hour workweek.

Under existing legislation it is possible for departments and agencies to set their own workweek, subject to the approval of the Commission of the percentage of additional compensation that shall be added. So that it is possible without this legislation for the Department of Defense to reduce the number of hours worked below the present 72-hour figure, but it is not possible for them to do this and permit a

retention of the aggregate pay on the part of the incumbent employees. There is no authority to do that. So that is the principal legislative necessity that is involved in making any reductions administratively.

Mr. DULSKI. May I interrupt? It wouldn't be by Executive order, it would have to be legislation?

Mr. MACY. It would have to be legislation because this would constitute authority to pay at other than the stated pay levels in the Classification Act.

Mr. DULSKI. Now do the rates of compensation vary among the departments and the agencies?

Mr. MACY. There is some variation but the bulk of the firefighter positions are in grades GS-4, 5, and 6. There is a table on page 7 of the Commission's report which I believe is even more responsive to your question. It shows the distribution by grade and by department of the firefighter personnel and it shows that as of the time of the study there were 10,897 firefighters employed by the Federal Government. Of that respective number 9,470 were employed by the Department of Defense; 148 by the Atomic Energy Commission; 216 by the Federal Aviation Agency; 358 by General Services Administration; and 705 by the Veterans' Administration.

By grade, there were 4,381 at GS-4, 2,700 at GS-5, and 2,018 at GS-6. The rest of the jobs are above that and tend to be supervisory positions in the force.

Mr. DULSKI. How many military personnel are assigned as firefighters?

Mr. MACY. This number varies, Mr. Chairman. The number in the Defense Department even varies among the services. The Air Force has become the primary user now of military personnel for this purpose, primarily in relation to the flight line protection.

I should add that in viewing the \$30 million increased cost figure in talking about cost of moving from a 72- to 60-hour workweek, that roughly \$18 million of that would be the employment of civilians to augment the military force, if the hours were shortened. I think it is important to make that distinction. Twelve million dollars would be involved in additional civilian compensation and uniforms for the added civilian force. Beyond that, \$18 million would be expended to hire civilians to replace the military man-hours, because the Defense Department would feel that if the hours for civilians were reduced, it would be necessary to reduce the stated duty hours for military personnel. They would not have additional military personnel available for this particular function, so the additional hours would have to be civilian hours.

I am unable to answer precisely how many military are involved. I do know in the Air Force it runs about three-quarters of the total firefighter personnel.

Mr. DULSKI. Is there a tendency to use more military than civilian personnel because of lack of recruitment?

Mr. MACY. No, there is no problem on recruiting civilian firefighters. I have checked this recently with our board of examiners and we find there is not any serious difficulty in securing qualified personnel to perform this work.

I would say there are operational reasons for using the military; particularly in relation to flight line purposes. In some of the military activities, firefighting work has been included in the work where there

has been a shift from military to civilian. This has been one of the civilianization programs.

Mr. DULSKI. The reason I ask is that in your statement on page 6 you said "possibly make recruiting difficult, because of the less attractive pay following reduction in hours." Do you not think, if the pay is lowered, that there will be more difficulty in recruiting personnel?

Mr. MACY. That is an argument by the Defense Department against the 60 hours. The argument is based on the fact you would be offering grade 4 plus 10 percent rather than grade 4 plus 20.

Mr. DULSKI. What is your position?

Mr. MACY. I feel this is a negligible factor so far as this is concerned.

Mr. DULSKI. One other question: As I read the proposed amendment on H.R. 10294, paragraph "(a)" provides for a 60-hour workweek and paragraph "(b)" provides for a 56-hour workweek the second year. Is that your interpretation of the bill as it would be amended now?

Mr. MACY. Yes. In other words, this would be a gradual move from 72, ending up at 56 hours with an intermediate step of 60 hours.

The Commission's staff report, which you have before you, proposes that there be a move to 60 hours without the further reduction and that there be a reduction in the supplementary compensation from 20 to 10 percent because the supplementary compensation is based on the number of overtime hours in the workweek—clearly that would be reduced by reducing the 12 hours between 72 and 60.

Mr. DULSKI. What is your interpretation of paragraph "b" of the legislation? Does it establish a rate of 120 percent of the basic pay for the grade?

Mr. MACY. Yes; it establishes a fixed supplementary compensation factor of 20 percent which would mean they would receive at 60 hours and at 56 hours 120 percent of the salary for the appropriate grade of the work that they were performing. This would eliminate the present administrative discretion which is in the Federal Employees Pay Act of 1945, which authorizes the Civil Service Commission to set a rate up to 25 percent for long-term workweeks of the nature of employing firefighters. This would fix it at 20 percent by statute.

Mr. DULSKI. Mr. Macy, in regard to this new pay raise we have approved at the present time, the 2.9, these firefighting employees will benefit from that legislation, will they not?

Mr. MACY. That is correct. They would receive an increase of 2.9 percent under that.

Mr. DULSKI. Would it be possible to include an amendment in the pay bill, without separate legislation, such as we have here?

Mr. MACY. Could an amendment be offered to that bill adjusting the work hours? It seems to me that would be a parliamentary question. If the other body were to include it as an amendment it presumably could come back for conference and consideration by both Houses. It is a pay feature which is not irrelevant to some of the other features that are in the House-passed bill.

Mr. DULSKI. Mr. Henderson, do you have any questions?

Mr. HENDERSON. Not at this time, Mr. Chairman.

Mr. DULSKI. Mr. Johnson?

Mr. JOHNSON (counsel). Mr. Macy, as you know, I don't often ask questions, but it seems to me there may be a question of interpretation of law involved in one of your statements that I would like to

have clarified for the record. It never occurred to me until after your statement.

Section 401 of the Federal Employees Pay Act of 1945 was amended, as you will recall, by Public Law 763 of the 83d Congress to include so-called special provisions for certain types of work. I would like to read into the record section 401, if you will bear with us.

Mr. DULSKI. Go ahead.

Mr. JOHNSON (reading).

TITLE IV—SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK

SEC. 401. The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia may, with the approval of the Civil Service Commission, provide that—

(1) any officer or employee in a position requiring him regularly to remain 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, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this Act. Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 25 per centum) of such part of the rate of basic compensation for any such position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, by taking into consideration the number of hours of actual work required in such position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of such position are made more onerous by night or holiday work, or by being extended over periods of more than forty hours a week, and any other relative factors; * * *.

My question, Mr. Macy, relates to the statement that you have made, and with which I have always agreed, that it would require legislative action to change the basic 72-hour workweek now assigned to these firefighters back to 60 hours, or any lesser number of hours, without at the same time reducing the premium pay rate from 20 to 10 percent.

It occurs to me, in rereading section 401, that there may be a legal possibility of reducing the hours of work without reducing the 20-percent premium rate, providing the Civil Service Commission approves.

It occurs to me further that there is nothing in the law that requires the Civil Service Commission to apply the same percentage to every standby worker. Some could be 15 and some could be 20 percent from the reading of the law.

I would like you to reexamine that question and perhaps, if we have another hearing, to have you confirm your view.

Mr. MACY. The Commission, in response to your question, has the discretion of setting the rate at any point from zero to 20 percent under the provisions you have just read. The Commission determined in 1954, when that language was incorporated into the fringe benefits act of that year, that 20 percent additional compensation, based upon a rational study of the number of duty hours in the 72-hour week, amounted to roughly 20 percent.

When the Veterans' Administration requested approval to reduce the hours to 60, the Commission went through the process of analyzing the overtime and night differential pay and holiday pay on an annual basis for employees working that workweek and we came up with

roughly 8.7 percent, and we rounded it out at 10. This is made up of overtime pay on an average coming out at 5 percent; night differential on an average coming out at 2.5 percent; and the three holidays a year that those working 60 hours would have to work, came out 0.2 percent. So that was the rational mathematical basis for computing a 10-percent rate.

It is our belief, Mr. Johnson, that if the number of hours worked are reduced, you will need to reduce this additional compensation, unless by arbitrary action you decide you want to preserve it.

We would feel obligated to go through the kind of analysis given you on the basis of actual tour of duty in order to exercise our stewardship under that language. We would not feel we could defend a perpetuation of 20 percent if the number of hours are fewer, because we could not depend on the amount of overtime or night differential is going to be the same.

Is that responsive to your question?

Mr. JOHNSON. One factor is missing. From a purely legalistic standpoint I feel there is some possibility that you could force the issue and make an arbitrary determination. But your answer has clarified the matter. Reading the sense and intent of Congress into it, and with the language at the end of the paragraph, you feel you would be going contrary to the intent of Congress if you were to make the judgments other than on the rational basis as you have explained?

Mr. MACY. That is correct. I would think there would have to be a new expression of intent that there should be an arbitrary increased compensation based on some public policy determination by the Congress before we could make the change.

Mr. JOHNSON. Thank you very much, Mr. Chairman.

Mr. HENDERSON. Mr. Chairman, may I?

Mr. DULSKI. Yes.

Mr. HENDERSON. I appreciate this opportunity of being with the committee, although I am not a member of it. Because of my long-time interest in this subject, I thought it might be helpful.

I am interested in the statement urging the subcommittee to call the Department of Defense for its presentation. I think this is very important because it is the largest employer.

Mr. Chairman, I wanted to get into the record this morning again my longtime concern for what the situation actually is in the Department of Defense with regard to the use of combat military for firefighter positions. I realize this hearing is primarily with regard to the wage and hour situation of these employees but, Mr. Chairman, I believe you have the fear that I have, that if this action is too drastic or too costly to the military, that they would convert even more of the present civilian positions to military slots, which is absolutely contrary to what we have been trying to accomplish on the Manpower Subcommittee here.

I believe one of the big problems in this area is the tremendous number of uniformed military that is used in firefighting positions. I know a couple of years ago we had a good study with the Air Force—it didn't accomplish very much, but this is a continuing program and I believe as you go along with your inquiry that other witnesses will be glad to testify that that is a problem of many, many bases.

Of course, there is a function for the military firefighter but the thing that has disturbed me so much—because I really believe as

you study the civil firefighters—or even on the military bases where the firefighting is primarily civilian—you will find one of the advantages is not only the longtime training you get on the bases—he is on the base and he keeps being trained—but by the very nature of that fact he is familiar with the fire problems, the fire hazards, and the location of buildings, the danger areas. You certainly don't get this from the short-term military personnel.

I think as a part of this hearing we might recognize that continuing advantage. As one Member of Congress I have been very disappointed that the Department of Defense has not made greater strides in converting more of their position to the civilian firefighting positions. I think we should be very careful if we throw this to DOD too fast. They could use it as a reason for not filling civilian positions or for putting military personnel in them, and I am sure the subcommittee would want to be very positive to admonish DOD not to do that.

Mr. MACY. In the hearing the Civil Service Commission had with the Department of Defense, the very points you have raised were brought out. The principal argument advanced for the Air Force position is that the military firefighter personnel becomes a part of a squadron or a group that moves as a unit from place to place and consequently the skills are required. They pointed out that if there was a reduction in the number of work hours that it would be necessary for the military personnel to be put on the same work hours as the civilians in order to have equal positions and that it would not be possible to get additional military personnel, and part of the increased cost with respect to the new hours would be the necessity of hiring additional civilians to replace the military hours that would have to be reduced, and I am sure you will want to develop that further with the Defense Department.

One other point they maintain that I feel the subcommittee will also want to consider, and that is with the substantial increase in cost that reduction would produce, that they would have to go back once again and see if there are some further reductions in staffing that they could make so they could absorb the costs.

They have been in the position of doing this over the years. Actually, in recent years there has been reduction in total of firefighters, and this is attributable to base closings and so on. But they had run through that process in an effort to absorb the cost without having any net increase.

Mr. HENDERSON. Mr. Chairman, I might conclude by saying that at the conclusion of your hearings and action on this legislation it might be well for the Manpower Subcommittee to do a continuing job of monitoring the Department of Defense, because the point Mr. Macy made has been presented to us by the Air Force on previous occasions, and I personally haven't been too impressed with the Air Force position. Because some of the studies made, and that I have had made, when comparing the Air Force and the Marine Corps—show the military have an actual flight line of continental bases, that they use these—but you find as you study it the Air Force has a high percentage of their military men protecting warehouses and base areas rather than flight line. I can name specific bases where the Air Force has civilians doing the dangerous flight line work they would normally be doing in forward areas, whereas the Marine Corps

says they need their men on the flight line, so I think there is a good deal of inconsistency in the Air Force position.

It might be helpful to the overall problem for our two subcommittees to work very closely together on this, and that is why I wanted to come down this morning to put in my 2 cents worth.

Mr. MACY. I hope also the Commission's study will be helpful to your subcommittee, not only about Federal practices but municipal practices, with respect to firefighting.

Mr. DULSKI. Thank you very much, Mr. Henderson. You are a very valuable asset to our committee.

Thank you very much, Mr. Macy. Your testimony has been most able, as always.

Mr. MACY. Thank you.

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

**STATEMENT OF ALVIN E. DAVIS, SPECIAL REPRESENTATIVE,
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; ACCOMPANIED BY LT. WILLIAM P. WYNNE**

Mr. DAVIS. Mr. Chairman, first I would like to introduce Lt. Bill Wynne, who is a Federal firefighter at National Airport and next I would like to introduce all these firefighters in the audience. They are part of the 10,000 men this bill would affect. They came here from bases within a 300-mile radius of Washington, D.C.

My name is Alvin E. Davis, special representative, International Association of Fire Fighters, and assigned to represent the Federal firefighters throughout the United States.

I am a little astounded after listening to the honorable Civil Service Commissioner's testimony. His testimony referred only to H.R. 10294 and H.R. 961 as introduced. He said nothing about the amendment we offer which has been the subject of our previous discussions. We were directed by Mr. Beckworth shortly after the first hearing on August 18, 1965, to try and get together on a more amicable bill.

In the only meeting we have been able to get with the Civil Service Commission, we only discussed our proposed amendment that you, Mr. Chairman, now have before you.

Although our amendment proposes far less benefits for these firefighters than does the original bill, we felt that it was a fair proposal and further, that it would be reasonably acceptable by all concerned.

Mr. Chairman and members of the committee, on August 18, 1965, we appeared before your committee and presented testimony and data which we felt justified the provisions of H.R. 10294 and H.R. 961. These companion bills, as introduced, provided that the workweek of Federal firefighters be reduced from 72 hours per week to 48 hours per week.

However, at that same hearing, the Civil Service Commission and also the Department of Defense, opposed any changes in the working conditions of Federal firefighters.

Nine days later, on August 27, 1965, responding to the wisdom of the chairman of the committee and the members of your subcommittee, a letter was addressed by Mr. Beckworth, to the Chairman of the Civil Service Commission, Mr. Macy, asking that the Civil Service Commission make a thorough study of the scheduled tours of duty

and compensation provisions applicable to Federal firefighters. He further requested that all concerned be called in consultation in the conduct of the study and the preparation of a report. This report to be submitted in January 1966.

We certainly subscribe to your wisdom and that of your subcommittee and had previously felt that the short delay had proven beneficial, but since listening carefully to the statement of the previous witness, Mr. Macy, I now feel that we have wasted time for 9 months.

The proposed amendment offered, we feel, is very modest and will in part put these few forgotten classified civil service employees on at least an even keel with all of the almost 2 million other civil service employees in that it will standardize their working hours and their salary.

Our proposed amendment, in brief, does three things—this is a very simple request, Mr. Chairman:

1. Reduces the workweek of a Federal firefighter from 72 hours a week to 60 hours per week, effective 60 days after passage, and 1 year from that date, further reduces their hours to 56 hours a week.

2. Provides that the annual salary of a Federal firefighter be existing base plus 20 percent.

3. Provides that the aggregate salary be considered as base salary for the purpose of retirement, insurance, employee's compensation, et cetera.

At this point, may I make a general supporting statement for this proposed legislation by giving you the subject matter of two letters—I think this is very important—on March 13, 1964, more than 2 years ago, the Honorable N. E. Halaby, then Administrator of the Federal Aviation Agency, wrote to the Chairman of the Civil Service Commission, Mr. Macy, relative to securing better quality personnel, higher grade levels, better salaries, et cetera, for firefighters employed by his Agency.

On April 2, 1964, Mr. Macy answered Mr. Halaby's letter—may I cite two quotes from Mr. Macy's letter:

I share your concern over this matter and hope that together we can bring about an improvement.

A further quote:

The sooner each step is taken toward improving the quality of your firefighter staff, the sooner the benefits can be harvested.

Now, may I briefly point out to you a few of the many reasons why we feel our modest proposals are entirely justifiable.

Our first proposal: To reduce the existing 72-hour workweek as well as standardize hours of the professional firefighters employed by the Federal Government.

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 hours of their firefighters. As early as 1946 the city of Philadelphia, Pa., granted their firefighters a 48-hour week.

The Bureau of Labor Statistics Bulletin No. 1445, entitled, "Salary Trends, Firemen and Policemen, 1924-50," released in 1965, states and I quote—

Average overall cities studied, the firefighters' hours on duty were reduced about 25 percent by cities employing about nine-tenths of all firemen.

Further, in a recent 20-year survey, 1945-65, of the larger cities in the United States, we found that hours had been reduced by 26.7 percent while salaries had been increased 163.5 percent. In this same 20-year period, we found that Federal firefighters were working 72 hours per week in 1945 and they are still working a 72-hour week. Their salaries have been increased 151.8 percent, therefore, with no reduction of hours they have lost ground in pay increases by 11.7 percent.

The nationwide average workweek for firefighters in cities of 10,000 or more was 56 hours as of January 1966.

Traditionally, the Congress of the United States and the 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 the requirements of Federal firefighters have increased tremendously.

As recently as June 1965, the Department of Defense determined the positions of Federal firefighter 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.

For appointment to the Federal Fire Service the U.S. Civil Service Commission requirements are very rigid and strict. Among them, the applicant must respond to all fire alarms and other emergencies; he may be exposed to excessive heat or cold, dampness, fumes, smoke or poisonous gases, electrical energy or dust. His duties may require arduous physical exertion and 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 at random an Air Force base; we will not attempt to describe the amounts and the complexity of their firefighting equipment, then and now; just some actual conditions that 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.

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

Yesterday's aircraft was propelled by 100-octane gasoline. Today the propellant is referred to as fuel, known, among others as JP4 and JPX, the elements of which are practically unknown. What we do know is that the explosive point of this fuel ranges up to 97 percent as compared with gasoline of yesterday with an explosive point of up to 6 percent.

What a vast difference in operations and conditions, likewise what a tremendous increase in the duties, responsibilities, required knowledge, and hazardous exposures of firefighters.

Second, we pick at random an Army depot, Army maintenance command; this depot extends over 21,000 acres. The realty property alone was assessed in the early fifties at \$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. 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.

Municipal firefighters nationwide in cities of 10,000 or more are already working an average of 56 hours per week.

Our second proposal; maintain present salaries while reducing hours, also would standardize Federal firefighters' annual salaries.

We propose existing base plus 20 percent.

To maintain present pay, the precedent is clear; historically, in any occupational field, reduction in hours is accomplished with no loss of pay. If the reduction of hours is justified, and we believe it undeniably is, there need be no supporting arithmetical logic. If such be needed, however, the existing base plus 20 percent could be justified on the grounds that both the 60-hour week and the final 56-hour tour is 40 percent over the Federal 40-hour workweek.

Our third proposal; that the aggregate salary be considered as base salary for the purpose of retirement, insurance, employee's compensation, and so forth.

Fundamentally, a staff retirement program is designed to permit employees to cease working after the required years of service and at the required age with a reasonable expectation of continued income to maintain them during the later years of life.

Our proposal is simply an extension of that principle to allow Federal firefighters to acquire retirement credit for certain periods of work upon payment of their normal share of the retirement cost.

May I cite a quote from a letter written by the staff director of this committee in May 1964, to the chairman of this subcommittee, Mr. Beckworth:

There does appear to be some color of logic in the proposal to compute Federal firefighters' compensation benefits on a basic salary which includes their premium compensation, since the premium compensation really is a part of their regular gross salary.

Time does not permit to further point out the many, many additional reasons why these few Federal employees should receive this proposed remedial legislation. However, may I conclude by giving you a quote from the Civil Service Commission's summary of agency views, by the Department of the Navy:

The most feasible tour, if a reduced tour were adopted, would be a 56-hour workweek. Such tours are relatively easy to establish and administer. Such a schedule also would require a minimum of additional personnel, give more continuity to each fire company, and provide more efficiency.

We are most appreciative for this opportunity to present the views of some 12,000 Federal firefighters and respectfully request that you give favorable consideration to this proposed legislation.

Mr. Chairman, if I may before closing, make some additional remarks relative to Chairman Macy's testimony. I restate that I am

amazed by his whole statement and his discussions with you, in that they were relative to H.R. 10294 as originally written. All of our previous discussions with the Commission were relative to the amendment.

Today we are not asking for a 48-hour workweek for Federal firefighters, we are pleading for a 60-hour workweek and after 1 year, a 56-hour workweek, which is already the nationwide average of cities of 10,000 and more.

For the record I would like to point out to you two statements by Mr. Macy; the first, I feel sure, must have been a mistake in the reproduction of his statement, I quote, "require hiring 4,600 new firefighters."

The legislation would only affect approximately 10,000 men, it would in the first step reduce their hours by one-sixth, so by simple arithmetic we find that one-sixth of 10,000 is 1,667 and not 4,600.

The second is relative to the overall cost of the proposed legislation, and I quote from Mr. Macy's statement, "Add \$30 million to annual operating costs," again Mr. Chairman, by simple arithmetic we find, the starting salary, which is less than \$6,000 per year, but we can use that as an even figure, multiplied by 1,667 additional men would give us a total cost of approximately \$10 million, not \$30 million. The \$10 million figure would not include fringe benefits which are difficult to determine; however, they never exceed 23 percent.

Mr. DULSKI. To keep the record straight, I believe those are the figures submitted by the Department of Defense. Mr. Macy just passed them out to us.

Mr. Davis, we have another statement here, the "20-Year Survey." Would you like that to become a part of the record?

Mr. DAVIS. Yes, I would appreciate it.

(The "20-Year Survey" follows:)

20-YEAR SURVEY

21 cities in the United States

[Hours worked and 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	\$3,000	42	\$5,920	40	\$8,098
Chicago, Ill.	72	3,000	56	4,925	56	6,840
Philadelphia, Pa.	72	2,590	48	4,500	47.5	5,940
Los Angeles, Calif.	72	3,000	62	5,280	62	8,580
Detroit, Mich.	74	3,041	63	5,162	56	7,000
Baltimore, Md.	84	2,400	68	4,100	56	6,468
Houston, Tex.	72	2,160	60	4,200	56	5,568
Cleveland, Ohio	72	2,676	60	4,914	56	6,960
Washington, D.C.	72	2,400	60	5,241	48	7,610
St. Louis, Mo.	84	2,400	67	4,388	60	6,141
Milwaukee, Wis.	84	2,545	68	4,713	63	7,015
San Francisco, Calif.	67	3,000	56	5,280	56	8,580
Boston, Mass.	84	2,300	48	4,160	48	6,275
Dallas, Tex.	72	2,154	72	4,500	56	6,000
New Orleans, La.	84	2,028	60	3,600	54	4,680
Pittsburgh, Pa.	72	2,595	55	4,579	52	6,195
San Antonio, Tex.	72	2,100	72	4,210	60	5,040
San Diego, Calif.	75	2,904	67	5,004	63	8,148
Seattle, Wash.	72	2,580	48	4,380	48	6,840
Buffalo, N.Y.	72	2,250	56	4,250	40	6,500
Cincinnati, Ohio	72	2,347	63	4,692	56	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, percent				83.2		
1955-65, reduction in hours, percent					10.4	
1955-65, increase in salary, percent						43.7
1945-65, reduction in hours, percent					36.7	
1945-65, increase in salary, percent						163.5

Federal civil service firefighters, United States of America

	1945		1955		1965	
	Work-week	Salary (base)	Work-week	Salary (base)	Work-week	Salary (base)
Total	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 nightwork 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 GS 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. DULSKI. You have given a very fine and informative statement. I don't think I can ask any questions. You have explained everything very thoroughly. I think you heard my opening remarks, that I worked with the firefighters in the city of Buffalo and we reduced the workweek from 60 to 40 hours and made it a three-platoon system. So I am sure you will find very sympathetic feeling on the committee toward reducing the 72 hours.

I have no further questions and again I want to compliment you on a fine statement. We are very happy to have you with us this morning.

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. DULSKI. Our next witness is Mr. John A. McCart, Operations Director, Government Employees' Council, AFL-CIO.

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

Mr. McCART. Mr. Chairman, we have supplied the subcommittee with copies of our formal statement and I would like to be permitted to have it filed with the record and for me to proceed to summarize the salient features.

Mr. DULSKI. There is no objection, I am sure.

Mr. McCART. I listened with some consternation, Mr. Chairman, to the comments of the distinguished Chairman of the Civil Service Commission relative to the merits of this legislation. The bill initially under consideration by the subcommittee provided a 48-hour week for firefighters. Now, in an effort to be cooperative and to realize the problems confronted by management in this situation, our unions, the American Federation of Government Employees, the International Association of Fire Fighters, and the council sat with the Commission on numerous occasions, including a meeting with the Civil Service Commissioners in an effort to work out an equitable solution.

I think it is highly regrettable that we now find ourselves confronted this morning with the same problem as when the initial hearing took place in August last year.

I can understand the concern of the Civil Service Commission and the Department of Defense about the cost of instituting this new plan, because of the current economic policy of the Federal Government. We have had experience with this policy most recently with respect to pay legislation. But it is difficult for me to comprehend from the

standpoint of equity how the Commission can address this committee without recommending any change whatsoever in the present workweek, in light of the overwhelming evidence on this score in the non-Federal public sector in the past 20 years.

There is no point in my repeating the testimony that has been presented by Mr. Davis and—and will be presented by Mr. Griner—relative to the statistical justification for installing these workweek changes.

I think that the position that has been taken by our organization is eminently fair. We initially recommended a 48-hour week. We now come to the subcommittee recommending a 60-hour workweek, immediately, to be followed by a 56-hour week 1 year later, which gives the agencies ample time to make the necessary preparations to put the new system into effect.

The reason for recommending the continuation of the 20-percent differential is quite simple. It is a matter of protecting the salary that these employees, who work 72 hours a week now, receive. And it would be unfair in our view to reduce the workweek and reduce the pay. The benefit would be quite dubious.

The other feature of the bill that I would like to address myself to involves inclusion of their full salaries for retirement purposes. This is a matter that the Government Employees' Council has advocated for a good number of years, and I think with full justification.

There are large numbers of Federal employees required to work large amounts of overtime who are unable to secure retirement credit for it. But in the case of firefighters I think the question is even more compelling because here their gross annual pay is a matter of base pay, plus the 20-percent differential every year. So long as they have that particular 72 hours they receive base pay plus 20-percent differential, so in fact the base pay and differential become their standard of living.

So it seems to us it is only fair that this be included as a part of the salary available for crediting to their retirement accounts.

There has been some colloquy here relative to use of military personnel in civilian firefighting jobs. This is a matter of concern to our organization over a number of years. I think it is regrettable that we are confronted in this hearing with the possibility that the installation of this legislation could result in displacing civilian firefighters, replacing them with military firefighters, and causing civilians to lose their jobs. I just don't think that is a fair presentation of the problem we have here.

The problem is whether firefighters are going to be able to work a reasonable workweek. The studies undertaken by the Manpower Subcommittee over a period of 10 years indicate very clearly that rather than costing the Government more it will cost the Government less money to increase the number of civilians who may be hired for these firefighter positions. In that light I think that the cost of recruiting an additional 4,600 firefighters, if that is the correct figure, may very well result in a saving to the Federal Government as well as improving the efficiency of the Federal firefighting activity.

So, Mr. Chairman, we urge you strongly to proceed with this legislation because we have now reached almost the end of April, midway in the second session. In the few months remaining in this session this bill must travel the legislative route between the

House and Senate. It is important that the subcommittee, if it can possibly see its way clear to do so, move expeditiously with this legislation so the problem these men have been encountering for many years can finally be resolved.

Thank you very much.

Mr. DULSKI. Thank you very much.

As you well know, with respect to any statement of the Civil Service Commission on legislation, it has been the practice of the departments and agencies to clear with the Bureau of the Budget. So I imagine the Commission's position reflects the attitude of the Bureau of the Budget. They have to clear all legislation.

John, I want to thank you for your contribution. Mr. Beckworth is familiar with the fact that this legislation is very important and upon his return, some time in the early part of May, I will inform him of my views on the need of this legislation.

Mr. McCART. Thank you very much, Mr. Chairman.

(The prepared statement of Mr. McCart follows:)

PREPARED STATEMENT OF JOHN A. MCCART

Mr. Chairman and members of the subcommittee, on August 18, 1965, I had the opportunity to acquaint the subcommittee with the position of the council in support of H.R. 10294 and similar legislation, the purpose of which is to reduce the workweek of civilian firefighters in the Federal service. Our organization informed subcommittee members of its full endorsement of such a change. The 30 unions affiliated with the council reiterate their support of legislation to provide a reduction in the long hours firefighters are now required to remain at their stations.

During the 1965 hearing, you, Mr. Chairman, suggested that the Civil Service Commission review the present policies and practices of Federal departments with a view toward alleviating the present unsatisfactory situation. This was followed by your letter of August 27, 1965, clarifying the colloquy during the hearing and requesting the Commission to report the results of its inquiry by January 1966.

Pursuant to your recommendation, the Commission has undertaken a detailed review of the tours of duty of Federal firefighters. During the course of this study, representatives of the International Association of Fire Fighters, the American Federation of Government Employees and the council have conferred with Commission officials, including the Commissioners, in an attempt to reach a satisfactory solution for this continuing problem.

And so we appear today to urge approval of H.R. 10294 in an amended form. You will recall that the original bill requires establishment of a 48-hour workweek for firefighter employees. We now propose that the bill be revised to provide a 56-hour week in two stages.

We recommend that 2 months after enactment the hours of firefighters be changed from 72 to 60 hours weekly, with a further reduction to 56 hours 1 year later.

With these changes, the council believes that the present 20-percent salary differential applicable to firefighter personnel now working a 72-hour week should be retained so that they will incur no loss in pay.

We suggest also that language be incorporated in the bill safeguarding the workweek of the few firefighters who now spend less than the 60 or 56 hours at their stations.

Finally, we recommend addition of a section making the "aggregate" salary of firefighters subject to deductions under the civil service retirement system.

The basic proposal for decreasing the workweek of Federal firefighters is fully justified.

The current 72-hour workweek arrangement, which affects most of these employees, was established in 1945.

In the intervening 21 years, working hours of employees generally have been substantially reduced. The Fair Labor Standards Act legislated a 40-hour week for those engaged in processing products in interstate commerce. Since its enactment, the law has been extended to additional groups of workers.

For many years, certain industries, such as garment manufacturing, have maintained a 35-hour week. A growing number of firms have negotiated contracts with their employees providing a 32-hour work schedule.

Many firefighters in municipalities have enjoyed a 48-hour week for a number of years. The city of Philadelphia, for example, installed a 48-hour week 20 years ago. In the District of Columbia, firemen have worked 48 hours weekly since February 3, 1963.

Bureau of Labor Statistics figures (Bulletin No. 1445, 1965) indicate a 25-percent decrease in the duty hours of firefighters from 1924 to 1950. Cities included in the BLS survey employed approximately nine-tenths of all firemen.

In January 1966, the national average workweek for firefighters was 56 hours. Thus, the amendment we propose to H.R. 10294 is modest, indeed.

The council's recommendation to continue the 20-percent differential while reducing the hours of work is designed to assure these employees that they will receive the full benefit of the new legislation. Otherwise, they will have a shorter workweek and reduced take-home pay—a very dubious benefit.

I doubt that it is necessary to dwell on this point at greater length, because this is the accepted practice, whether shorter workweeks are the result of collective bargaining or of action by a legislative body.

Another feature of the amendment we support protects firefighters who are currently working less than 72 hours weekly. Throughout the Federal Establishment, there are small numbers of firefighter personnel who are assigned to a 60-hour week because of the peculiar needs of these activities. While improving the conditions of firefighters generally, it would be unfair to penalize those employees and their agencies where the desirability of reducing the 72-hour week has been recognized.

For some years, the council has advocated enactment of legislation which would make all elements of pay above the base salary subject to civil service retirement deductions. Large numbers of employees work substantial amounts of overtime, but are unable to credit this work for retirement purposes.

However, the logic of this proposal is even more compelling in the case of firefighters. In lieu of overtime, holiday, night, and other premium pay, they receive a 20-percent differential. This arrangement continues until their basic workweek is changed. In actual practice it means that the firefighter's annual pay is a combination of his base salary plus the differential. Thus, the combined pay becomes his annual base rate. Since retirement deductions apply now only to base pay, we recommend that the firefighter's salary and differential be deemed his base pay and therefore available for retirement purposes.

With the moderate amendments the council has suggested, we believe H.R. 10294 should progress promptly through the legislative process. It presents a fully deserved improvement in the working conditions of Federal firefighter personnel, and will result in greater efficiency in the essential mission of these employees to protect life and property.

To you and your colleagues we express sincere appreciation for according additional consideration to this pressing problem.

Mr. DULSKI. The next witness is Mr. Thomas G. Walters, special assistant to the president for legislation, American Federation of Government Employees.

Mr. GRINER. I want to apologize for Mr. Walters not being here this morning but there was another meeting over in the Senate side we were very much interested in and Mr. Walters knew more of the facts than I did, so he is on the Senate side.

Mr. DULSKI. I am sure these mistakes never happen in the House; it's always in the Senate.

[Laughter.]

**STATEMENT OF JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO;
ACCOMPANIED BY W. J. VOSS, DIRECTOR OF RESEARCH**

Mr. GRINER. Mr. Chairman, for the record my name is John F. Griner, national president of the American Federation of Govern-

ment Employees, AFL-CIO, and to my right is Mr. W. J. Voss, our director of research.

I am very pleased to have the opportunity of appearing before this committee this morning and to express our opinion regarding the pending legislation.

The reduction of the worksheet and adjustment of the pay of firefighters in the Federal service are the two objectives of the legislative proposal which the American Federation of Government Employees recommends for favorable consideration by this Subcommittee on Civil Service of the House Post Office and Civil Service Committee.

This proposal is in the form of an amendment to H.R. 10294, on which this subcommittee held a hearing last August. The original bill which we supported called for the establishment of a 48-hour workweek for Federal firefighters. After further study and research, we have come to the conclusion that the formula proposed in the amendment will be more equitable to the Government and to the employees, and also would be more on a comparable basis with conditions prevailing outside the Federal service.

The chairman suggested during the hearing last year that the Civil Service Commission examine existing policies and practices of Government departments and report its findings in January 1966. During and since this study was in progress, representatives of the American Federation of Government Employees, along with others having an interest in the welfare of firefighters, met with the Civil Service Commissioners and the Commission staff in an effort to resolve viewpoints with respect to specific aspects of this whole problem.

From these discussions and the study of firefighter needs has emerged the amended version of H.R. 10294 which we support wholeheartedly. This amended version of H.R. 10294, as you know, would accomplish three important changes:

1. Reduce the present 72-hour workweek to 60 hours 60 days following enactment; 1 year later a further reduction to 56 hours would become effective.
2. Provide that annual pay of a Federal firefighter be considered to be the basic rate plus 20 percent. It would be the same take-home pay as these firefighters are now receiving based upon a 72-hour week.
3. The aggregate salary be considered as that sum on which retirement, insurance, and employees compensation benefits may be computed.

The first important change which is vitally needed in working conditions of Federal firefighters is to shorten their workweek. This is long overdue, because no change has taken place for about 21 years. Meanwhile the hours of municipal firefighters have been lessened. The Municipal Yearbook for 1965 indicates that the weighted average of hours of duty of firemen in cities of 10,000 or over is 56 hours. This is the most popular weekly tour in 239 cities. Thus there is corroborating evidence in favor of the final reduction to 56 hours a week proposed in the amended bill we are supporting.

Federal firefighters are employed in a number of Federal agencies. Of the 10,897 reported by the Civil Service Commission, 87 percent are employed in the Department of Defense. From that Department comes support for the 56-hour week. Various agencies have been

asked to express their views to the Civil Service Commission and in Navy's statement was the following comment:

The most feasible tour, if a reduced tour were to be adopted, would be a 56-hour workweek. Such tours are relatively easy to establish and administer. Such a schedule also would require a minimum of additional personnel, give more continuity to each fire company, and provide more efficiency.

We believe the first important change, which is vital, is efficiency. We could not comment more effectively on this part of the bill.

There are some misapprehensions concerning the reduction of the workweek for firefighters in Federal service which unfortunately becloud the issue. In the comment and discussion by the Civil Service Commission, for example, is repeated emphasis on the opportunity of a firefighter to rest and engage in "certain kinds of recreation" during his standby time. It has been emphasized also that the sleeping period and some of the remainder of his standby time may be spent in essentially the same way as if he were not on duty. Such views completely overlook the purpose of this firefighting duty.

It has even been suggested that they work fewer days than other employees during a 72-hour workweek, or three consecutive 24-hour shifts. This completely ignores the fact that, subtracting sleeping time, and that is admittedly necessary, the firefighter is on duty 48 hours, or 8 hours longer than his counterpart in other Federal jobs subject to the 40-hour week.

The need for firefighting personnel in the Federal service is that in 1964, 290 persons lost their lives and 1,348 were injured in fires in areas under Federal jurisdiction. The property loss amounted to more than \$221 million. According to the House Committee on Government Operations, Federal real property represents a cost of \$94 billion. As total assets, such property is valued at \$324 billion. There is certainly need for protection.

Again quoting the Municipal Yearbook, the average minimum salary of city fire departments in a community of 10,000 or over was \$5,453 in 1965, compared with the minimum gross rate of \$4,928, which is the minimum rate of GS-4, prior to the 1965 salary increase, plus a 10-percent differential. In the Fire Department of the District of Columbia, privates have a starting salary of \$6,010, which increases by eight increments of \$320 to a maximum rate of \$8,570.

In a recent survey, the International Association of Fire Fighters found that during 20 years ending in 1965 salaries of firemen had increased 163.5 percent outside the Federal service compared with an increase of 151.8 percent for Federal firefighters. This is scarcely comparability in pay.

Nor is there comparability of hours. The Bureau of Labor Statistics Bulletin No. 1445, entitled "Salary Trends," issued in 1965, indicates that of the cities studied firefighters' duty hours were cut by about 25 percent. As I have already pointed out, hours of such personnel were reduced in municipalities while the great majority of Federal firefighter hours have remained the same during more than 20 years.

The proposal to pay a 20-percent differential represents a modest equity and would simplify the manner of payment.

It is my contention, Mr. Chairman, that the bill H.R. 10294 as amended should be approved with no delay. It represents improvements in pay and working conditions of firefighter personnel which are

well deserved, and which might be comparable to those in municipalities.

I also would like to comment just a minute on the third item of this amendment, and that is that the aggregate salary which would include the differential to be considered a part of the retirement. When the firefighter is employed he is told that his salary will be the total of the entrance step of grade 4 plus the 20 percent. In other words, he can go back home and he can make his budget on that basis. He knows that he has a guaranteed income so long as he performs the work satisfactorily, as long as he is on the job, of an exact figure which includes the differential. He knows when he gets an increment that the difference caused by the increment, the 20 percent, will also apply to it. In other words, it is a part of his salary. It is not like a person working overtime because the overtime is an uncertain factor. But this is just as certain as his paycheck and I recommend that it be included as a part of his base pay for the purposes of computing his annuities and other benefits under the fringe benefit system that we have in the Federal Government.

This organization is definitely opposed to any reduction in take-home pay. It is something that I don't know of any precedent for. The unions in private industry would frown on such a condition. Anytime that we have a reduction in hours, it is understood that there seems to be very little question that we expect that reduction in hours not to be accompanied by reduction in pay. The salaries of firefighters are too small now. Certainly their take-home pay should be continued as is.

Thank you again, Mr. Chairman, for the opportunity to appear.

Mr. DULSKI. Thank you very much for your very informative statement and I want to commend you on the other aspect that you have brought out in the hearing this morning. That is the value of the property that the firefighters have to protect. It runs into hundreds of billions of dollars, and I feel, using another expression, we shouldn't be penny wise and pound foolish. Where we have billions of dollars invested in property and then quibble about such a relatively small amount—which brings relief to the people who are giving their lives to protecting these valuable assets—we are being neither wise nor fair.

Thank you again for your very fine statement.

Last but not least is our distinguished friend from the National Federation of Federal Employees, Mr. Wolkomir.

We meet quite often, don't we?

Mr. WOLKOMIR. Yes, Mr. Chairman.

**STATEMENT OF NATHAN T. WOLKOMIR, PRESIDENT, NATIONAL
FEDERATION OF FEDERAL EMPLOYEES, ACCOMPANIED BY
IRVING GELLER, DIRECTOR, EMPLOYEE RELATIONS STAFF**

Mr. WOLKOMIR. Mr. Chairman, as you can see, our testimony is short and, we believe, to the point. It augments that of the employee organizations who have already testified.

For the record, I am Nathan T. Wolkomir, president of the National Federation of Federal Employees, and to my right is Mr. Irving Geller, director of the employee relations staff.

We have among our membership a substantial number of Federal firefighters, who would be affected directly by the legislation now under consideration; namely, H.R. 10294.

The NFFE favors the objectives sought by this legislation, and we have expressed that support in previous testimony on H.R. 10294. However, we must qualify our support by emphasizing that it is essential, in our view, to amend two key provisions, as follows:

1. When an installation has a firefighter tour of 48 hours or more on the date of enactment of H.R. 10294 it could reduce the tour below the 48 hours only upon an increase in compensation equivalent to the existing aggregate pay for the firefighter.

2. The current and future aggregate pay of the firefighter should be considered as the base pay for purposes of retirement, insurance, and health benefits.

The amendment regarding the tour of duty designed to protect the firefighter on the rolls on the date of enactment on a "saved salary" basis as provided for in section 2 is insufficient protection. Historically in municipalities and other firefighting settings whenever a reduction in hours was effected, the basic pay was increased to a point so as not to reduce the aggregate pay. This was not accomplished on a saved salary basis but on a new higher rate basis.

For example, a firefighter at the base of GS-4 working a 72-hour tour now receives a gross salary of \$5,569.20 whereas the salary a firefighter working 40 hours a week would receive is \$4,641 or more than \$900 less. Based on experience it will take many years for salary increases to raise the GS-4 base from \$4,641 base to \$5,569.20. In the meantime, the salary of the firefighter would be frozen.

Further, with the 72-hour workweek, a firefighter who finds it necessary to undertake part-time employment to supplement his modest income is better able to do so than if he worked the usual 5, 8-hour day workweek. The 48-hour tour will provide a salary slightly higher than that presently received. For these reasons, the protection offered by section 2 is considered inadequate and should be supplemented along the line proposed.

The purpose of the second amendment is to give the firefighter the same benefit now enjoyed by the wage board employee who works between 6 p.m. and 6 a.m. Since the latter has his premium pay included in the base for retirement, insurance, and health benefits purposes, NFFE believes the firefighter should have the same privilege as a matter of simple equity.

Mr. Chairman, with the adoption of the basic amendments proposed, or similar essential safeguards, the NFFE heartily supports H.R. 10294 and urges a favorable report on it.

I appreciate the opportunity of appearing before the subcommittee today and I believe our testimony can stand as is.

Thank you very much.

Mr. DULSKI. Thank you very much for your contribution. I am sure that all the witnesses who have appeared have presented a very basic picture that this subcommittee has to consider. As I stated before, the entire transcript of the hearing will be submitted to Mr. Beckworth upon his return.

Without objection, there will also be inserted in the record at this point, statements in support of this legislation submitted by Repre-

sentatives John E. Fogarty (sponsor of H.R. 10927), Don Edwards (sponsor of H.R. 4377), Robert L. Leggett (sponsor of H.R. 488), and Bob Wilson (sponsor of H.R. 5257).

STATEMENT OF HON. JOHN E. FOGARTY, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF RHODE ISLAND

On September 9, 1965, I introduced H.R. 10927, a bill to reduce the present 72-hour workweek of Federal firefighters.

The present workweek of Federal firefighters is much longer than that of other Federal employees who generally have 5-day, 40-hour workweeks.

While the hours of Federal employees as well as the hours of practically all municipal firefighters have been substantially reduced, the workweek of Federal firefighters has remained static for more than 20 years.

My observation of these firefighter employees in my congressional district has motivated my interest. I find them to be highly skilled and loyal employees of our Federal Government.

Their responsibilities as well as the vast knowledge requirements have increased immeasurably over the past years.

These men must be physically fit and mentally alert in order to execute efficiently their responsibility of saving lives and property.

While it is true that firefighters have been provided with numerous items of protective equipment and more advanced apparatus for fighting fires, there still remains the danger of collapse of structures involved, explosions, etc. This statement is substantiated by recent records which show that firefighters sustained injuries seven times more often than the average worker and that the odds of being killed in the line of duty were three times greater than that of the overall work force.

The records further show that of the firefighters who died while actively employed, 48 percent died from heart disease, and 44 percent had not reached the age of 50.

Over the past years the Post Office and Civil Service Committee of the Congress have proposed and both bodies have enacted legislation regarding hours, salaries, retirement, etc., for all classified employees.

However, it appears to me that sufficient language concerning the hours of Federal firefighters has been left too broad and indefinite, therefore, the Federal agencies have seen fit to fix the hours of these employees from time to time in their own way.

The existing laws do not leave it up to an agency to fix the hours of other classified employees; I strongly favor that this Congress act to set the hours of firefighters regardless of what agency might employ them.

As I understand the bill as amended, now before your committee, it serves not only to reduce the 72-hour workweek of Federal firefighters, it also gives credit on retirement for premium pay which is certainly a part of their annual salary.

I heartily endorse H.R. 10294 as amended and respectfully urge favorable consideration.

STATEMENT OF HON. DON EDWARDS, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF CALIFORNIA

Mr. Chairman and members of the subcommittee, I wish to lend my support to H.R. 10294, by Mr. Beckworth, to correct certain employment inequities for Federal firefighters.

On February 4 of last year, I introduced H.R. 4377, a bill which was designed to correct one of these inequities. Now, retirement and other employee benefits for Federal firefighters are not computed on the basis of their aggregate rate of compensation. Benefits are computed on base salary, as are the benefits for other civil servants. But the wages of Federal firefighters are handled in a way different from the handling of other Government salaries. Premium compensation is paid to a civil servant on the occasions on which he works overtime, on holidays, and so forth. Firefighters work overtime and on holidays as part of their regular routine. Therefore, 20 percent of their annual salary is automatically designated as premium pay. Thus a substantial proportion of the regular salary of firefighters is omitted from retirement and other benefit computations. My bill

simply corrects this inequity peculiar to firefighters: it requires that their employee benefits be computed on the basis of their regular salary—which includes both base salary and premium compensation.

It is my understanding that section (c) of H.R. 10294 incorporates my H.R. 4377 so that the aggregate of base salary and premium compensation will be the basis for computing retirement and other benefits. Furthermore, H.R. 10294 sets new standards for maximum hours of Federal firefighters. This is another important and beneficial step. The present 72-hour workweek for Federal firefighters is much greater than the workweeks of firemen in cities and counties throughout my home State of California. Certainly the Federal Government can afford to give its employees fair and decent standards of work, comparable to standards of other governmental units.

Therefore, I am happy to support H.R. 10294, both because it includes provisions of my H.R. 4377, and because it corrects other inequities now borne by our Federal firefighters.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 28, 1966.

HON. LINDLEY BECKWORTH,
Chairman, Civil Service Subcommittee,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that shortly your subcommittee will consider your H.R. 10294 relating to certain employment inequities incident to Federal firefighters' working conditions.

I have reviewed a copy of your very excellent bill and particularly subparagraph (c) wherein you incorporate provisions of my bill, H.R. 488, which bill I also introduced in the 88th Congress.

The purpose of the legislation and the amendment which you have seen fit to incorporate merely provide that Federal firefighters be allowed to pay retirement just as any other Federal employee on his normal base salary. The Federal firefighters' position is a unique position in the Federal service in that employees work overtime and receive shift differential pay as a result of their normal contract of employment and the hours worked and pay received are uniform throughout 52 weeks of the year.

It is reasonable that persons not required as part of their regular working contract to work overtime every week not be allowed to pay retirement on irregular overages. This is not the case with respect to Federal firefighters and firefighters' annual take-home pay is usually computed by most statisticians on the basis of overtime and differential pay received. This being so, the aggregate salary of this position should be considered as base salary for purposes of retirement.

I would appreciate your including this letter as part of your record in support of this legislation.

Very truly yours,

ROBERT L. LEGGETT,
Member of Congress.

APRIL 5, 1966.

HON. LINDLEY BECKWORTH,
Chairman, Civil Service Subcommittee.

DEAR COLLEAGUE: This letter is sent in assurance of my full and favorable support of H.R. 10294, if amended to include the language of my bill, H.R. 5257, to amend the Civil Service Retirement Act to permit premium compensation of firefighting employees to be considered as basic salary for the purposes of such act.

As I know you and your able subcommittee are aware, the passage of this legislation is absolutely imperative when we realize that a firefighter spends his entire job life drawing a fixed, unchangeable salary every 2 weeks (excepting changes caused by promotion, etc.): a salary based on a regular 72-hour workweek. However, retirement is based on a 40-hour workweek, a fact which is completely contradictory and illogical. In other words, week in and week out the firefighter works a regular 72-hour schedule. Therefore, to base his retirement income on a portion of his income is morally unjust as well as illogical. We know of no other Government employee to whom such conditions apply.

After considering these facts along with the fact that a firefighter's workweek is not flexible, I am hopeful that the subcommittee will amend H.R. 10294 as requested. I will appreciate your making this letter a part of the official subcommittee record.

With best wishes.

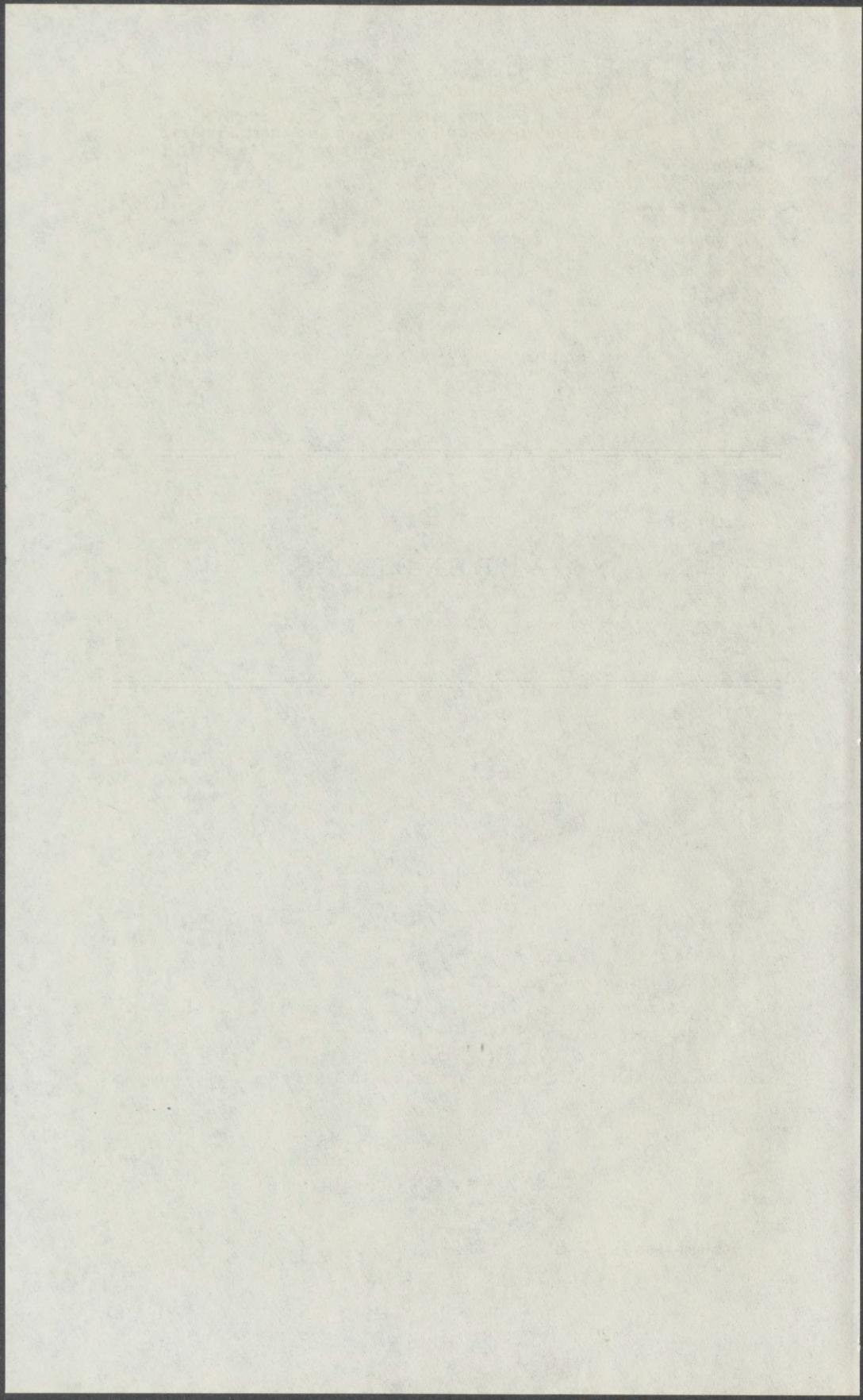
Sincerely,

BOB WILSON,
Member of Congress.

MR. DULSKI. The committee stands adjourned until the call of the Chair.

(Whereupon, at 11:55 a.m., the subcommittee was adjourned, subject to the call of the Chair.)

APPENDIX



SUBCOMMITTEE ON CIVIL SERVICE
OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., August 27, 1965.

Hon. JOHN W. MACY, Jr.,
Chairman, U.S. Civil Service Commission, Washington, D.C.

Dear Mr. Chairman: During our subcommittee hearing of August 18 on H.R. 961 and H.R. 10294, to reduce the time in standby status of firefighting personnel of Federal Government, I inquired of the U.S. Civil Service Commission witness, Mr. O. Glenn Stahl, as to the need and the desirability of a study in depth of the issues raised by the bills, and invite your attention to the colloquy as printed in the hearing:

"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?"

Later in the hearing witnesses for the Department of Defense and the Government Employees' Council indicated willingness to cooperate in such a study and, in the case of the latter, at least, the desirability that the study be undertaken promptly.

Other members of the subcommittee have advised, subsequent to the hearings, that they concur in my suggestion for a thorough study of the scheduled tours of duty and the compensation provisions applicable to Federal firefighters. Accordingly, I am writing to officially request, on behalf of this subcommittee, that the Civil Service Commission initiate a thorough study of the subject matter, with the cooperation of interested parties in the Department of Defense and other Government agencies and that representatives of appropriate employee organizations be called into consultation in the conduct of the study and the preparation of a report, including recommendations, to be submitted to the House Post Office and Civil Service Committee in January of 1966.

If you are in agreement with this proposal, the subcommittee will defer any further consideration of H.R. 961 and H.R. 10294 pending receipt of your report and recommendations.

I will deeply appreciate your extending your usual cooperation to this request.

With best wishes, I am,

Sincerely yours,

LINDLEY BECKWORTH, *Chairman.*

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 28, 1966.

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

DEAR MR. CHAIRMAN: I am transmitting herewith a staff report on hours of work and premium pay of Federal firefighters prepared in response to a letter of August 27, 1965, from Hon. Lindley Beckworth, chairman of the Subcommittee on Civil Service, requesting that the Commission initiate a study of the matter and transmit a report with recommendations to the House Post Office and Civil Service Committee.

As I shall indicate in my statement before the committee, the Civil Service Commission does not concur in the proposals outlined in the staff draft. For compelling reasons presented to the Commission by the Department of Defense, the Commission does not favor reducing the present hours of duty of Federal firefighters.

By direction of the Commission:

Sincerely yours,

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

Enclosure.

HOURS OF WORK AND PREMIUM PAY OF FEDERAL FIREFIGHTERS—A STAFF
REPORT TO THE U.S. CIVIL SERVICE COMMISSION, APRIL 1966

I. Summary of Conclusions and Proposals

As to hours of work of Federal firefighters

Over the past 10 years the tours of duty of Federal firefighters have remained largely the same, with a majority of the firefighters on duty for 72 hours a week. During this period, the median workweek of municipal firefighters in cities of 10,000 or more population has dropped from 72 hours to 63 hours; the average workweek, weighted by the number of firefighters assigned to each workweek, is now 56 hours. Workweeks of less than 72 hours are operationally feasible in the Federal service; the increase in costs is the only significant deterrent to elimination of 72-hour tours. In consideration of the additional staffing and funds required, agencies should be allowed sufficient time to prepare for any substantial reduction in workweeks.

Proposal 1.—A Government-wide policy, to become fully operative no later than July 1, 1967, that the tour of duty of a Federal firefighter, averaged over a reasonable cycle, shall not exceed 60 hours a week, with a longer weekly tour permitted only in exceptional circumstances and on approval of the head of the agency. Agencies would continue to be free to schedule workweeks of less than 60 hours in their administrative discretion.

As to pay of Federal firefighters

The present system for setting Federal pay produces results that enable the Government to recruit and retain firefighters without unusual difficulty. With a maximum workweek of 60 hours, present Federal schedules of base pay and premium pay provide rates consistent with national overtime pay policies applicable to industry. The minimum pay for Federal journeyman firefighters on this tour is \$5,105 and the maximum is \$6,650. The minimum is somewhat below the mean minimum for city departments and the maximum is somewhat above the mean maximum in cities. In terms of medians, the Federal minimum exceeds the median minimum for each size group of cities except those with 250,000 or more population, and is within \$100 of the median for cities in the 250,000 to 500,000 group. The Federal maximum exceeds the median maximum for cities of each population group, including the largest, and for all except the over 500,000 group the Federal rate is substantially higher than the municipal.

Conditions vary substantially among Federal fire departments; agency reports show wide differences in demands on the time of firefighters at different installations, which may prevent allowing the 8 hours of usually uninterrupted sleeping time during a 24-hour shift. Nevertheless, both Federal agencies and the unions of which Federal firefighters are members strongly favor continuing a system of additional annual compensation for firefighters with tours of duty longer than 40 hours a week, rather than the usual hourly overtime pay which takes into account such variations in conditions.

Proposal 2.—(a) Continuation of authority for agencies to pay Federal firefighters on 60-hour workweeks having 24-hour daily shifts in accordance with a schedule of rates of additional annual compensation established by the Civil Service Commission under the Federal Employees Pay Act.

(b) Revision by the Commission of the current schedule of additional annual compensation rates to assure that the 10-percent rate will apply to fire departments converted from 72- to 60-hour workweeks. The present schedule prescribes a rate of 10 percent if 25 hours or more of actual work is performed during a week and a rate of 5 percent if the actual work occupies less than 25 hours; the specific number of hours to be prescribed when 72-hour tours are converted to 60 hours is yet to be determined.

(c) Agencies to be free, as they now are, to request the Commission to establish rates for any shorter workweeks they wish to prescribe.

(d) Preservation of the existing aggregate rate of pay for any Federal firefighters on the rolls when the new 60-hour workweek policy becomes operative whose aggregate rate would otherwise be reduced.

As to the future

Preceding conclusions and recommendations are based on present circumstances in the Federal service and on present requirements and practices outside the Federal service that are relevant. The Civil Service Commission and the employing agencies must keep alert to the need for future changes in working conditions or pay rates that may be called for by the needs of the service, developments outside the Federal service, and equity to the Government's firefighters.

ADDITIONAL COST TO THE GOVERNMENT

The preceding proposals, would add to the annual expenditures of the Government the following amounts, which include expenditures for salaries, supplemental benefits, and uniforms and special clothing (for the additional firefighters required):

Department of Defense.....	\$30,361,706
Atomic Energy Commission.....	117,420
Federal Aviation Agency.....	240,977
General Services Administration.....	129,000
Veterans' Administration.....	35,460
Total.....	30,884,563

These cost figures do not include the temporary additional cost which would result from preserving the existing aggregate pay of firefighters on the rolls at the time 72-hour tours would be reduced to 60 hours.

II. Background

On August 18, 1965, the Subcommittee on Civil Service of the Committee on Post Office and Civil Service of the House of Representatives held a hearing on H.R. 961 and H.R. 10294, bills which would require the departments and agencies to place firefighters on a basic workweek of 48 hours, the first 40 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. Representatives of both the Department of Defense and the Civil Service Commission testified in opposition to the bills.

The hearings brought out that no up-to-date, comprehensive study was available on the pay and hours of work of Federal firefighters. Subsequently, Mr. Beckworth, chairman of the subcommittee, asked the Civil Service Commission to conduct a thorough study of the premium pay and workweeks of Federal firefighters and to present a report, with recommendations to the Committee on Post Office and Civil Service in January 1966.

This study was undertaken, therefore, to develop background material, current facts, and agency and employee representative views on the workweeks and premium pay of Federal firefighters, together with a policy proposal on these matters.

PECULIARITIES OF FIREFIGHTING OCCUPATION

Salaries of most Federal firefighters are set under the Classification Act general schedule. Working conditions of this group, however, are substantially different from those of most Federal positions.

Unusually long tours of duty are characteristic of the firefighting occupation. Typically, however, for much of their time on duty, firefighters are not required to perform actual work. Substantial portions of their tours of duty are devoted to standby time during which they are required to remain at or within the confines of their stations, holding themselves in readiness to perform actual work when the need arises or when they are called. An employee in a standby status is free to eat, read, listen to the radio, or engage in other similar pursuits. If he is on duty overnight, sleeping facilities are provided and a part of the night may be designated as a "lights-out" period.

Some of the common tours of duty permit firefighters to have the benefit of many more nonwork days than do employees on regular 5-day, 40-hour workweeks. For example, a firefighter whose workweek consists of three 24-hour tours, the most common Federal arrangement at present, is on duty only 156 days a year, less leave. 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 many

nonworkdays as most other employees on which he can devote a full day to recreation, being with his family, or engaging in other employment. His hours on duty, on the other hand, are much greater than those of the 40-hour week employees, 3,744 as against 2,080 during the 52 weeks, and there are many nights on which the firefighter is unable to be with his family or, for example, to attend civic or other meetings.

HISTORY OF PREMIUM PAY AND WORKWEEK OF FEDERAL FIREFIGHTERS

Under the Federal Employees Pay Act of 1945, firefighters and other employees were 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, a firefighter was paid for 48 hours a week, at his basic hourly rate for 40 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.

In 1954, the Federal Employees Pay Act was amended to authorize the present simplified method of computing premium pay on an annual basis (except for irregular, unscheduled overtime in excess of regularly scheduled weekly hours) 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. Present statutory and regulatory provisions on premium pay for Federal firefighters are contained in appendix A.

Most of the approximately 11,000 firefighters subject to the Federal Employees Pay Act are employed in the Department of Defense and are scheduled for weekly tours of duty of 72 hours. Some who work in other agencies have shorter hours, for example, Veterans' Administration firefighters are on a 60-hour workweek.

NEED FOR FEDERAL FIRE DEPARTMENTS

As of June 30, 1964, the Committee on Government Operations of the House of Representatives has reported that the Federal Government owned real property with an acquisition cost of \$94 billion. Its total assets were valued at \$324 billion. About 5 million civilian and military personnel were employed by the Government; most of them performed their duties in Federal buildings or on Federal property. In addition, patients in Federal hospitals, military personnel, military dependents, and some other groups live on Government installations.

Most Federal facilities rely entirely upon municipal fire departments for fire protection. Many, however, are located neither within nor near a municipality. Some, although situated within the area served, have fire protection needs which cannot be met adequately by the municipal fire department. These Federal facilities, to insure fire protection of sufficient promptness or degree, must provide some or all of their fire protection services.

Loss data published by the Federal Fire Council show that during fiscal year 1964, 290 persons lost their lives in fires on, or in the operation of, Federal property while 1,348 others were injured. Property losses during this period were in excess of \$221.5 million. Of the total, a dollar loss of \$178.5 million and 239 deaths were attributed to fires involving aerospace vehicles; loss of \$12 million and 30 deaths resulted from buildings and contents fires.

These figures provide no basis for measuring the effectiveness of Federal fire departments. They do show, however, the magnitude of the Government's overall fire protection and fire prevention problem.

III. Current Federal Workweek and Pay Practices

Most Federal firefighters are concentrated in relatively few agencies, principally the Department of Defense. The principal agencies employing firefighters and the grade distribution of firefighters are as follows:

Grade	Department of Defense	Atomic Energy Commission	Federal Aviation Agency	General Services Administration	Veterans' Administration	Totals
GS-3	93		9	15	23	140
GS-4	3,683	74	72	235	317	4,381
GS-5	2,372	36	69	47	176	2,700
GS-6	1,806	27	45	44	96	2,018
GS-7	598	3	13	5	52	671
GS-8	384	4	2	10	22	422
GS-9	286	2	5	2	17	312
GS-10	144				2	146
GS-11	86	1	1			88
GS-12	14	1				15
GS-13	3					3
GS-14	1					1
Total	9,470	148	216	358	705	10,897

As shown by the preceding table, positions of most nonsupervisory firefighters who perform the actual work of combating fires are in grade GS-4. Positions of driver-operators of motorized equipment with responsibility for pumps, foam generators, or other equipment, and requiring the use of knowledge and judgment approaching that of crew chief, are in grade GS-5.

TYPICAL OR AVERAGE PRACTICES OF FEDERAL AGENCIES

Descriptions of practices of the principal Federal employers are based on reports obtained from the agencies using the request form in appendix B. Specific features of operations, such as hours of actual work, extent to which sleep is interrupted, and proportion of time spent in answering alarms, are described as shown by detailed reports which each agency was asked to furnish for a representative sample of its fire departments. A brief summary of each of these reports is in appendix C.

Typically—but with many deviations and within widely separated extremes—Federal firefighters are on a 72-hour or 60-hour weekly tour of duty, with the 72-hour schedule prevailing because it is used almost entirely by the Department of Defense, by far the largest employer. On their duty days, they work a 24 hour, around-the-clock shift, performing from 8 to 10, or possibly 12, hours of actual work during the period, and being free for the rest of the time (unless called or assigned to stand watch for alarms) to read, eat, watch television, sleep, or perform similar activities at the fire station. Some fire departments assign a specific period, of perhaps 8 hours, as lights-out sleeping time.

Relatively little of that time is spent actually responding to alarms, typically from 1 percent to 7 percent. Typically, their sleep may be interrupted by alarms once or twice a week.

Those on 72-hours generally receive, in addition to base pay, 20 percent, and those on 60-hour tours, 10 percent, of such part of their basic compensation as does not exceed the minimum rate of GS-9. (For ease in reading, rates of additional compensation will hereafter be referred to merely as percents, without repeating this full statement.)

Department of Defense

Most of the 9,470 firefighters employed in the Department of Defense work a 72-hour week consisting of three 24-hour tours of duty and receive additional annual premium pay at the rate of 20 percent. Fire chiefs are assigned to 56-hour weekly tours and receive additional annual premium pay at the rate of 15 percent. Fire inspectors are assigned to a 40-hour workweek.

At a relatively few Department of Defense installations, where the 2 to 4 full-time firefighters constitute a cadre which must be augmented at times of emergency, firefighters work a regular 40-hour week. Firefighters of at least two remote Department of Defense installations have been assigned at their own request to workweeks of three consecutive 24-hour tours to minimize commuting time.

The majority of Department of Defense firefighters devote from 8 to 10 hours of each 24-hour daily tour of duty to actual work. They are permitted to sleep 8 hours of each daily tour, leaving from 6 to 8 hours for eating, rest, and recreation. They spend from approximately 1 percent to about 7 percent of their duty time responding to alarms. (This includes time spent at the site of the fire or other emergency and time going to and returning from the site; it does not include time spent standing by on the flight line at an airfield.) On the average, their sleep is interrupted by an alarm requiring them to rise and dress on 1 of every 4 nights.

Atomic Energy Commission

There are 148 firefighters on Atomic Energy Commission's rolls. All employees, other than the chiefs, are assigned to 72 hours of duty a week. The majority of these employees receive 20-percent premium pay; seven retain an "existing aggregate rate of compensation."¹

Atomic Energy Commission firefighters perform actual work for about 8 hours of each 24-hour daily tour. Approximately 16 hours are spent eating, sleeping, reading, or in some other activity of the employee's choice. No special arrangements are made for their off-duty hours. They spend at one reporting installation 3 percent of their time and at the other, 8 percent, in responding to alarms. At one installation their sleep is interrupted by an emergency call an average of 1 of every 3 nights during a year, and at the other, 1 of every 2 nights.

Federal Aviation Agency

Federal Aviation Agency employs 216 firefighters. Most except the chiefs are assigned to a 72-hour weekly tour and receive 20 percent additional pay; an 84-hour weekly tour exists at one isolated station.

Firefighters at the principal Federal Aviation Agency airports perform actual work for 8 to 12 hours of each 24-hour tour of duty. They are allowed 6 to 8 hours for sleeping, and the remainder for eating, rest, and recreation. They spend from 2.5 to 8 percent of their time responding to alarms. Over a year, their sleep is interrupted by an alarm requiring them to rise and dress about 1 of every 10 nights or, at one airport, every other night.

General Services Administration

General Services Administration employs 358 firefighters: 128 work a regular 40-work week; 161 work a 60-hour week and receive a 10-percent additional annual premium; and 68 work a 72-hour week and receive a 20-percent additional annual premium. Typically, this agency's firefighters are stationed at storage depots and patrol the areas as well as providing fire protection.

General Services Administration firefighters who are on 72-hour workweeks perform from 10 to 12 hours of actual work, including guard patrols, during a 24-hour tour of duty. They are permitted from 6 to 8 hours for sleeping, leaving the remainder of their time for eating, rest, and recreation. They spent less than 1 percent of their duty time responding to alarms during the past year. During a year, their sleep is interrupted by an alarm requiring them to arise and dress about once every other month. Their sleep is interrupted periodically when they are scheduled to man routine posts.

Those firefighters who are assigned to 60-hour workweeks devote from 10 to 15 hours of a 24-hour tour to the performance of actual work. This work includes motor vehicle patrols, foot patrols (in some instances, with sentry dogs), and entrance control duties, in addition to typical firefighter duties. They are allowed from 9 to 12 hours for eating, sleeping, rest, and recreation. Some spent less than 1 percent of their time responding to alarms, others spent about 4 percent in this manner. General interruptions to sleep occurred about once every 2 months.

Some General Services Administration firefighters are assigned to 5-day, 40-hour weekly schedules. Their positions combine firefighter duties with unusually heavy patrol duties and their tours of duty include no standby time. Less than 1 percent of their duty time is devoted to responding to alarms.

¹ When the additional annual premium pay provisions were first applied to firefighters in 1954, many of them were receiving a total amount of compensation (consisting of their base pay plus premium pay) which was greater than the amount they would receive under the additional annual provisions. Section 208(b) of Public Law 763, 83d Congress protected these employees against loss of pay and subsequent general pay increase laws have added the general increases to their retained rates.

Veterans' Administration

The preponderance of the Veterans' Administration 705 firefighters have a 60-hour workweek consisting of two 24-hour shifts and one 12-hour shift. They receive additional annual pay at the rate of 10 percent. At 4 stations, 51 firefighters are assigned to a 72-hour workweek and receive premium pay at the rate of 20 percent. Fire chiefs and fire inspectors generally do not have tours of duty over 40 hours.

Many Veterans' Administration firefighters are in combination firefighter-guard positions which involve security patrol work in addition to firefighting. At several stations, they also perform other kinds of duties such as driving vehicles (other than fire department vehicles), repairing wheelchairs, and shoveling snow. They perform, on the average, 12 hours of actual work during each daily tour of duty. An average of less than 1 percent of their time is spent in responding to alarms. There are 3.5 night alarms each month on the average. In addition, some of the firefighters are assigned to guard patrol duty of, for example, 2 hours on certain of their nights.

VARIATIONS IN CONDITIONS

As shown by the reports furnished the Civil Service Commission, firefighters in different Federal fire departments are subject to widely different demands on their time while on duty, even within the same agency. This is indicated in some of the preceding summaries but requires amplification.

Within the sample reported by the Department of the Army alone, for example, the proportion of time spent in answering alarms ranges from 1 to 13 percent, and the proportion of nights during a year without calls during the lights-out period varies from 10 to 94 percent. Thus firefighters at one installation are called out nearly every night; at the other, their sleeping time is rarely interrupted.

At four installations of the Defense Supply Agency, the number of hours in a daily tour that are spent in actual work are reported as 15, 12, 10, and 9, respectively, thus ranging from 27 to 45 hours of actual work each week. Most nights pass without interruption in these four departments. The Department of the Navy reports, however, that in its fire departments, "because of the requirement for floor and/or alarm watches there were no nights without official interruption to the sleep of most or all of the firefighters."

At different Aviation Agency installations firefighters may be routed out 1 night of every 10, or 1 of every 2, and at Atomic Energy Commission installations reporting, 1 of every 2 or 3 nights. In contrast, two of the General Services departments report two or less night alarms in the course of a year. Among Veterans' Administration installations, reported conditions vary from practically no interruptions of night sleeping periods, to hardly a night on which firefighters are not required to rise and dress.

Some fire departments are assigned additional functions, such as patrolling the grounds to prevent thefts or intruders or providing a variety of services during night periods. Particularly common in the Veterans' Administration and General Services Administration, this is one of the factors that contributes not only to differences in the frequency of night calls but also to the pronounced differences in hours of actual work performed during a 24-hour tour of duty. One General Services Administration installation, for example, reports 15 hours of actual work; some Veterans' Administration fire departments report 16 hours of actual work during a firefighter's 24-hour shift.

IV. Workweeks and Pay of Non-Federal Firefighters

Firefighting is a substantially homogeneous occupation, with relatively highly standardized techniques, equipment, and organization of work. At the 1965 hearings of the Subcommittee on Civil Service, representatives of Federal agencies and of employee organizations both referred to practices of non-Federal fire departments.

MUNICIPAL GOVERNMENT

By far the largest numbers of firefighters are employed by municipalities. Fire protection, like ordinary police protection, is traditionally a local government function in the United States.

Hours of work

Current practice.—Fire department data for approximately 1,000 cities with populations of 10,000 or more are reported in the Municipal Year Book for 1965. These cities employ in excess of 100,000 firefighters.

According to the year book, the median workweek of municipal firemen in cities of 10,000 or more population is 63 hours. (The weighted average is 56 hours.) The median workweek ranges from 56 hours in cities over 500,000 population to 67 hours in cities of from 10,000 to 25,000 population. The most popular weekly tour is 56 hours (239 cities), with 72 hours (169 cities) being the next most popular tour.

The most popular number of hours for a daily tour of duty is 24, with approximately 80 percent of U.S. cities using this shift. The next most popular arrangement is 10 hours on the day shift and 14 hours on the night shift, with the crews rotating at least once a month. These two types of schedules account for 94 percent of the reporting cities.

The trend.—Since 1954, about the time additional annual premium pay was provided for Federal firefighters, there have been 1,032 reductions in the workweeks of municipal firemen. In 1954, the median workweek was 72 hours, and had been since 1947. The numerous reductions, some quite substantial, brought the median down to 63 hours in 1965. In 1955, the most popular workweek was 72 hours, with 56 hours the next most popular, and workweeks of over 72 hours in third place. By 1965, the situation has nearly reversed: the 56-hour workweek is the one in force in the largest number of cities, with the 72-hour workweek in second place, and the 63-hour week in third place. In 1965, as in 1955, the concentration of workweeks of 72 or more hours is in cities of 10,000 to 25,000 population. The contrast between 1955 median workweeks and 1965 median workweeks of firemen is shown in the following table.

Median workweeks of municipal firemen, 1955 and 1965

Population group	Hours in median workweek	
	1955	1965
Over 500,000.....	60	56
250,000 to 500,000.....	67	60
100,000 to 250,000.....	63	56
50,000 to 100,000.....	67	60
25,000 to 50,000.....	67	62
10,000 to 25,000.....	72	67
All cities over 10,000.....	72	63

More detailed information about hours of work of municipal firefighters is provided in appendix D, tables 1, 2, 3, and 4.

Pay rates

Current practice.—The median of annual entrance salaries for firemen, as reported in the Municipal Year Book for 1965, ranges from a high of \$5,830 in cities over 500,000 population to \$4,500 in cities with populations between 10,000 and 25,000. The median of maximum salaries ranges from \$6,524 in cities over 500,000 population to \$5,040 in the smaller cities.

Municipal firemen generally are paid annual salary rates which constitute total compensation for all duty hours, including standby time. The majority of cities do not compensate firemen for overtime hours; however, of those that do, about half pay in cash and half grant equal time off.

The trend.—Salary rates of city firemen have risen substantially over the past 10 years. As can be seen from the following table, median entrance rates have risen from 32 to 40 percent and median maximum rates have increased from 32 to 34 percent.

Median salary rates of municipal firemen, 1955 and 1965

Population group	Entrance rates (median)			Maximum rates (median)		
	1955	1965	Percent increase	1955	1965	Percent increase
Over 500,000.....	\$4,173	\$5,830	39.7	\$4,925	\$6,524	32.4
10,000 to 25,000.....	3,410	4,500	31.9	3,655	5,040	34.2

More detailed information about pay rates of municipal firefighters is supplied in appendix D, tables 5 and 6.

PRIVATE ENTERPRISE

Information on pay and working hours of firefighters employed in private enterprise is not readily available, and relatively few firemen are employed by private concerns. Even so, Federal employment policies can reasonably be expected to meet the minimum standards that the Government has established for industry. Accordingly, it behooves us to examine Federal statutes applicable to firefighters employed by private business. These are the Fair Labor Standards Act and the Contract Work Hours Standards Act.

Fair Labor Standards Act

This act, which applies generally to employees engaged in certain work or large enterprises concerned with interstate commerce, requires covered employees to be paid at time and one-half rates for hours worked in excess of 40 in a week. Under the act, hours worked include all time during which an employee is required to be on duty or be on the employer's premises or at a prescribed work place. The regulations provide, however, that where an employee is required to be on duty for 24 hours a day, the employer and the employee may agree to exclude meal periods and a regularly scheduled sleeping period of not more than 8 hours from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee can usually enjoy an uninterrupted night's sleep.

Contract Work Hours Standards Act

This act, which is title I of the Work Hours Act of 1962, provides generally that laborers and mechanics employed by Government contractors shall be paid at a rate not less than time and one-half their basic rate for work in excess of 8 hours in a calendar day or in excess of 40 hours in the workweek.

The calendar day overtime requirement has presented a problem in applying the act to firefighters. Consider, for example, a firefighter scheduled to work three 24-hour tours a week, each beginning at midnight. After deducting 8 hours' sleeping time from each tour, the employee was entitled to straight-time pay for 8 hours and overtime pay for the remaining 8.

Schedules established by contractors to comply with the daily overtime provisions proved unpopular. To overcome this, the Department of Labor authorized in the regulations a variation which permits the use of an agreed 24-hour day under certain conditions. This permits the contractor to schedule a 24-hour tour so that one-half the work hours fall in 1 day and the other one-half fall in the following agreed day. As a result, the firefighter is entitled to 8 hours of compensable time for each of 6 days, eliminating the daily overtime requirement. He receives overtime pay only for the 8 hours in excess of 40 hours in his workweek.

V. Proposal on Federal Firefighters' Workweek

Two fundamental considerations affecting the determination of an appropriate workweek for Federal firefighters are equity to the employees and responsibility to the public. Responsibility to the public in this instance requires maintenance of necessary protective service at a fair cost.

EQUITY TO EMPLOYEES

Present workweeks of Federal firefighters are much longer than those of other Federal employees who generally have 5-day, 40-hour workweeks. This keeps the firefighter away from his family and restricts his activities for an unusually large proportion of his time. But the 24-hour type of shift has some compensating advantages.

One advantage to a firefighter of the 24-hour tour is that a substantial part of his time on duty, even though he is restricted to the fire station, can be used for rest and certain kinds of recreation or personal activities; his sleeping period and some of the rest of his standby time may thus be spent in essentially the same way he would spend it if he were not on duty. Confining the weekly tour of duty to 3 days also reduces the time he spends traveling to and from work; at one installation a firefighter's weekly tour is so arranged that he spends 3 consecutive days on duty; consequently he travels to and from work only once each week. A 3-day workweek also leaves 4 full days each week entirely free, permitting daytime recreation, trips, or working on another job, to an extent greater than the

usual 5-day week. The Department of the Army reported a poll of some of its firefighters which is to the point: a 48-hour workweek was favored only if it consists of two 24-hour shifts each week.

Thus while the long workweek of a firefighter definitely places restrictions on his activities for an unusually large number of hours each week, his 24-hour tours have certain advantages which cannot be overlooked. The problem is to determine a tour that takes both of these factors into account in an equitable way.

ADMINISTRATIVE CONSIDERATIONS

A shorter workweek for Federal firefighters would not present any real problem of maintaining present services provided the necessary additional funds are made available. There is no question of the feasibility of effective operations with, for example, workweeks of 40, 48, 56, or 60 hours, nor have any Federal agencies suggested that there would be. A 60-hour week is already in operation in some Federal fire departments and workweeks of municipal departments are of many different lengths.

From a management standpoint, cost is the only significant reason for not reducing firefighters' workweeks but it is a very important and valid reason. Reducing the workweek of a department from 72 to 48 hours, for example, could mean an increase of 50 percent in the number of firefighters required to maintain the same protective service. A reduction only to 60 hours would require a 20-percent increase in personnel. While any related reductions in premium pay would tend to make the increase in payroll somewhat less than the percentage increase in staff, there are additional costs for supplemental benefits, uniforms, recruiting, and training which would produce a dollar total substantially higher than the payroll costs alone.

VIEWS OF EMPLOYING AGENCIES

The principal agency employers were asked to include in their initial reports to the Commission their views and suggestions on reduced workweeks for firefighters. Their replies to this question are quoted in full in appendix E.

Agencies uniformly raised the question of increased costs, as the only alternative to a reduction in force which would handicap fire defenses. Several expressed the additional views that present workweeks and pay rates are entirely fair, that they have no problems of turnover, and that the firefighters seem satisfied.

The desirability of continuing the 24-hour daily type of tour, whatever the workweek, was stressed by one agency which mentioned that some of its firefighters traveled from 30 to 50 miles, one way, between their homes and their stations, and that others had second jobs which they could not continue if required to work, for example, 5 days a week. Another agency, however, suggested that a 48-hour week consisting of two 24-hour shifts would present the very undesirable possibility that their Federal firefighting duties would become the secondary jobs of firefighters who would have adequate days off duty to obtain other jobs which they might come to consider as their primary employment.

One agency suggested a 56-hour workweek if a Federal standard of less than a 72-hour workweek is to be established; another agency suggested 60 hours.

In December 1965 a preliminary staff draft report was distributed to agencies and to unions for comment. Their comments are quoted in full in appendix G.

The Department of Defense, by far the largest Federal employer of firefighters, objected to a maximum workweek of 60 hours, as proposed in the draft, and pointed out that a change from the Department's 72-hour weekly tours could not be made before July 1967, without imposing cutbacks in essential operating programs. The Atomic Energy Commission expressed disappointment that continuance of a 72-hour workweek was not favored, but agreed that the proposed 60-hour maximum weekly tour is the most feasible alternative. Other agencies expressed general acceptance of the staff draft workweek proposal.

VIEWS OF UNIONS

Unions with Federal firefighters among their membership initially supported H.R. 961 and H.R. 10294. They stressed the gradual reduction of the workweek of municipal firefighters and the 40-hour standard prescribed for industry as a compelling basis for reducing the workweek of Federal firefighters. The unions also point out that reductions in hours in industry over the years have not been accompanied by reductions in pay and that pay levels for municipal firefighters have been rising while their hours of work have been decreasing. Appendix F includes a summary of initial union views.

Union comments on the Commission staff draft report of December 1965 are included in appendix G.

The American Federation of Government Employees endorsed the position of the International Association of Fire Fighters, favoring the proposed maximum 60-hour workweek for firefighters, provided that some agreement would also be incorporated as to a subsequent second step reduction. In later discussions, a second step reduction to a 56-hour workweek after perhaps a year under the 60-hour policy was suggested by representatives of these unions.

The National Federation of Federal Employees considered the proposed 60-hour maximum to be a move in the right direction.

All union views on the workweek proposal were contingent on maintenance of firefighters' current pay whenever a reduction in workweeks took place.

AN APPROPRIATE GUIDE

Prevailing national standards outside the Federal service are generally accepted as neutral, objective guides for Federal policies on pay and working conditions, unless there are unique circumstances in the Federal situation or other compelling reasons for a different approach. Hours of work of municipal firefighters, therefore, appear to furnish an appropriate guide for Federal policy. Tabulations of municipal workweeks are contained in appendix D.

Firefighters of the District of Columbia Municipal Government, whose workweek is set under Public Law 87-697 of September 25, 1962, have a workweek averaging 48 hours; each firefighter works some 40-hour weeks of four 10-hour days and some 56-hour weeks of four 14-hour days. This type of scheduling eliminates the 24-hour tours which seem to appeal to Federal firefighters. Further, because of the nationwide distribution of Federal fire departments and the general approach of examining Federal policy in the light of nationwide standards, prevailing practices of municipalities generally offer a more appropriate guide than practices of the District of Columbia Municipal Government.

At present, based on data in the "Municipal Year Book" for 1965, the median workweek of municipal firefighters in cities of 10,000 or more population is 63 hours and the average (weighted by the number of firefighters) is 56 hours. The median for cities over 500,000 is 56 and in cities of from 10,000 to 25,000 it is 67.

Ten years ago the median workweek of city fire departments was 72 hours. Since then it has decreased substantially, but most Federal firefighters remain on 72-hour weeks. Thus Federal hours-of-work practices in this occupation have lagged behind municipal practices.

Current non-Federal practices do not support the present 72-hour workweek of firefighters, nor do they support the 48-hour week provided in H.R. 961 and 10294. Rather, they point toward a result about halfway between these two.

WORKWEEK PROPOSAL

As a general standard for the Federal service, a 60-hour maximum workweek for firefighters would be feasible operationally and consistent with prevailing municipal practices. Establishing this as a maximum would provide flexibility and permit agencies to establish shorter weeks as demanded by conditions or, for example, as the result of negotiation with the employees. To facilitate scheduling, the maximum should apply to the average weekly tour over a reasonable cycle rather than to each calendar week. Thus, for example, a fire department could schedule a firefighter to be on duty 3 shifts of 24 hours each during 1 week and 2 shifts of 24 hours each the next week without exceeding the 60-hour maximum.

Because of the substantial number of firefighters to be recruited and the substantial additional appropriations needed, especially in the Department of Defense, a reasonable period of time should be allowed before the 60-hour maximum workweek policy becomes fully operative. July 1, 1967, appears to be an appropriate date for this purpose, permitting the additional funds to be included in budget requests for fiscal 1968.

Under exceptional circumstances an agency should be permitted to establish a longer weekly tour of duty. The Federal Aviation Agency, for example, has established an 84-hour workweek for its fire department on Wake Island. This permits the department to provide full-time protection with only two platoons.

The island has no indigenous population; all Federal employees are brought there. The agency report indicates that there is little fire activity and that as a

general rule the firefighters with families are not able to bring them to Wake because of lack of family quarters. Thus, the firefighters are no farther from their homes and families while on duty than during their off-duty periods. In addition to their premium pay (25 percent) for an 84-hour tour of duty, the firefighters also are paid a 25-percent post differential because of the isolation and other undesirable environmental conditions at this outpost island.

Proposing at this time a future reduction of the maximum workweek to 56 or any other number of hours does not seem warranted. A more appropriate course of action would be for the Commission and the employing agencies to keep alert for developments within or outside the Federal service that may call for such action and consider at that time proposals suitable in the light of the developments.

Proposal on hours of work for Federal firefighters.—A Government-wide policy, to become fully operative no later than July 1, 1967, that the tour of duty of a Federal firefighter, averaged over a reasonable cycle, shall not exceed 60 hours a week, with a longer weekly tour permitted only in exceptional circumstances and on approval of the head of the agency. Agencies would continue to be free to schedule workweeks of less than 60 hours in their administrative discretion.

VI. Proposal on Pay for Federal Firefighters

H.R. 961 and H.R. 10294 would provide base pay for 40 hours and 20 percent additional pay for the additional 8 hours in the 48-hour workweek it would establish for Federal firefighters. This proposal would maintain, for a workweek reduced to 48 hours, the present total of base pay plus premium pay now received by firefighters for a 72-hour week. It would substantially increase the total (base pay plus 10 percent additional in most instances) now received by Federal firefighters who have a 60-hour weekly tour.

The argument has been advanced that this pay arrangement would carry out a principle that pay of workers is not reduced when their hours of work are reduced; and that this principle is supported by the fact that rates of municipal firefighters have increased while their hours of duty have been decreasing. The unions concerned took this position, both initially and also in their comments on the preliminary staff draft report of December 1965 (see appendix F and appendix G).

The argument for preserving pay rates when hours are reduced may have validity when applied only to base pay and to general reductions. When overtime duty of any group of Federal employees is diminished, or when they are changed from a night tour to a daytime schedule, or when they are moved to the mainland from an overseas post where additional pay is received because of special conditions in the locality, they do not retain the additional pay that they previously received because of circumstances to which they are no longer subject. Nor would it be appropriate for Federal firefighters to do so. If, when a tour of duty were reduced from 72 to 48 hours it were logical to maintain the 20 percent additional pay received for the 72-hour tour, it would be equally logical to maintain the same 20 percent additional pay if the tour were reduced to 40 hours. This would give the firefighters, however, 20 percent additional pay over other Federal employees with the same 40-hour workweek, a manifestly absurd result.

The fact that municipal firefighters' salaries have increased while their hours were decreasing has no necessary significance for Federal workers.² To follow a pattern in each individual Federal occupation merely because it has occurred in the occupation outside the Federal service would make it impossible to systematize Federal salaries.

In the course of the study the unions also urged inclusion of premium pay of Federal firefighters in the base used in computing annuities under the Civil Service Retirement Act. This proposal, however, is the subject of H.R. 488 and other identical bills on which the Commission has been asked to report and is not within the scope of the present study.

ALTERNATIVE PAY GUIDES

Rates of basic compensation for most Federal firefighters are set under the Classification Act system; their additional pay for tours of duty exceeding 40 hours a week and including nights and holidays is determined under the premium pay provisions of the Federal Employees Pay Act.

² During the past 10 years median entrance rates of municipal firefighters rose by from 32 to 40 percent in the several population size groups of cities, and median maximum rates from 32 to, in one size group, a high of 45 percent. Pay of journeyman Federal firefighters on the common 72-hour tour, including the 20 percent additional pay, rose correspondingly, by about 39 percent.

Because the working conditions of firefighters are quite different from those of most other employees under the Classification Act, the Commission considered the possibility of a separate, firefighter pay system. The conclusion was reached, however, that such a step would probably create more problems than it would solve. Altogether, a separate system based on prevailing firefighter rates would have the effect of letting municipalities set rates for Federal employees in the areas rather than providing a coherent Federal salary system. It would have a further complication because in each case either the Federal firefighter's tour of duty would be made to match that of the local non-Federal firefighters or the differences between the two would have to be taken into account in setting the Federal rates.

The Classification Act system provides salary levels which enable the Government to staff its fire protective organization without difficulty. With very rare local exceptions, reports of the employing agencies show clearly that existing pay rates are entirely adequate for recruiting and retaining firefighters.

The Classification Act system does not attempt to set rates for each Federal occupation that correspond with prevailing rates for the same occupation in the national economy. Rather, the entire salary schedule of the Classification Act is compared with prevailing salary standards for similar levels of work cutting across occupational lines. Federal positions are then aligned in pay grades on the basis of their duties and responsibilities, thus providing a rational salary system under which appropriate pay relationships are maintained among Federal positions in different occupations as well as within each occupation.

Under present Federal salary systems the problem of firefighter pay is a matter not of the overall base pay level but of determining the additional pay above base salary rates that will compensate the firefighters equitably for the differences between their hours of work and the 40-hour workweek paid for by the base salary rates alone. The appropriate rate for the proposed maximum 60-hour workweek has been carefully restudied in the light of prevailing national standards for overtime pay and the detailed factual reports of the agencies.

National policy on overtime pay, time and one-half pay for work over 40 hours in a week, is reflected in the provisions of the Fair Labor Standards Act applicable generally to employees engaged in certain work or large enterprises concerned with interstate commerce. The Contract Work Hours Standards Act prescribes the same standard for laborers and mechanics employed by certain Government contractors; it also requires time and one-half pay for work in excess of 8 hours in a day. Of the statutes applicable to Federal contractors, this one is known to affect employees with daily shifts of 24 hours.

Regulations and administrative interpretations under both of these statutes take into account the special situation of the 24-hour shift which includes a substantial measure of standby time. Under both acts, an employer may deduct not more than 8 hours of sleeping time from the 24 in computing the number of hours of work by employees having this shift, provided the employer furnishes adequate sleeping facilities and the employee can usually enjoy an uninterrupted night's sleep. If the sleeping time is interrupted by a call to duty, the interruption must be counted as hours worked, and if the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep, the entire period must be counted. For enforcement purposes under the Fair Labor Standards Act, the rule has been adopted that if the employee cannot get at least 5 hours' sleep during the scheduled period, the entire period is counted as working time.

Thus, for example, a private firm may arrange an employee's workweek as two 24-hour shifts plus one 8-hour shift. After an 8-hour deduction for sleeping time this totals 40 hours of payable time and no overtime pay is required (if the employee is not called out during his sleeping period). (Under the Contract Work Hours Standards Act, regulations allow a variant whereby the administrative workday need not coincide with a calendar day, and a 24-hour shift may be so scheduled that the 16 hours remaining after deducting 8 hours' sleeping time will fall 8 hours in one workday and 8 hours in another. This avoids the necessity for overtime pay under the daily overtime provision of the act.)

These acts do not permit averaging among workweeks. Thus a tour of duty averaging 60 hours a week, for example, with three 24-hour shifts worked in 1 week and two 24-hour shifts in the next week, would require separate pay computations for each week. In the first week, 48 hours remaining after deducting sleeping periods would require payment of base rates for 40 hours and time and one-half rates for 8 hours, or total pay amounting to 130 percent of base salary. In the second week, only 32 hours of duty would remain after sleeping time; thus the employee would earn only 80 percent of a 40-hour week's pay. For the

2 weeks together, the individual would earn 210 percent of 1 week's base pay, or an average of base pay plus 5 percent additional each week. (In the above illustrations the shifts are arranged so that no more than 8 hours are worked in a day.)

RESULTS OF APPLYING NATIONAL OVERTIME PAY STANDARDS TO FEDERAL FIREFIGHTERS

The above computation indicates the overtime pay a Federal firefighter on the proposed maximum 60-hour tour could receive under Federal statutes applicable to workers in industry. Adding the amounts payable under the night differential and holiday pay provisions of the Federal Employees Pay Act would bring his average gross earnings up to about 8.7 percent over his basic salary rate.

This result is entirely consistent with, and would not call for any change in, the existing rates of additional compensation established by the Civil Service Commission for Federal firefighters under the annual differential provisions of the Federal Employees Pay Act. For firefighters on 60-hour tours, the rates are 10 percent in addition to base pay if 25 or more hours a week are devoted to actual work and 5 percent if less time is spent in actual work. Agencies prescribing other workweeks with similar daily shifts involving standby time (e.g., a 56-hour workweek) may ask the Commission to establish appropriate rates of additional pay.

Generally, under present Commission regulations, reducing to 60 hours the workweek of Federal firefighters now on a 72-hour tour would decrease their gross pay from a current total of base pay plus 20 percent premium pay to a new total of base pay plus 10 percent. This would leave their gross pay at about 92 percent of its present total; their weekly hours of work would be only about 83 percent of their present tours. Thus the reduction in hours would be twice as large as the decrease in pay.

In the Fire Department of the District of Columbia, privates are paid within a range of nine rates beginning at \$6,010 and extending by \$320 increments to a maximum of \$8,570. These rates, however, are for one of the largest municipal fire departments, serving a major metropolitan area with the full range of fire protection problems. They are not representative of prevailing national standards, which are a far more important consideration under existing Federal pay policy.

A far more appropriate checkpoint for Federal pay rates is the average national level. The mean of the minimum rates for fire departments in cities with 10,000 or more population, based on figures in the "1965 Municipal Year Book," is \$5,453; the mean of the maximums is \$6,411. For Federal journeyman firefighters having a 60-hour weekly tour and paid a 10-percent rate of additional annual compensation, the minimum gross rate is \$5,105 and the maximum \$6,650. Thus the Federal minimum is a little lower and the maximum a little higher than can municipal minimum and maximum rates.

In terms of medians, the Federal minimum rate exceeds the median minimum, rates for all size groups of cities except those with 250,000 or more population and is within \$100 of the median for cities in the 250,000 to 500,000 group. The Federal maximum exceeds the median maximum for cities of each population group, including the largest, and for all except the over 500,000 group the Federal maximum is substantially higher than the municipal.

As previously pointed out, the Government's pay policy provides for comparing Federal salaries with outside salaries on the basis of levels of work rather than occupation by occupation. The comparisons made above, however, show that even on a direct occupational basis, pay of Federal firefighters for a 60-hour tour is reasonably comparable to pay of firefighters outside the Federal service.

CONSIDERATION OF VARIATIONS AMONG INSTALLATIONS

Present Federal rates of additional annual compensation for firefighters are premised on the assumption that 8 hours of sleeping time, usually without interruptions, will be allowed during a 24-hour shift. Agency reports show a wide range of demands on firefighters at different installations, however, and that the 8 hours of sleeping time is not consistently provided.

In view of this situation, the December 1965 preliminary staff draft report proposed that where operating conditions prevented meeting the sleeping time requirement, agencies would pay firefighters under the hourly premium pay

provisions of the Federal Employees Pay Act. Under these provisions, a firefighter would be paid hourly rates of premium pay for any overtime, night, or holiday duty, which should include any hours of work performed during the normal sleeping hours. Thus he would receive overtime pay (assuming these hours to be in addition to a basic 40-hour workweek) for each hour within the designated sleeping period which he actually spent, for example, on watch at the fire alarm board, patrolling the grounds of the installation, or responding to alarms. This hourly system would be cumbersome, but seemed to be the only appropriate method of compensating firefighters for demands on their time substantially varying from the norm among Federal fire departments.

In their comments on the draft report (see appendix G), Federal agencies pointed out operation problems that would result and the unions objected strongly to this proposal. Because of the opposition of both agency management and employee organizations, this proposal was dropped.

In summary, existing rates of pay for Federal firefighters on a 60-hour weekly tour are reasonably appropriately geared to Federal pay rates generally and to national standards of additional pay for unusually long tours. Additional coverage of the large group of fire departments now on 72-hour tours would be accompanied by revision of the existing hours-of-actual work requirement to the extent necessary to be sure that the 10 percent rate of additional compensation is payable in fire departments newly changed to 60-hour tours (25 hours of actual work a week is now required for the 10 percent rate; firefighters performing less than 25 hours are paid only 5 percent additional).

As suggested in the Federal Aviation Agency comment on the December 1965 draft report, a pay-saving provision could preserve the existing aggregate pay of those firefighters on the rolls whose aggregate pay would otherwise be decreased when 72-hour workweeks are reduced. Their aggregate pay rates (the sum of base pay and the 20 percent additional) would be fixed at their present levels until the new rates (base pay plus 10 percent) caught up with them through operation of future rises in salary schedules and within-grade increases.

Proposal on pay of Federal firefighters.—(a) Continuation of authority for agencies to pay Federal firefighters on 60-hour workweeks having 24-hour daily shifts in accordance with a schedule of rates of additional annual compensation established by the Civil Service Commission under the Federal Employees Pay Act.

(b) Revision by the Commission of the current schedule of additional annual compensation rates to assure that the 10-percent rate will extend to fire departments converted from 72-hour to 60-hour workweeks. The present schedule prescribes a rate of 10 percent if 25 hours or more of actual work is performed during a week and a rate of 5 percent if the actual work occupies less than 25 hours; the specific number of hours to be prescribed when 72-hour tours are converted to 60 hours is yet to be determined.

(c) Agencies to be free, as they now are, to request the Commission to establish rates for any shorter workweeks they wish to prescribe.

(d) Preservation of the existing aggregate rate of pay for any Federal firefighters on the rolls when the new 60-hour workweek policy becomes operative whose aggregate rate would otherwise be reduced.

APPENDIX A

STATUTORY AND REGULATORY PROVISIONS ON HOURS OF WORK AND PREMIUM PAY OF FEDERAL EMPLOYEES WHOSE TOURS OF DUTY INCLUDE SUBSTANTIAL AMOUNTS OF STANDBY TIME

Federal Employees Pay Act of 1945, as Amended

(Public Law 79-106, approved June 30, 1945)

AN ACT To improve salary and wage administration in the Federal service; to provide pay for overtime and for night and holiday work; to amend the Classification Act of 1923, as amended; to bring about a reduction in Federal personnel and to establish personnel ceilings for Federal departments and agencies; to require a quarterly analysis of Federal employment; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees Pay Act of 1945."

TITLE I—COVERAGE AND EXEMPTIONS

COVERAGE

SEC. 101. (a) Subject to the exemptions specified in section 102 of this Act, titles II, III, and IV¹ of this Act shall apply (1) to all civilian officers and employees in or under the executive branch of the Government, including Government-owned or controlled corporations, and in or under the District of Columbia municipal government, and (2) to those officers and employees of the judicial branch of the Government, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol who occupy positions subject to the Classification Act of 1949,² as amended.

(b) * * *

(c) Subject to the exemptions specified in section 102 of this Act, title V of this Act shall apply to officers and employees in or under the legislative or the judicial branch of the Government whose compensation is not fixed in accordance with the Classification Act of 1949,² as amended, and to the official reporters of proceedings and debates of the Senate and their employees.

(d) Subject to the exemptions specified in section 102 of this Act, title VI of this Act (containing miscellaneous provisions) shall apply to civilian officers and employees of the Government according to the terms thereof.

(e) [NOTE: This subsection is superseded by sec. 13 of the Federal Employees Pay Act of 1946 which states:

"This Act and any other general legislation heretofore or hereafter enacted governing the employment, compensation, emoluments, and status of officers and employees of the United States shall apply to officers and employees of the General Accounting Office in the same manner and to the same extent as if such officers and employees were in or under the executive branch of the Government."]

EXEMPTIONS⁴

SEC. 102. (a) This Act shall not apply to (1) elected officials; (2) Federal judges; (3) heads of departments or of independent establishments or agencies of the Federal Government, including Government-owned or controlled corporations; (4) employees of the District of Columbia municipal government whose compensation is fixed by the Teachers' Salary Act of June 4, 1924, as amended; (5) officers and members of the Metropolitan Police or of the Fire Department of

¹ As amended by Public Law 83-763, approved September 1, 1954.

² Reference to the Classification Act of 1923 changed as provided by sec. 1106 of the Classification Act of 1949, as amended.

³ Repealed by sec. 1202(9) of the Classification Act of 1949, and again by sec. 202(b) of Public Law 83-763, approved September 1, 1954.

⁴ Overseas teachers and teaching positions in the Department of Defense were removed from coverage under the Federal Employees Pay Act of 1945, as amended, by section 10(a) of the Defense Department Overseas Teachers Pay and Personnel Practices Act of July 17, 1959 (Public Law 86-91; 73 Stat. 216). The effective date of this exemption is the first day of the first pay period beginning on or after January 1, 1960.

the District of Columbia; and (6) student nurses, medical or dental interns, residents-in-training, student dietitians, student physical therapists, and student occupational therapists, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by any department, agency, or instrumentality of the Federal Government, or by the District of Columbia, and any other student-employees, assigned or attached to any such hospital, clinic, or laboratory primarily for training purposes, who may be designated by the head of such department, agency, or instrumentality, or by the Commissioners of the District of Columbia, as the case may be, with the approval of the Civil Service Commission.⁵ As used in this subsection, the term "elected officials" shall not include officers elected by the Senate or House of Representatives who are not members of either body.

(b) This Act * * *⁶ shall not apply to (1) officers and employees in the field service of the Post Office Department; (2) employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local native prevailing wage rates for the area in which employed; (3) * * *⁷; (4) officers and employees of the Tennessee Valley Authority; (5) individuals to whom the provisions of section 1(a) of the Act of March 24, 1943 (Public Law Numbered 17, Seventy-eighth Congress), are applicable; (6) officers and members of the United States Park Police and the White House Police; and (7) officers and employees of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.⁸

(c) This Act, except section 205⁹ * * *¹⁰ shall not apply to employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose.

(d) This Act, except sections 606 * * *¹⁰ shall not apply to employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, to vessel employees of the Coast and Geodetic Survey, to vessel employees of the Department of the Interior,¹¹ or to vessel employees of the Panama Canal Company.¹²

TITLE II—COMPENSATION FOR OVERTIME

OVERTIME PAY

SEC. 201.¹³ All hours of work officially ordered or approved in excess of forty hours in any administrative workweek performed by officers and employees to whom this title applies shall be considered to be overtime work and compensation for such overtime work, except as otherwise provided for in this Act, shall be at the following rates:

(1) For each officer and employee whose basic compensation is at a rate which does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to one and one-half times the hourly rate of basic compensation of such officer or employee, and all of such amount shall be considered premium compensation.

(2) For each officer and employee whose basic compensation is at a rate which exceeds the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to one and one-half times the hourly rate of such minimum scheduled rate of basic compensation, and all of such amount shall be considered premium compensation.

COMPENSATORY TIME OFF FOR IRREGULAR OR OCCASIONAL OVERTIME WORK

Sec. 202. (a)¹⁴ The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the

⁵ As amended by sec. 1 of the Act of August 4, 1947, Public Law 80-330.

⁶ Asterisks represent the omission of the phrase "except section 607." Sec. 607 of this Act has been repealed.

⁷ Asterisks represent the omission of the Inland Waterways Corporation which has sold its facilities and employs no personnel.—5 U.S.C. 600b, Supp. V, 1952 ed.

⁸ Amended August 18, 1959, effective January 1, 1960, by section 202(c) of Public Law 87-68 (75 Stat. 389).

⁹ As amended by Public Law 83-763, approved September 1, 1954.

¹⁰ Asterisks represent the omission of the phrase "and 607." Sec. 607 of this Act has been repealed.

¹¹ As amended by sec. 8(a) of the Federal Employees Pay Act of 1946.

¹² As revised by sec. 2 of the Act of September 26, 1950, 64 Stat. 1038.

¹³ As amended by sec. 203 of Public Law 83-763, approved September 1, 1954, effective at the beginning of the first pay period which began more than sixty days thereafter.

¹⁴ As amended by sec. 9 of the Federal Employees Pay Act of 1946; and further amended by sec. 204 of Public Law 83-763, approved September 1, 1954.

municipal government of the District of Columbia, or the head of any legislative or judicial agency to which this title applies, (1) may, at the request of any officer or employee, grant such officer or employee compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent in irregular or occasional overtime work, and (2) may, at his own discretion, provide that any officer or employee, whose rate of basic compensation is in excess of the maximum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work for which compensation would be due under this Act with an equal amount of compensation time off from his scheduled tour of duty in lieu of such compensation.

CALL-BACK OVERTIME¹⁵

SEC. 203. For the purposes of this Act, any unscheduled overtime work performed by an officer or employee on a day when no work was scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

TIME IN TRAVEL STATUS¹⁵

SEC. 204. For the purposes of this Act, time spent in a travel status away from the official-duty station of any officer or employee shall be considered as hours of employment only when (1) within the days and hours of such officer's or employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours, or (2) when the travel involves the performance of work while traveling or is carried out under arduous conditions.

WAGE-BOARD EMPLOYEES

SEC. 205.¹⁶ Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 23 of the Act of March 28, 1934 (U.S.C., 1940 edition, title 5, sec. 673c). The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(a) If the basic rate of compensation of the employee is fixed on an annual basis, divide such basic rate of compensation by two thousand and eighty and multiply the quotient by one and one-half; and

(b) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand and eighty, and multiply the quotient by one and one-half.

TITLE III—COMPENSATION FOR NIGHT AND HOLIDAY WORK

NIGHT PAY DIFFERENTIAL

SEC. 301. (a)¹⁷ Any regularly scheduled work between the hours of six o'clock postmeridian and six o'clock antemeridian (including periods of absence with pay during such hours due to holidays, and any such hours within periods of leave with pay if such periods total less than eight hours during any pay period) shall be considered nightwork, except as provided in subsection (b), and any officer or employee performing such work to whom this title applies shall be compensated for such work at his rate of basic compensation plus premium compensation amounting to 10 per centum of such rate, unless otherwise provided in title IV of this Act. This section shall not operate to modify the provisions of the Act of July 1, 1944 (Public Law Numbered 394, Seventy-eighth Congress), or any other law authorizing additional compensation for nightwork.

(b) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, may designate any time after six o'clock postmeridian and any time before six o'clock antemeridian as the beginning and end, respectively, of nightwork for the purpose of subsection (a) at any post outside the several States and the District of Columbia where

¹⁵ Added by sec. 205(b) of Public Law 83-763, approved September 1, 1954.

¹⁶ Redesignated by sec. 205(a) of Public Law 83-763, approved September 1, 1954.

¹⁷ Amended by sec. 10 of the Federal Employees Pay Act of 1946; and further amended by sec. 206 of Public Law 83-763, approved September 1, 1954.

customary hours of business extend into the hours of nightwork provided by such subsection.

NOTE

[Public Law 85-383, approved April 23, 1958, provides that: "Notwithstanding the provision of section 301 of the Federal Employees' Pay Act of 1945, as amended (68 Stat. 1110; 5 U.S.C. 921), requiring regularity in the scheduled work between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian, the Board shall have the power to prescribe rules and regulations governing the payment of night differential for nonregularly scheduled work between such hours by such of its employees as are subject to the Classification Act of 1949, as amended, when such nonregularly scheduled work is within the employee's basic work-week: *Provided, however,* That all other provisions of such section 301 shall be in full force and effect: *Provided, further,* That no night differential may be paid for night overtime work that is not regularly scheduled." The Board referred to is the Recreation Board for the District of Columbia, created by the Act of April 29, 1942.

COMPENSATION FOR HOLIDAY WORK

SEC. 302.¹⁸ (a) All work not exceeding eight hours, which is not overtime work as defined in section 201 of this Act and which is performed on a holiday designated by Federal statute, Executive order, or with respect to employees of the municipal government of the District of Columbia, by order of the Board of Commissioners of the District of Columbia, shall be compensated at the rate of basic compensation of the officer or employee performing such work on a holiday plus premium compensation at a rate equal to the rate of basic compensation of such officer or employee.

(b) Any officer or employee who is required to perform any work on such a holiday shall be compensated for at least two hours of such work, and any such premium compensation due under the provisions of this section shall be in addition to any premium compensation which may be due for the same work under the provisions of section 301 of this Act providing premium compensation for nightwork.

(c) Overtime work, as defined in section 201 of this Act, on Sundays and such holidays shall be compensated in accordance with the provisions of such section 201.

TITLE IV¹⁹—SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK

SEC. 401. The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia may, with the approval of the Civil Service Commission, provide that—

(1) any officer or employee in a position requiring him regularly to remain 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, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this Act, except for irregular, unscheduled overtime duty in excess of his regularly scheduled weekly tour.²⁰ Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 25 per centum) of such part of the rate of basic compensation for any such position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, by taking into consideration the number of hours of actual work required in such position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of such positions are made more onerous by night or holiday work, or by being extended over periods of more than forty hours a week, and any other relative factors; or

(2) any officer or employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the officer or employee generally being responsible for recognizing, with-

¹⁸ Amended by sec. 11 of the Federal Employees Pay Act of 1946; further amended by sec. 207 of Public Law 83-763, approved September 1, 1954, and amended again by Public Law 85-533, approved July 18, 1958.

¹⁹ Former Title IV "Amendments to Classification Act of 1923, as amended" was repealed by section 1202(9) of the Classification Act of 1949.

New Title IV added by section 208 of Public Law 83-763, approved September 1, 1954. Sec. 208(b) of Public Law 763 provides that nothing contained in sec. 208 shall be construed to decrease the existing aggregate rate of compensation of any present employee, but when the position of such employee becomes vacant any subsequent appointee thereto shall receive premium compensation provided for such position in accordance with this section.

²⁰ Added by Public Law 85-525, approved July 18, 1958.

out supervision, circumstances which require him to remain on duty, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this Act, except for regularly scheduled overtime duty. Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 15 per centum) of such part of the rate of basic compensation for any such position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in such position.

TITLE V—EMPLOYEES OF LEGISLATIVE AND JUDICIAL BRANCHES

[This title is omitted as not under the administrative or regulatory authority of the Civil Service Commission as provided in section 605 of the Act.]

TITLE VI—MISCELLANEOUS PROVISIONS

EFFECT ON EXISTING LAWS AFFECTING CERTAIN INSPECTIONAL GROUPS

SEC. 601. The provisions of this Act shall not operate to prevent payment for overtime services or extra pay for Sunday or holiday work in accordance with any of the following statutes: Act of February 13, 1911, as amended (U.S.C., 1940 edition, title 19, secs. 261 and 267); Act of July 24, 1919 (U.S.C., 1940 edition, title 7, sec. 394); Act of June 17, 1930, as amended (U.S.C., 1940 edition, title 19, secs. 1450, 1451, and 1452); Act of March 2, 1931 (U.S.C., 1940 edition, title 8, secs. 109a and 109b); Act of May 27, 1936, as amended (U.S.C., 1940 edition, title 46, sec. 382b); Act of March 23, 1941 (U.S.C., 1940 edition, Supp. IV, title 47, sec. 154(f)(2)); Act of June 3, 1944 (Public Law Numbered 328, Seventy-eighth Congress): *Provided*, That the overtime, Sunday, or holiday services covered by such payment shall not also form a basis for overtime or extra pay under this Act.

INCREASE IN BASIC STATUTORY RATES OF COMPENSATION NOT UNDER CLASSIFICATION ACT OF 1923, AS AMENDED

SEC. 602. (a) [Obsolete by reason of inclusion under the Classification Act of 1949, as amended.]

(b) [Obsolete by reason of inclusion under the Classification Act of 1949, as amended, or by increases in statutory rates of compensation by other legislation.]

LIMITATION ON PREMIUM COMPENSATION ²¹

SEC. 603.²² (a) No premium compensation provided by this Act shall be paid to any officer or employee whose rate of basic compensation equals or exceeds the maximum scheduled rate of basic compensation provided for grade GS-15 in the Classification Act of 1949, as amended.

(b) In the case of any officer or employee whose rate of basic compensation is less than the maximum scheduled rate of basic compensation provided for grade GS-15 in the Classification Act of 1949, as amended, such premium compensation may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such maximum scheduled rate with respect to any pay period.²³

ESTABLISHMENT OF BASIC WORKWEEK, WORK SCHEDULES, PAY COMPUTATION METHODS ²⁴

Sec. 604. (a)(1) It shall be the duty of the heads of the several departments and independent establishments and agencies in the executive branch, including Government-owned or controlled corporations, and the District of Columbia municipal government, to establish as of the effective date of this Act, for all full-time officers and employees in their respective organizations, in the depart-

²¹ As amended by sec. 209 of Public Law 83-763, approved September 1, 1954.

²² Original sec. 603(a) became obsolete by reason of enactment of the Classification Act of 1949. New subsections (a) and (b) as added by sec. 209 of Public Law 83-763, approved September 1, 1954, replace former subsection (b) of section 603.

²³ Former sec. 603(b) of this Act was amended by sec. 7(a) of the Federal Employees Pay Act of 1946; further amended by sec. 303 of the Postal Rate Revision and Federal Employees Salary Act of 1948; and amended again by sec. 209 of Public Law 83-763, approved September 1, 1954.

²⁴ As amended by sec. 210(a) of Public Law 83-763, approved September 1, 1954.

mental and the field services, a basic administrative workweek of forty hours, and to require that the hours of work in such workweek be performed within a period of not more than six of any seven consecutive days.

(2)²⁵ Except where the head of each such department, establishment, or agency and of the municipal government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to all officers and employees in his organization, (A) that assignments to tours of duty shall be scheduled in advance over periods of not less than one week, (B) that the basic forty-hour workweek shall be scheduled on five days, which shall be Monday through Friday wherever possible, and the two days outside the basic workweek shall be consecutive, (C) that the working hours in each day in the basic workweek shall be the same, (D) that the basic nonovertime workday shall not exceed eight hours, (E) that the occurrence of holidays shall not affect the designation of the basic workweek, and (F) that breaks in working hours of more than one hour shall not be scheduled in any basic workday.

(b) Beginning not later than October 1, 1945, each pay period for all officers and employees of the organizations referred to in subsection (a), except officers and employees on the Isthmus of Panama in the service of the Canal Zone Government or the Panama Canal Company, shall cover two administrative workweeks.²⁶

(c) The following provisions of law are hereby repealed: (1) the provisions of the Saturday half-holiday law of March 3, 1931 (46 Stat. 1482; U.S.C., 1940 edition, title 5, sec. 26(a)), and (2) the provisions of so much of section 5 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes," approved March 3, 1893, as amended (30 Stat. 316; U.S.C., 1940 edition, title 5, sec. 29), as precedes the second proviso in such section. The first sentence of section 6 of the Act of June 30, 1906 (34 Stat. 763; U.S.C., 1940 edition, title 5, sec. 84), is amended by inserting after "United States" the following: "(Except persons whose compensation is computed in accordance with section 604(d) of the Federal Employees Pay Act of 1945)"; and the last sentence of such section 6 is amended by striking out "Any person" and inserting "Any such person."

(d)(1) Hereafter, for all pay computation purposes affecting officers or employees in or under the executive branch, the judicial branch, or the District of Columbia municipal government, basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic administrative workweeks of forty hours.

(2) Whenever for any such purpose it is necessary to convert a basic annual rate to a basic biweekly, weekly, daily, or hourly rate, the following rules shall govern:

(A) An hourly rate shall be derived by dividing the annual rate by 2,080;

(B) A daily rate shall be derived by multiplying the hourly rate by the number of daily hours of service required; and

(C) A weekly or biweekly rate shall be derived by multiplying the hourly rate by 40 or 80 as the case may be.

(3) All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.²⁷

(e) The Architect of the Capitol may, in his discretion, apply the provisions of subsection (a) to any officers or employees under the Office of the Architect of the Capitol or the Botanic Garden, and the Librarian of Congress may, in his discretion, apply the provisions of such subsection to any officers or employees under the Library of Congress; and officers and employees to whom such subsection is so made applicable shall also be subject to the provisions of subsections (b) and (d) of this section.

REGULATIONS

SEC. 605. The Civil Service Commission is hereby authorized to issue such regulations, subject to the approval of the President, as may be necessary for

²⁵ As added by sec. 210(b) of Public Law 83-763, approved September 1, 1954.

²⁶ As revised by sec. 2 of the Act of September 26, 1950, 64 Stat. 1038, and further amended by Public Law 86-122, approved July 31, 1959.

²⁷ As amended by sec. 1203 of the Classification Act of 1949, as amended; as further amended by section 15 of Public Law 85-462, approved and effective June 20, 1958 and further amended by section 103(c) of Public Law 88-426, approved August 14, 1964.

the administration of the foregoing provisions of this act insofar as this act affects officers and employees in or under the executive branch of the Government.²⁸

VESSEL EMPLOYEES

Sec. 606. Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior,²⁹ and vessel employees of the Panama Canal Company³⁰ may be compensated in accordance with the wage practices of the maritime industry.³¹

PERSONNEL CEILINGS

Sec. 607. [Repealed by sec. 301 (85) of the Budget and Accounting Procedures Act of 1950, Public Law 81-784.]

EXEMPTIONS FOR PURPOSES OF VETERANS LAWS AND REGULATIONS

Sec. 608. Amounts payable under the provisions of this Act, other than increases under sections 405, 501, 521, and 602,³² shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of section 522 of title 38, United States Code,³³ or section 212 of title II of the Act entitled "An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes," approved June 30, 1932, as amended (U.S.C., 1940 edition, title 5, sec. 59a; Supp. IV, title 5, sec. 59b).

APPROPRIATION AUTHORIZED

Sec. 609. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

Sec. 610. This Act shall take effect on July 1, 1945.³⁴

Civil Service Commission Regulations on Regularly Scheduled Standby Duty Pay

Sec. 550.141 *Authorization of premium pay on an annual basis.*—An agency may pay premium pay on an annual basis, instead of the premium pay prescribed in this subpart for regularly scheduled overtime, night, and holiday work, to an employee in a position requiring him regularly to remain 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. Premium pay under this section is determined as an appropriate percentage, not in excess of 25 percent, of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS-9.

Sec. 550.142 *General restrictions.*—An agency may pay premium pay under section 550.141 only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions in his position, would be:

(a) More than the premium pay which would otherwise be payable under this subpart for the hours of actual work customarily required in his position, excluding standby time during which he performs no work; and

(b) Less than the premium pay which would otherwise be payable under this subpart for the hours of duty required in his position, including standby time during which he performs no work.

²⁸ Section 1 of Executive Order 11228 of June 16, 1965, provides in part as follows:

"Section 1. The United States Civil Service Commission is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

"(1) The authority vested in the United States Civil Service Commission by section 605 of the Federal Employees Pay Act of 1945, 59 Stat. 304 (5 U.S.C. 945), to issue, subject to the approval of the President, regulations necessary for the administration of certain provisions of the act insofar as the act affects officers and employees in or under the executive branch of the Government."

²⁹ As amended by sec. 8(h) of the Federal Employees Pay Act of 1946.

³⁰ As revised by sec. 2 of the Act of September 26, 1950, 64 Stat. 1038.

³¹ Section 202 of the Classification Act of 1949, as amended, provides that the Classification Act shall not apply to officers and members of crews of vessels, "whose compensation shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with the prevailing rates and practices in the maritime industry."

³² Sec. 405 has been repealed; sec. 501 relates to the legislative branch; sec. 521 relates to the judicial branch; sec. 602 is obsolete.

³³ As amended by Public Law 85-857, September 2, 1958.

³⁴ Title II of Public Law 83-763, approved September 1, 1954, which may be cited as the "Federal Employees Pay Act Amendments of 1954", is effective at the beginning of the first pay period which begins more than sixty days after the date of enactment of Public Law 83-763.

SEC. 550.143 Bases for determining positions for which premium pay under section 550.141 is authorized.

(a) The requirement for the type of position referred to in section 550.141 that an employee regularly remain at, or within the confines of, his station must meet all the following conditions:

(1) The requirement must be definite and the employee must be officially ordered to remain at his station. The employee's remaining at his station must not be merely voluntary, desirable, or a result of geographic isolation, or solely because the employee lives on the grounds.

(2) The hours during which the requirement is operative must be included in the employee's tour of duty. This tour of duty must be established on a regularly recurring basis over a substantial period of time, generally at least a few months. The requirement must not be occasional, irregular, or for a brief period.

(3) The requirement must be associated with the regularly assigned duties of the employee's job, either as a continuation of his regular work which includes standby time, or as a requirement to stand by at his post to perform his regularly assigned duties if the necessity arises.

(b) The words "at, or within the confines of, his station," in section 550.141 mean one of the following:

(1) At an employee's regular duty station.

(2) In quarters provided by an agency, which are not the employee's ordinary living quarters, and which are specifically provided for use of personnel required to stand by in readiness to perform actual work when the need arises or when called.

(3) In an employee's living quarters, when designated by the agency as his duty station and when his whereabouts is narrowly limited and his activities are substantially restricted. This condition exists only during periods when an employee is required to remain at his quarters and is required to hold himself in a state of readiness to answer calls for his services. This limitation on an employee's whereabouts and activities is distinguished from the limitation placed on an employee who is subject to call outside his tour of duty but may leave his quarters provided he arranges for someone else to respond to calls or leaves a telephone number by which he can be reached should his services be required.

(c) The words "longer than ordinary periods of duty" in section 550.141 mean more than 40 hours a week.

(d) The words "a substantial part of which consists of remaining in a standby status rather than performing work" in section 550.141 refer to the entire tour of duty. This requirement is met—

(1) When a substantial part of the entire tour of duty, at least 25 percent, is spent in a standby status which occurs throughout the entire tour;

(2) If certain hours of the tour of duty are regularly devoted to actual work and others are spent in a standby status, that part of the tour of duty devoted to standing by is at least 25 percent of the entire tour duty; or

(3) When an employee has a basic workweek requiring full-time performance of actual work and is required, in addition, to perform standby duty on certain nights, or to perform standby duty on certain days not included in his basic workweek.

(e) An employee is in a standby status, as referred to in section 550.141, only at times when he is not required to perform actual work and is free to eat, sleep, read, listen to the radio, or engage in other similar pursuits. An employee is performing actual work, rather than being in a standby status, when his full attention is devoted to his work even though the nature of his work does not require constant activity (for example, a guard on duty at his post and a technician continuously observing instruments are engaged in the actual work of their positions). Actual work includes both work performed during regular work periods and work performed when called out during periods ordinarily spent in a standby status.

SEC. 550.144 *Rates of premium pay payable under section 550.141.*—

(a) An agency may pay the premium pay on an annual basis referred to in section 550.141, to an employee who meets the requirements of that section, at one of the following percentages of such part of the employee's rate of basic compensation as does not exceed the minimum rate of basic compensation for grade GS-9:

(1) A position with a tour of duty of the 24 hours on duty, 24 hours off duty type and with a schedule of: 60 hours a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 72 hours a week—15 percent, unless 24 or more hours of actual work is customarily required, in which event—20 percent; 84 hours or more a week—25 percent.

(2) A position with a tour of duty requiring the employee to remain on duty during all daylight hours each day, or for 12 hours each day, or for 24 hours each day, with the employee living at his station during the period of his assignment to his tour, and with a schedule of: 5 days a week—5 percent, unless 25 or more hours of actual work is customarily required, in which event—10 percent; 6 days a week—15 percent, unless 30 or more hours of actual work is customarily required, in which event—20 percent; 7 days a week—25 percent.

(3) A position in which the employee has a basic workweek requiring full-time performance of actual work, and is required, in addition, to remain on standby duty: 14 to 18 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—15 percent; 19 to 27 hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—20 percent; 28 or more hours a week on regular workdays, or extending into a nonworkday in continuation of a period of duty within the basic workweek—25 percent; 7 to 9 hours on one or more of his regular weekly nonworkdays—15 percent; 10 to 13 hours on one or more of his regular weekly nonworkdays—20 percent; 14 or more hours on one or more of his regular weekly nonworkdays—25 percent.

(b) If an employee is eligible for premium pay on an annual basis under section 550.141, but none of the percentages in paragraph (a) of this section is applicable, or unusual conditions are present which seem to make the applicable rate unsuitable, the agency may propose a rate of premium pay on an annual basis for the Commission's approval. The proposal shall include full information bearing on the employee's tour of duty; the number of hours of actual work required and how it is distributed over the tour of duty; the number of hours in a standby status required and the extent to which the employee's whereabouts and activities are restricted during standby periods; the extent to which the assignment is made more onerous by night or holiday duty or by hours of duty beyond 40 a week; and any other pertinent conditions.

APPENDIX B

QUESTIONNAIRE USED IN OBTAINING DETAILED DATA AND AGENCY VIEWS

Information Needed for Civil Service Commission Study of Premium Pay and Workweeks of Federal Firefighters

1. Total number of firefighters, by grade and by rates of annual premium pay.
2. Typical work schedule(s) to which firefighters are assigned, i.e., number of hours in daily and weekly tours and arrangement of days on and days off duty, and number of employees assigned to each type of schedule.
3. Are problems encountered in recruiting and retaining firefighters? Is the quality of present staff satisfactory? Is the quality of persons who can now be recruited satisfactory?
4. What are your views on shortening the weekly tour of firefighters to 48 hours? For firefighters now on weekly tours of more than 48 hours, do you have any suggestions as to practicable tours of less than the present weekly hours? Would a 40-hour weekly tour of five 8-hour days be feasible?
5. What other classes of employees on your rolls are assigned to extended tours of duty which involve substantial amounts of standby time? (Please give number by series and grade and rates of additional pay; outline the conditions requiring standby duty; and describe the standby time arrangements, including proportion of time spent in actual work, periods designated as standby, and time designated for sleeping and eating.)
Are the problems which result from these assignments essentially the same as those resulting from the assignment of firefighters to extended tours? If not, please explain why not.
6. Please provide from a representative sample (e.g., 25 percent) of individual fire departments the following detailed information.
 - (a) Number of firefighters in fire department, principal equipment, and size and nature of installations protected. (Submission of a copy of the fire chief's position description may be a convenient way to provide this information.)
 - (b) Number of hours in daily and weekly tours of duty (if more than one type of tour is reported, please give number of firefighters on each type of tour).
 - (c) Number of hours spent in actual work during a daily tour.

(d) Proportion total time on duty (in the course of a year) spent responding to fire alarms, including time going to, at, and returning from calls.

(e) Specific arrangements as to periods of time allowed during tours of duty for sleeping, eating, and resting, or other recreation.

(f) In the course of a year or other identified period, the number of calls during normal night time "lights-out" periods that required all or most firefighters on duty to arise and dress. For the same period of time, how many nights passed with no official interruptions to the sleep of all or most firefighters on duty?

APPENDIX C

SUMMARY OF WORK PRACTICES IN FEDERAL FIRE DEPARTMENTS

DEPARTMENT OF THE ARMY

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: Nine.

Nonworktime: Average of 15 hours a day, of which approximately 8 are reserved for eating and sleeping.

Atlanta Army Depot, Forrest Park, Ga.

Number of firefighters: 28.

Proportion of duty time spent responding to alarms: 2 percent.

General calls during sleeping periods: 6 percent of all calls; no general calls 303 of 322 nights.

Fort Campbell, Ky.

Number of firefighters: 19.

Proportion of duty time spent responding to alarms: 4.2 percent.

General calls during sleeping periods: 14 percent of all calls; no general calls 313 of 365 nights.

Fort Dix, N.J.

Number of firefighters: 38.

Proportion of duty time spent responding to alarms: 7 percent.

General calls during sleeping periods: 36 percent of all calls; no general calls 235 of 365 nights.

Fort Gordon, Ga.

Number of firefighters: 32.

Proportion of duty time spent responding to alarms: 3.7 percent.

General calls during sleeping periods: 29 percent of all calls; no general calls 131 of 184 nights.

Fort Meade, Md.

Number of firefighters: 39.

Proportion of duty time spent responding to alarms: 13 percent (N.B. This figure includes a substantial amount of time devoted to standing by the flight line at a class A airfield.).

General calls during sleeping periods: 90 percent of all calls; no general calls 34 of 365 nights.

Rock Island Arsenal, Ill.

Number of firefighters: 24.

Proportion of duty time spent responding to alarms: 1 percent.

General calls during sleeping periods: 15 percent of all calls; no general calls 310 of 365 nights.

DEPARTMENT OF THE NAVY

The Department of the Navy operates fire departments that range in size from 191 employees to 2 or 3 employees. This survey included fire departments that ranged in size from 3 firefighters (U.S. Naval Ordnance Plant, Louisville, Ky.) to 119 (Marine Corps Base, Camp Pendleton, Calif.).

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 8.

Nonworktime:

One practice is to establish a schedule of routine activities which sets aside two 1-hour meal periods, a 1½-hour period for housekeeping duties, a 1½-hour period of standby time, and an 11-hour period of sleeping time, for a total of 16 hours of nonworktime.

The other practice is to allow 8 hours of the 24-hour tour for sleeping and to permit sleeping only after a certain hour, generally 8 p.m. In this situation, specific hours for meals are not set aside.

During the time allowed for sleeping, all firefighters—on a rotating basis, are required to make preclosing inspections and stand floor watch and/or alarm watch, of either 2 or 4 hours' duration.

Proportion of duty time spent responding to alarms: 2 percent average (6 percent for Boston Naval Ship Yard to .04 percent for the Marine Corps Base, Camp Pendleton, Calif.

General calls during sleeping periods: 110 (Navy-wide average) during 1 year; no general calls 284 nights (Navy-wide average) during 1 year.

U.S. Naval Ordnance Test Station, China Lake, Calif.

Number of firefighters: 57.

Hours of actual work during daily tour: Not less than 8.

Nonworktime: 16 hours of 24-hour tour allowed for eating, sleeping, and recreation. Club-closing duties, duty phone watch and routine details must be accomplished during the 16 hours. Crash crews have duty anytime there is flying at NAF.

Proportion of duty time spent responding to alarms: Approximately 3 percent.

General calls during sleeping period: From October 1, 1964, to October 1, 1965, log records show 74 nights when response was made to alarms, 291 nights when no response was required.

U.S. Naval Supply Depot, Mechanicsburg, Pa.

Number of firefighters: 17.

Hours of actual work during daily tour: Approximately 8.

Nonworktime: Since the majority of the office, industrial and storage operations of the complex are performed on the first (daylight) shift, the fire department spends the bulk of its duty time during the same period. Each employee is allowed 8 hours sleeping time and the remaining time is spent in meals, recreation, and relaxation.

Proportion of duty time spent responding to alarms: Approximately 0.65 percent. (The fire department responded to 75 alarms during fiscal year 1965 (July 1, 1964 to June 30, 1965). It is estimated that each incident involved approximately 45 minutes from alarm signal to return to normalcy. This includes going to, at, and returning from scene of the incident.)

General calls during sleeping periods: It is estimated that over a long range period of time, the average number of fire calls occurring after lights out would be one per month.

Marine Corps Base, Camp Pendleton, Calif.

Number of firefighters: 119.

Hours of actual work during daily tour: 9.7 (average).

Nonworktime: Specific arrangements for eating, sleeping, and recreation are:

- (1) Eating: 1130 to 1230 and 1700 to 1800.
- (2) Sleeping: 2200 to 0630, except for those standing watch in the station. Watches run from 1600 to 2000, 2000 to 2400, 2400 to 0200, 0200 to 0400, and 0400 to 0730.
- (3) Rest and recreation: 1900 to 2200.

Proportion of duty time spent responding to alarms: Approximately 0.04 percent.

General calls during sleeping periods: During the period October 1964 through September 1965, there were 301 alarms during the night. Uninterrupted nights during the same period totaled 158.

U.S. Naval Propellant Plant, Indian Head, Md.

Number of firefighters: 24.

Hours of actual work during daily tour: Approximately 14 (average).

Nonworktime: There is no specific arrangement for sleeping and eating, although 8 hours of each tour is provided if possible.

Proportion of duty time spent responding to alarms: 2 percent (based on 298 alarms in fiscal year 1965).

General calls during sleeping periods: 68 during fiscal year 1965. However, since a 24-hour desk watch is maintained, every man on duty arises and dresses

for a watch of 2 hours, between the hours of 2000 to 0800, constituting constant interruptions.

U.S. Naval Training Center, Great Lakes, Ill.

Number of firefighters: 49.

Hours of actual work during daily tour: Each scheduled working day consists of 8½ hours, but the daily schedule does not include the preclosing inspections of some 23 clubs, cafeterias, and other places of assembly that require an average of 4 hours a day.

Nonworktime: Lunch: 1130-1230; dinner: 1730-1830; standby time: 1830-2000; sleep time: 2000-0700. (On rotating basis, all firefighters are required to make preclosing inspections and stand a 4-hour floor and/or alarm office watch.)

Proportion of duty time spent responding to alarms: 3.8 percent.

General calls during sleeping periods: There were 226 night calls during fiscal year 1965.

U.S. Naval Ammunition Depot, McAlester, Okla.

Number of firefighters: 18.

Hours of actual work during daily tour: 16, including standby. Nonworktime: 8 hours eating, sleeping, and rest.

Proportion of duty time spent responding to alarms: Approximately 336 hours spent responding to fire alarms, including time going to, at, and returning from calls, during fiscal year 1965.

General calls during sleeping periods: During fiscal year 1965, 30 calls were made during normal nighttime lights-out periods. 335 nights passed with no interruption to sleep of all or most firefighters on duty.

U.S. Naval Air Station, Alameda, Calif.

Number of firefighters: 34.

Hours of actual work during daily tour: 16 (average).

Nonworktime: Approximately 8 hours are allowed for eating, sleeping, and recreation.

Proportion of duty time spent responding to alarms: The fire department responded to 230 alarms during the past year. The average duration of the responses was 15 minutes.

General calls during sleeping periods: There were 39 fire alarms during sleeping period in past year. Fire department personnel also responds at night to smoke scares, ammunition watches, gas leaks, fuel spills, and aircraft emergency standbys. One firefighter on each shift checks the clubs, open messes, and recreational facilities, with some closing as late as 0200. An average of eight firefighters is required to rise and dress on night portions of each 24-hour shift for the around-the-clock alarm room watch and center of the field alert watch.

DEPARTMENT OF THE AIR FORCE

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 10.

Nonworktime: Average of 14 hours a day.

Wright-Patterson Air Force Base, Dayton, Ohio

Number of firefighters: 123.

Proportion of duty time spent responding to alarms: 3.6 percent.

General calls during sleeping periods; 101 during a year; no general calls approximately 67 percent of nights.

Eglin Air Force Base, Fla.

Number of firefighters: 21 civilian; 63 military.

Proportion of duty time spent responding to alarms: 20 percent (NOTE.—This figure includes a substantial amount of time devoted to standing by on the flight line.)

General calls during sleeping periods: 35 within a 30-day period; no general calls 18 nights of the same 30-day period.

DEFENSE SUPPLY AGENCY

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Defense Construction Supply Center, Columbus, Ohio

Number of firefighters: 16.

Hours of actual work during daily tour: 15.

Nonworktime: 7 hours for sleeping, during which one firefighter, selected on a rotational basis, remains on duty to receive emergency calls.

Proportion of time spent responding to alarms: 0.8 percent.

General calls during sleeping periods: 31 during a year; no general calls 334 nights during a year.

Defense Electronics Supply Center, Dayton, Ohio

Number of firefighters: 16.

Hours of actual work during daily tour: 12.

Nonworktime: Report not clear.

Proportion of duty time spent responding to alarms: 1.2 percent.

General calls during sleeping periods: 38 during a year; no general calls 327 nights during a year.

Defense General Supply Center, Richmond, Va.

Number of firefighters: 15.

Hours of actual work during daily tour: 9.

Nonworktime: Each firefighter is scheduled to allow 8 hours for sleeping and 4 hours for eating, resting, or other recreation.

Proportion of duty time spent responding to alarms: 0.5 percent.

General calls during sleeping periods: 57 during a year; no general calls 319 nights during a year.

Defense Depot, Ogden, Utah

Number of firefighters: 14.

Hours of actual work during daily tour: 10.

Nonworktime: 12 hours, not counting standby time.

Proportion of duty time spent responding to alarms: 0.9 percent.

General calls during sleeping periods: nine during a year; no general calls 356 nights during a year.

ATOMIC ENERGY COMMISSION

Atomic test site, Los Alamos, N. Mex.

Number of firefighters: 101.

Hours in weekly and daily tours: 72-hour week of three 24-hour days (the chief, two assistant fire marshals, one clerk, and five alarm boardmen work a 40-hour week of five 8-hour days).

Hours of actual work during daily tour: $8\frac{1}{3}$ average.

Nonworktime (sleep, rest, and recreation): 13 hours; eating, 2 hours.

Proportion of duty time spent responding to alarms: 8.3 percent.

General calls during sleeping periods: During the period Nov. 1, 1964, to Nov. 1, 1965, there were 772 runs between the hours of 9 p.m. and 7 a.m. All or most firefighters on duty were required to arise and dress 196 nights during this period. No general calls 169 nights.

National Reactor Testing Station, Idaho Falls, Idaho

Number of firefighters: 47.

Hours in weekly and daily tours: 72-hour week of three 24-hour days (the chief works a 40-hour week of five 8-hour days).

Hours of actual work during daily tour: 8.

Nonworktime: 16 hours of each shift are spent eating, sleeping, reading, or in, some similar activity of the employee's choice. No special arrangements are made for these off-duty hours.

Proportion of duty time spent responding to alarms: 2.7 percent.

General calls during sleeping periods: 50 to 60 times a year. No general calls about two-thirds of the nights during a year.

FEDERAL AVIATION AGENCY

Washington National and Dulles International Airports

Number of firefighters: Washington National Airport, 59; Dulles International Airport, 56.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 8, which includes training.

Nonworktime: 8 hours sleeping time; 1 hour eating time; and 7 hours rest and recreation.

Proportion of duty time spent responding to alarms: Washington National Airport, 3.4 percent; Dulles International Airport, 2.5 percent.

General calls during sleeping periods: 35 during a year; no general calls 330 nights during a year.

National Aviation Facilities Experimental Center, Atlantic City, N.J.

Number of firefighters: 27.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 12, including standby time.

Nonworktime: 6 to 8 hours sleeping time.

Proportion of duty time spent responding to alarms: 0.74 percent (639 runs a year).

General calls during sleeping periods: 201 in a year; no general calls 164 nights in a year.

IFSS Station, Cold Bay, Alaska

Number of firefighters: Six, plus a volunteer force composed of FAA and concessionaire employees.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 8.

Nonworktime: During the 16 hours which are spent on standby the men are free for eating, recreation, sleep, or other activities, but must remain within the confines of the firehouse.

Proportion of duty time spent responding to alarms: 5 percent.

General calls during sleeping periods: About 60 a year; no general calls about 300 nights a year.

IFSS Station, Wake Island

Number of firefighters: 33.

Hours in weekly and daily tours: Average 84-hour week of four 24-hour days one week and three 24-hour days the second week of each pay period.

Hours of actual work during daily tour: 8.

Nonworktime: No specific times are established, however, recreation, resting, and sleeping follow the 8-hour working period on each shift.

Proportion of duty time spent responding to alarms: approximately 10 percent.

General calls during sleeping periods: 500 to 600 in a year; no general calls 69 to 72 nights a year.

GENERAL SERVICES ADMINISTRATION

Many General Services Administration firefighters occupy combination firefighter-guard positions.

GSA Depot, Belle Mead, N.J.

Number of firefighters: 31.

Hours in weekly and daily tours: Three 24-hour tours one week and two 24-hour tours the other week of each 2-week pay period, for an average of 60 hours a week.

Hours of actual work during daily tour: Approximately 10.

Nonworktime: 6 to 8 hours sleeping time; men may eat whenever they have free time.

Proportion of duty time spent responding to alarms: Approximately 4 percent. General calls during sleeping periods: Five during 1964; no general calls 360 nights during 1964.

DMS Depot, Curtis Bay, Md.

Number of firefighters: 23.

Hours in weekly and daily tours: 40-hour week of five 8-hour days.

Hours of actual work during daily tours: 8.

Nonworktime: None.

Proportion of duty time spent responding to alarms: Average of 0.10 percent.

General calls during sleeping periods: Not applicable. No sleeping periods.

Gadsden Depot, Gadsden, Ala.

Number of firefighters: 13.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 12.

Nonworktime: 8 hours sleeping time and 4 hours eating, resting, and recreation time.

Proportion of duty time spent responding to alarms: Less than 0.10 percent.
 General calls during sleeping periods: Three burglar alarms (false alarms), average time 1 hour; five fire alarms during the past year, three actual fires.

Casad Depot, Casad, Ind.

Number of firefighters: 25.
 Hours in weekly and daily tours: Five 24-hour tours each 2-week pay period for an average of 60 hours a week.
 Hours of actual work during daily tour: 12.
 Nonworktime: 12 hours for sleeping, eating, rest, and recreation.
 Proportion of duty time spent responding to alarms: Less than 0.10 percent.
 General calls during sleeping periods: Two in a year; no general calls 363 nights a year.

Warren Depot, Warren, Ohio

Number of firefighters: 21.
 Hours in weekly and daily tours: Five 24-hour tours each 2-week pay period for an average of 60 hours a week.
 Hours of actual work during daily tour: 15.
 Nonworktime: 9 hours for sleeping, eating, rest, and recreation.
 Proportion of duty time spent responding to alarms: Less than 0.20 percent.
 General calls during sleeping periods: None during past year.

Baton Rouge Depot, Baton Rouge, La.

Number of firefighters: 20.
 Hours in weekly and daily tours: 40-hour week of five 8-hour days.
 Hours of actual work during daily tour: 8.
 Nonworktime: None.
 Proportion of duty time spent responding to alarms: Approximately 0.10 percent.
 General calls during sleeping periods: Not applicable. No sleeping periods.

GSA Depot, Auburn, Wash.

Number of firefighters: 18.
 Hours in weekly and daily tours: 72-hour week of three 24-hour days.
 Hours of actual work during daily tour: 12.5.
 Nonworktime: 8 hours sleeping time and 3.5 hours for eating, rest, and recreation.
 Proportion of duty time spent responding to alarms: Approximately 0.10 percent.
 General calls during sleeping periods: Six in a year; no general calls 359 nights a year.

VETERANS' ADMINISTRATION

Many Veterans' Administration firefighters occupy combination firefighter-guard positions.

Number of firefighters: 705.

Hours in weekly and daily tours:

1. Most: 60-hour week of two 24-hour days and one 12-hour day.
2. 51 firefighters at 4 stations: 72-hour week of three 24-hour days.
3. A number of stations schedule firefighters on a 40-hour week basis.

At these stations firefighters are in mixed positions with guard duties incorporated, or the firefighting unit is a cadre which is supplemented in time of emergency by a trained volunteer force, or firefighting personnel are inspectors. In some cases these tours are necessitated by lack of facilities to provide for standby.

Hours of actual work during daily tour: 12 hours per 24-hour tour. Nonworktime: 12 hours per 24-hour tour. Proportion of duty time spent responding to alarms: 0.6 percent (average). General calls during sleeping periods: 3.5 per month (average).

VA Hospital, Cincinnati, Ohio

Number of firefighters: Six.

Hours in weekly and daily tours: 60; 24 and 12. Hours of actual work during daily tour: 24-hour tour, 16; 12-hour tours, 12 midnight to 12 noon, 3 hours; 12 noon to 12 midnight; 7 hours.

Nonworktime: 10:30 p.m. is the approximate time for going to bed. When there are two firefighters on duty, one makes a patrol of the hospital grounds between 2 a.m. and 4 a.m. Routinely, this patrol requires about 30 minutes. Aris-

ing occurs at 5:30 a.m. Thirty minutes are allowed for each meal period. There are no specific time periods designated for resting and recreation. This is because of the variety of activities performed by the firefighting staff. Approximately 30 percent of their time is expended on guard duties. They are also on call for any emergency, such as elevator breakdowns, electrical troubles, calling in mechanics as necessary, and related matters. They perform all maintenance work on the fire station and provide repair services to 242 wheelchairs for the Cincinnati and Fort Thomas divisions.

Proportion of duty time spent responding to alarms: There are approximately 14 calls annually, including fire drills and actual fire alarms. About 20 hours were involved in all.

General calls during sleeping periods: With the nightly patrol, plus responding to a variety of calls, there is hardly a night when a firefighter is not required to arise and dress.

VA Hospital, Battle Creek, Mich.

Number of firefighters: 14.

Hours of weekly and daily tours: 60; 24 and 12.

Hours of actual work during daily tour: 24-hour tour, 15; 12-hour tour, 9.

Nonworktime: Schedules which specify operations, patrols, inspections, and standby time for each man for his entire tour of duty are established. Sleeping, eating, rest, and recreation are provided for in the standby time.

Proportion of duty time spent responding to alarms: Each man spends about 90 hours a year responding to fire alarms. Many of these are trash can fires, false alarms, and incidents not reportable.

General calls during sleeping periods: 3 nights a month (average).

VA Center, Bath, N.Y.

Number of firefighters: Seven.

Hours in weekly and daily tours: 60; 24 and 12.

Hours of actual work during daily tour: 24-hour tour, 16; 12-hour tour, 8.

Nonworktime: On a 24-hour shift, the 8 hours of standby service is spent sleeping, eating, resting, etc.

Proportion of duty time spent responding to alarms: 30 hours during past year.

General calls during sleeping periods: An average of one call each 2 months. However, firefighters spend at least 3 hours of their 8-hour standby time covering the desk at the protective security headquarters.

VA Center, Hot Springs, S. Dak.

Number of firefighters: Seven firefighter-guards.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 10; the protective section is responsible for the GSA motor pool vehicles rented by the center. Firefighters assist with driving duties during and after administrative working hours, to reduce the cost of overtime for the drivers. Firefighters are also used for snow removal work during the winter months.

Nonworktime: A 4-hour patrol is assigned to each firefighter after 4:15 p.m. Depending upon the patrol assignment, the employees may sleep, eat, or engage in recreation.

Proportion of duty time spent in responding to alarms: Two minor fires a month.

General calls during sleeping periods: 15 night calls in past 30 days, none to answer fire alarms

VA Hospital, Sheridan, Wyo.

Number of firefighters: 12.

Hours of weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tours: 16.8, including clock rounds, security and fire patrols, and emergency maintenance.

Nonworktime: 7.2 hours allowed for sleeping, eating, resting, and recreation. The only specific arrangements made are for eating noon meal between 11:30 a.m. and 12:30 p.m. and the evening meal between 5 and 6 p.m. Balance of the time spent at the discretion of the individual.

Proportion of duty time spent responding to alarms: 0.002 percent per year.

General calls during sleeping periods: 39 per month.

VA Hospital, Perry Point, Md.

Number of firefighters: 21.

Hours in weekly and daily tours: 60; 24 and 12.

Hours of actual work during daily tour: 24-hour tour: 16; 12-hour tour: 8.

Nonworktime: The men who are on standby time from 4 p.m. to 12 midnight eat their evening meal, sleep and rest during this period. The men who are on standby time from 12 midnight to 7 a.m. are allowed two 30-minute periods between 8 a.m. and 12 midnight for eating and are given the other 7 hours for sleeping, eating, and recreation.

Proportion of duty time spent responding to alarms: 54 calls a year.

General calls during sleeping periods: Firefighters on standby duty are required to arise and dress to respond to a fire call an average of two times a month. An average of 15 times a month, one or more firefighters on standby must arise and dress to respond to other types of calls or to cover the duty station in the firehouse while another man responds to the ambulance or emergency repair call.

VA Center, Temple, Tex.

Number of firefighters: 15

Hours in weekly and daily tours: 60; 24 and 12.

Hours of actual work during daily tour: 24-hour tour: 15 to 17; 12-hour tour: 7 to 9.

Nonworktime: 24-hour tour: 7½ to 8 hours sleeping, eating, and resting; 12-hour tour: 3 to 3½ hours sleeping, eating, and resting.

Proportion of duty time devoted to responding to alarms: In the past year, the fire department has responded to 35 fire alarms consisting of 1 fire, 8 false alarms, and 26 unscheduled drills. The fire call required approximately 35 minutes; each fire alarm, about 30 minutes (including a building check); and each unscheduled drill, 20 minutes.

General calls during sleeping periods: Average: three calls per month which related directly to fire protection. An average of three calls each night are received for such matters as picking up unruly patients or members, hauling bodies, picking up blood, and similar standby tasks.

VA Hospital, Tomah, Wis.

Number of firefighters: nine (five are full-time firefighters; four are guards as well as firefighters).

Hours in weekly and daily tours: Full-time firefighters: Five 24-hour tours each 2 weeks, for average of 60 hours a week; firefighter-guards: five 8-hour days a week.

Hours of actual work during daily tour: 8.

Nonworktime: Full-time firefighters: 8 hours for eating, sleeping, resting, and recreation.

Proportion of duty time spent responding to alarms: 0.3 percent.

General calls during sleeping periods: three a month.

VA Hospital, Montrose, N.Y.

Number of firefighters: four.

Hours in weekly and daily tours: 60; 24 and 12.

Hours of actual work during daily tour: 8.

Nonworktime:

24-hour tour: 8 hours sleeping and eating.

12-hour tour: 4 hours sleeping and eating.

Proportion of duty time spent responding to alarms: 1 percent.

General calls during sleeping periods: Approximately three calls during night tour. Also, 60 calls per month for other purposes, e.g., eloped patient, calls for ambulance, unlock doors, etc.

VA Hospital, Fort Meade, S.Dak.

Number of firefighters: 13.

Hours in weekly and daily tours: 72-hour week of three 24-hour days.

Hours of actual work during daily tour: 11.5.

Nonworktime: 12.5 hours are utilized for sleeping, eating, resting, and recreation during each tour. Beds and cooking facilities as well as TV and radio are located in the fire station where the firemen remain during their standby time.

Proportion of duty time devoted to responding to alarms: 11 hours a year.

General calls during sleeping periods: Average of 0.8 fire calls and approximately 120 calls of other types are received each month.

VA Supply Depot, Somerville, N.J.

Number of firefighters: 25.

Hours in weekly and daily tours: 60, 24, and 12.

Hours of actual work during daily tour: Actual work in daily tour varies according to requirements but on an average they burn condemned property, check and fill fire extinguishers, check sprinkler systems, sprinkler valves, at

night conduct fire inspection of certain buildings, stand desk watch, and participate in fire drills and actual fire calls. These duties amount to approximately 50 percent of their time.

Nonworktime: Eating is done while on duty, with individuals or groups doing their own cooking. If not called out, this is done 7:30 to 8:30 a.m., 11:30 a.m. to 1 p.m. and 4:30 p.m. to 6 p.m. Sleeping is accomplished during the period from approximately 9 p.m. to 6 a.m. if and when not on a duty watch. Short rests or recreation (within the fire station) are permitted during the day if work requirements allow.

Proportion of duty time spent responding to alarms: During year: Actual fire calls—20 hours; fire drills—500 hours.

General calls during sleeping periods: The number of night calls per month would necessarily vary due to circumstances. In the past year, records indicate four such calls. There have been approximately 50 drills during the night. Fire watch is changed every 3 hours so usually no firefighter gets a full night of uninterrupted rest even though not called out for an actual fire, emergency or drill.

VA Hospital, Long Beach, Calif.

Number of firefighters: 18.

Hours in weekly and daily tours: 60-hour week of two 24-hour days and one 12-hour day.

Hours of actual work during daily tour: 24-hour tour: 16; 12-hour tour: 8.

Nonworktime: Because of need for security and fire patrols during hours of darkness, there is split schedule for sleeping and eating. In some instances, it is necessary to schedule standby time during daylight hours to have personnel available for night patrols, ambulance and morgue runs, and calls to quell disorders. Normal time allowed for eating is 30 minutes. Eight hours is scheduled for sleeping and eating during 24-hour shift. No time designated for rest and recreation.

Proportion of duty time spent responding to alarms: About 3 percent.

General calls during sleeping periods: Because of collateral duties involved in firefighter-guard classification, on-duty men are required to arise and dress every night. No nights pass during which there are no official interruptions of some nature. There are usually four night drills scheduled per year.

VA Center, Wadsworth, Kans.

Number of firefighters: Nine.

Hours in weekly and daily tours: Five 24-hour tours each 2 weeks for an average of 60 hours a week.

Hours of actual work during daily tour: 8.

Nonworktime: Eating, resting, and recreation permitted any time duties are not assigned. Daytime sleep not permitted unless alarms have disturbed night rest.

Proportion of duty time spent responding to alarms: 80 hours a year.

General calls during sleeping periods: Three calls per month.

APPENDIX D

HOURS OF WORK AND PAY OF MUNICIPAL FIREFIGHTERS

TABLE 1.—*Workweeks and hours on day shift of municipal firemen, 1965*

Population group	Duty week		Number of cities by hours on shift				
	Range	Median	8	10	12	24	Other
Over 500,000.....	40-63	56	0	7	1	10	2
250,000 to 500,000.....	42-72	60	0	4	0	26	0
100,000 to 250,000.....	42-78	56	0	21	2	52	0
50,000 to 100,000.....	40-84	60	2	30	1	111	5
25,000 to 50,000.....	40-86	62	6	46	1	208	5
10,000 to 25,000.....	40-96	67	21	33	6	422	9
All cities over 10,000.....	40-96	63	29	141	11	829	21

Source: Municipal Year Book 1965, p. 383.

TABLE 2.—*Prevalent workweeks of municipal fire departments, 1965*

Hours	40	48	56	60	63	72	Over 72
Over 1,000,000.....	1	1	2				
100,000 to 1,000,000.....	1	8	48	18	16	10	1
50,000 to 100,000.....	1	15	53	10	36	11	1
25,000 to 50,000.....	2	15	75	9	23	40	17
10,000 to 25,000.....	11	12	61	12	38	108	66
Over 10,000.....	16	51	239	49	113	169	85

Source: Municipal Year Book 1965.

TABLE 3.—*Prevalent workweeks of municipal fire departments, 1955*

Hours	40	48	56	60	63	72	Over 72
Over 1,000,000.....		1	1	1	1		
100,000 to 1,000,000.....		8	31	11	12	21	2
50,000 to 100,000.....		10	24	5	13	43	14
25,000 to 50,000.....	2	8	74	14	19	99	23
10,000 to 25,000.....	1	12	30	12	13	173	105
Over 10,000.....	3	39	160	43	57	336	144

Source: Municipal Year Book 1955.

TABLE 4.—*Workweeks of municipal firemen, 1955 and 1965*

Population group	Mean ¹		Percent decrease	Median ²		Percent decrease
	1955	1965		1955	1965	
10,000 to 25,000.....	71	66	7.0	72	63	12.5
25,000 and over.....	59	55	6.8	(³) 72	(³) 63	(³) 12.5
10,000 and over.....	60	56	6.7	72	63	12.5

¹ Computed from data reported in the Municipal Year Book 1965.² Municipal Year Book 1965, p. 383.³ Not available.TABLE 5.—*Median salaries of municipal firemen, 1965*

Population group	Number of cities reporting	Lowest	Lower quartile	Median	Upper quartile	Highest
Minimum salaries:						
Over 500,000.....	17	\$4,056	\$5,155	\$5,830	\$6,268	\$7,704
250,000 to 500,000.....	24	4,093	4,680	5,204	5,669	7,752
100,000 to 250,000.....	60	3,400	4,260	4,895	5,658	7,536
50,000 to 100,000.....	118	2,520	4,456	5,070	5,899	7,904
25,000 to 50,000.....	258	3,180	4,226	4,998	5,521	8,088
10,000 to 25,000.....	500	2,292	3,780	4,500	5,160	7,908
Maximum salaries:						
Over 500,000.....	18	5,040	5,985	6,524	7,347	8,580
250,000 to 500,000.....	24	4,680	5,642	6,027	6,930	8,508
100,000 to 250,000.....	60	3,950	5,041	5,682	6,414	8,352
50,000 to 100,000.....	118	2,520	5,036	5,902	6,835	8,580
25,000 to 50,000.....	255	3,180	5,000	5,700	6,540	9,480
10,000 to 25,000.....	499	2,460	4,308	5,040	6,000	9,585

Source: Municipal Year Book 1965, p. 382.

TABLE 6.—Salaries of municipal firemen, 1955 and 1965

Population group	Minimum rates		Percent increase	Maximum rates		Percent increase
	1955	1965		1955	1965	
Means: ¹						
10,000 to 25,000-----	\$3,413	\$4,694	37.5	\$3,834	\$5,240	36.7
25,000 and over-----	3,840	5,507	43.4	4,627	6,490	40.3
10,000 and over-----	3,808	5,453	43.2	4,569	6,411	40.3
Medians: ²						
Over 500,000-----	4,173	5,830	39.7	4,925	6,524	32.5
250,000 to 500,000-----	3,950	5,204	31.7	4,396	6,027	37.1
100,000 to 250,000-----	3,507	4,895	39.6	4,219	5,682	34.7
50,000 to 100,000-----	3,695	5,070	37.2	4,059	5,902	45.4
25,000 to 50,000-----	3,640	4,998	37.3	4,056	5,700	40.5
10,000 to 25,000-----	3,410	4,500	40.0	3,755	5,040	34.2

¹ Computed from data reported in the Municipal Year Book 1965.

² Municipal Year Book 1965.

APPENDIX E

SUMMARY OF INITIAL AGENCY VIEWS

DEFENSE

Army

In order to respond to this question the firefighters at a representative group of stations were polled. A majority of the firefighters polled would like a 48-hour week only if they can work two 24-hour tours (16 hours of actual work) per week. In many instances the men travel 30 to 50 miles each way to and from home and are not interested in any workweek which will cause more travel, e.g. six 8-hour tours. The District of Columbia Fire Department schedule of four 10-hour days one week and four 14-hour nights the next week, or an average of 48 hours per week over a 2-week period may be a possible solution; however, this is doubtful since it would cause more travel coupled with weekly shift changes. It is also noted that some firefighters hold a second job during their off days under the present 72-hour tour and any scheduled tour of six 8-hour days or five 8-hour days would not be welcomed by these employees. A 5 day, 40-hour workweek would be almost certain to result in problems in recruiting and retaining personnel at many Army installations.

Navy

The most serious objection to proposals to shorten the workweek is the adverse effect a corresponding reduction in pay would have in recruiting and retaining personnel. It has been reported that desirable benefits would be gained by including all of a firefighters' compensation in his base pay for retirement purposes.

The Department of the Navy opposes any reduction in workweeks because of the increase in personnel with the increased costs that would be created. The 48-hour week does not provide a feasible basis for scheduling personnel to provide the 7-day, 24-hour coverage required. An objection to both the 48-hour and the 40-hour proposals is that such tours would result in considerable wasted manpower because so many of the activities performed by the fire departments, such as fire inspection, training, etc., cannot be done between midnight and 0800. The most serious objection to the 40-hour schedule is the increased costs. Such a schedule requires almost twice the number of personnel as required by the 72-hour schedule. The 40-hour schedule was tested at the Boston Naval Shipyard several years ago. Although the Department of the Navy discontinued the test in this case the Commander, Boston Naval Shipyard, recommended the adoption of the 40-hour schedule notwithstanding the problems it created * * *.

The most feasible tour, if a reduced tour were to be adopted, would be a 56-hour workweek. Such tours are relatively easy to establish and administer. Such a schedule also would require a minimum of additional personnel, give more continuity to each fire company, and provide more efficiency.

Air Force

* * * This Department has no knowledge of any serious recruitment or retention problems or of any difficulties in maintaining a satisfactory caliber of employee other than things common to any employment area. It is believed

that the proposed short workweek with the related spread of tours during shorter periods together with more frequent shift changes to equalize for evening and night shifts would tend to create problems which do not now exist.

It is concluded that pressure for a shorter workweek has not come from the journeymen firefighters who appear to be generally satisfied with their premium pay and their conditions of employment.

There is strong opposition to the proposed shortening of the weekly tour of duty to 48 hours. Not only would the cost of additional manpower be excessive, but there is some question as to the necessary additional manpower being available in many areas. It is believed that the present 72-hour week is fair and equitable. It offers ample working condition inducement and is popular with the majority of the firefighters. If it should prove to be desirable to adopt a shorter workweek a reduction to no less than a 60-hour workweek is suggested as a possible workable solution. By scheduling the 120-hour 2-week pay period on an alternating 24-hour on duty followed by 48 hours off duty the schedule would provide a maximum advantage to operating effectiveness and usable free time for the employee. The 60-hour week schedule could be established without any new legislation if appropriate additional manpower spaces could be made available.

Defense Supply Agency

Any determined weekly tour of duty would be feasible and could be accommodated through effective work scheduling. However, shortening the weekly tour of duty would require additional manpower spaces and funds. The economic feasibility of shortening the tour of duty is questionable in view of the low rate of turnover, quality of firefighters, and the availability of persons of the quality desired for recruitment.

ATOMIC ENERGY COMMISSION

ID operating personnel responsible for the fire department are opposed to a shorter workweek for several reasons:

(a) The department (using present strength) would have to be completely reorganized to operate with a lesser number of men on duty thus seriously handicapping fire defenses.

(b) If manpower were increased to maintain what are considered to be minimal men on duty, then operating costs would increase significantly and would not be consistent with sound management principles or with present cost reduction efforts.

(c) To change from our present schedule to an 8-hour day 40 hours per week, would we believe, result in an increased operating cost of approximately 35 percent. For a 2-platoon, 24-hour shift, 48 hours per week, the increased cost would approximate 25 percent and for a 63-hour workweek approximately 10 percent.

We believe that ID firefighters are adequately compensated for their present work schedule in view of the minimum requirements for physical effort, infrequent response to alarms, and suitable conditions to which they are routinely exposed.

The study was discussed with officers of the union representing the fire department employees (AFGE No. 2300) who indicated they are interested in a shorter workweek with no loss of pay and no loss of personnel. They had mixed reactions as to what would be considered good working hours and actually were more concerned as to possible reduction in forces or change of duties which could possibly result from a reorganization.

We do not believe it would be practicable to shorten the weekly tour of firefighters to 48 hours. Since 24-hour coverage for both community and technical facilities must be maintained, any reduction in the weekly tour of duty would require additional personnel * * *.

FEDERAL AVIATION AGENCY

In our earlier comments, we pointed out that there would be no serious administrative problems associated with a reduced firefighter workweek for Washington National Airport, Dulles International Airport, or our facility near Atlantic City, N.J. At the two locations in the Alaskan and Pacific Regions, however, there would be administrative problems associated with a reduced workweek. These problems relate to the isolated location, limited community and recreation services, and greater leisure time. Management would need scheduling flexibility, not now provided in H.R. 10294, in order to minimize or eliminate these problems in remote locations.

The cost of the 2 locations covered by this report would be 18 additional positions and some \$332,000 per year for a 48-hour workweek. This amount is significantly higher because of the support costs associated with isolated locations and the 25 percent pay premium for Wake Island and Alaska.

GENERAL SERVICES ADMINISTRATION

The proposed change to the 48-hour week would not affect those locations now on a 40-hour workweek schedule. The financial impact on the GSA would amount to a cost increase of about 37 percent in locations now working a 60-hour schedule and 50 percent in locations now working a 72-hour schedule.

An approximately corresponding increase in manpower ceilings for firefighters would also be involved. If the 48-hour workweek with 20 percent premium pay becomes law it is believed that the practical action for GSA would be to place all firefighters on a standard 40-hour workweek and assign them such additional duties as are practical and consistent with the need that they be continuously available to respond to fires. In this manner the law would be respected, fire protection provided, and the impact of the cost increase minimized. The individual firefighter would be placed on the same pay basis as other Federal employees and would lose his presently enjoyed premium pay. He would also have to be present on the job 10 days during each pay period (less sick and annual leave) instead of the existing system which requires his presence on only 5 or 6 days per pay period (also less sick and annual leave). It is felt that the change in the proposed act would have serious detrimental effects on many firefighters both through the loss of premium pay and through the loss of their ability to "moonlight." We believe that the proposed revisions in premium pay requirements will not produce the benefits envisioned by the authors but rather will result in detrimental effects on both the Government and the individual firefighter.

At present we do not know how we would attempt to schedule a fire department on a 48-hour workweek. It seems inconceivable to establish a system whereby a man receives 120% of his grade level pay for working 2 days a week (less sick and annual leave) with about one-half of that time in a standby status.

We believe that such a schedule would result in such a degree of moonlighting that many firefighters would consider the Government job as part-time work, holding down a full normal 40-hour week job elsewhere. We do not believe that this would be a good method to maintain morale or efficiency in fire departments and that it would be necessary to somehow split the shifts to assure that firefighting is the prime profession of those we hire as professional firefighters. Very likely we would tend to imitate practices of some city fire departments which schedule their men on 2 daytime 10-hour shifts and 2 nighttime 14-hour shifts each week. Since city fire departments expect to respond quite frequently, the logic of scheduling a city fire department may, however, be quite different from scheduling a GSA fire department that is only infrequently actually called on to fight fires.

A 40-hour tour of five 8-hour days would certainly be feasible if the proposed law becomes enacted. Presently the GSA system of scheduling fire departments on various workweeks is primarily based on the fact that with the exception of one location all GSA firefighters also perform guarding duties. The amount of guarding duties required determines the workweek. If the guarding requirements are very light they can easily be handled with the staffing and manpower availability with a minimum (72-hour workweek) fire force. If these duties increase, it becomes progressively more advantageous to use a shorter workweek. When the total assigned work duties of the fire department exceeds about 800 hours a week, a 40-hour workweek for the fire department becomes practical and advantageous. If the proposed law is passed, a 40-hour week would always be advantageous. In the 40-hour week there is no need to give the firefighter any standby time and he can be assigned duties (consistent with his primary firefighting responsibilities) for his full tour of duty. We would expect, therefore, that as we presently have firefighter-guards we could well end up with similar combined positions such as firefighter-mechanics, firefighter-warehousemen, firefighter-clerks, etc.

VETERANS' ADMINISTRATION

Generally, a shortened weekly tour will increase costs or result in inadequate coverage. The locations and conditions under which our fire protection activities are carried out vary greatly. In some situations we rely on municipal protection and in others we have the principal resources available for fire protection. As

indicated above, in some situations we find a 40-hour workweek actually being employed now. However, where conditions have warranted the 60-hour tour of duty, it seems apparent that the same protection on a 48-hour tour, or shorter, would greatly increase cost. We believe our 60-hour tour to be a reasonable one both from the employees' and managements' viewpoints with considerable built-in economy over the proposed 48-hour tour.

APPENDIX F

SUMMARY OF INITIAL UNION VIEWS

The unions concerned have uniformly supported the proposals in H.R. 961 and H.R. 10294, in statements to the Subcommittee on Civil Service and in contacts with Civil Service Commission staff during this study. The four organizations concerned are:

American Federation of Government Employees.
 Government Employees Council of the AFL-CIO.
 International Association of Fire Fighters, AFL-CIO.
 National Federation of Federal Employees.

These organizations stress two major points:

(1) Cities throughout the country have gradually reduced the workweek of firefighters, but the Federal Government has not done so. Industry is subject to the 40-hour workweek standard of the Fair Labor Standards Act. Simple justice calls for reducing the workweek of Federal firefighters to 48 hours.

(2) Historically, reductions in hours in the national economy have been accomplished without loss of workers' pay. While hours of duty of municipal firefighters have been decreasing, their rates of pay have risen.

A statement furnished to the subcommittee by the International Association of Fire Fighters includes the following paragraphs which typify the union views.

"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 (survey enclosed) 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.

"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."

APPENDIX G

AGENCY AND UNION COMMENTS ON PRELIMINARY STAFF DRAFT REPORT OF
DECEMBER 1965

A preliminary Commission staff draft report dated December 1965 was circulated to agencies and unions for comment. Their comments follow in full.

The draft proposed a 60-hour maximum workweek policy, as does the present report. The pay proposal, however, differed from the present proposal, and read thus:

"*Proposal 2.*—(a) Continuation of authority for agencies to pay Federal firefighters on 60-hour workweeks having 24-hour daily shifts in accordance with the existing schedules of rates of additional annual compensation established under the Federal Employees Pay Act, which provides additional annual compensation at the rate of 10 percent if 25 hours or more of actual work is performed during a week and at the rate of 5 percent if the actual work occupies less than 25 hours.

"(b) Agencies to be free to request the Commission to establish rates for any shorter workweeks they wish to prescribe.

"(c) Agencies to pay firefighters under the general hourly premium pay provisions of the Federal Employees Pay Act where operating conditions prevent allowing 8 hours of usually uninterrupted sleeping time within a 24-hour shift; these provisions require pay at overtime rates for work over 40 hours in a week (excluding time allowed for sleeping and eating, but to include any hours of work required during such period), night differential for scheduled work hours between 6 p.m. and 6 a.m., and additional pay at straight time rates for holiday work within the basic 40-hour week."

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 4, 1966.

Mr. O. GLENN STAHL,
*Director, Bureau of Programs and Standards,
U.S. Civil Service Commission,
Washington, D.C.*

DEAR MR. STAHL: This is in response to your letter of January 5, 1966, requesting comments on the enclosed first staff draft of the report on premium pay and workweeks for Federal firefighters requested by the Civil Service Subcommittee of the House Post Office and Civil Service Committee.

The factual references to the practices in the Department of Defense are consistent with the information furnished by the Department.

Attached is a table of the estimated costs of the proposals contained in the draft report. The salary figures shown for the Army, Navy, and the Defense Supply Agency were estimated on the basis of the average salary currently paid to firefighters plus the 10 percent premium compensation which would be appropriate in most cases. The figure also reflects a savings which will result from a reduction of the 20 percent premium compensation to the 10 percent which would be appropriate in the event tours of duty are reduced to 60 hours. The estimates as to the costs of supplementary benefits and uniform and special clothing allowances are based upon estimates of actual experience in regard to the cost for these items for the additional personnel that would be required.

The salary figures for the Department of the Air Force are based on an estimate of salary costs which would result from application of proposal 2(c) in the draft report. This method of computation was considered necessary because of the large number of Air Force firefighters who are assigned to crash duty and who, by nature of their assignment, seldom can be assured 8 hours of "usually" uninterrupted sleep. The adoption of the 60-hour tour of duty under these conditions would require a computation of pay for all firefighters on the same basis with the resultant significant increase which appears in the estimate.

An overall review of the report indicates that with the exception of the Air Force installations, other Defense installations most nearly compare with smaller residential and light commercial areas which experience fewer and less severe fires.

In this regard it is noted that the report indicates that the second most popular workweek among municipal firefighters is the 72-hour tour and is the tour most common among less populated municipalities.

Proposal 2(c), that agencies pay firefighters under the general premium pay provision of the Federal Pay Act where operating conditions prevent allowing 8 hours of usually uninterrupted sleeping time within a 24-hour shift, gives no guidance on what is meant by usually uninterrupted sleep. It would appear that a periodic review would be necessary to determine whether firefighting personnel who have met the "usually" test should be placed in this pay category pending the next periodic review. Conceivably, depending on the sequential pattern of firefighters, different shifts within the same fire department could be entitled to be compensated under the different proposals. This would lead to difficulties of administration and would encourage controversies with employees and representatives of employee groups as to the application of its provisions.

The financial impact of the Commission's proposals as outlined in the attachment are quite significant. They could not be absorbed during the current fiscal year nor during fiscal year 1967 without imposing cutbacks in essential operating programs. The earliest effective date that the proposals could be funded without adverse effect on approved programs is July 1, 1967.

The proposed tour of 60 hours is administratively workable; however, if adopted, those employees whose pay is computed in accordance with recommendation 2(c) would receive an increase in earnings above their present compensation for 72 hours, whereas all other employees whose workweek is reduced would lose compensation of 10 or 15 percent. Such a loss would result in a serious morale problem. Because of the impact on manpower, resources and budget authorizations without a recognizable increase in benefits, a general adoption of a 60-hour workweek is opposed by the Department of Defense.

It is recommended that proposals 1 and 2(a) be amended to provide for continuing the current 72-hour workweek and premium pay provisions, that proposal 2(b), that agencies be free to request the Commission to establish rates for any shorter workweek they wish to prescribe be retained, and that proposal 2(c) be deleted in its entirety.

Sincerely yours,

LEON L. WHEELLESS,
Director, Civilian Personnel Policy.

Attachment.

Additional cost	Army	Navy	Air Force	Defense supply agencies	Total
(a) Salaries.....	\$1, 503, 900	\$2, 516, 860	\$6, 372, 190	\$58, 000	\$10, 450, 950
(b) Supplemental benefits.....	200, 000	336, 000	349, 989	12, 000	897, 989
(c) Uniform and special clothing.....	67, 500	170, 000	283, 500	1, 500	522, 500
Total.....					11, 871, 439

Approximately 75 percent of the Air Force firefighters are military personnel. The military and civilian personnel frequently work in the same fire departments and have equivalent tours of duty. A shorter workweek for civilians would require a similar reduction for military personnel. If effected for military as well as civilian firefighters and the additional personnel are civilians, the additional costs for the Air Force and the total costs for the Department of Defense would be as follows:

	Air Force	Total for defense
(a) Salaries.....	\$22, 868, 140	\$26, 946, 900
(b) Supplemental benefits.....	1, 451, 806	1, 999, 806
(c) Uniform and special clothing.....	1, 176, 000	1, 415, 000
Total.....		30, 361, 706

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 7, 1966.

Mr. O. GLENN STAHL,
Director, Bureau of Programs and Standards,
U.S. Civil Service Commission, Washington, D.C.

DEAR MR. STAHL: This is in reply to your letter of January 5, 1966, requesting comment on a preliminary staff draft of a report on premium pay and workweeks of Federal firefighters requested by the Civil Service Subcommittee of the House Post Office and Civil Service Committee.

We have reviewed factual references in this report to practices in Atomic Energy Commission installations and request that the following revisions be made:

(a) On page 7 of part III "Current Federal Workweek and Pay Practices," please change the last sentence of the last paragraph to indicate that "7" employees retain an "existing aggregate rate of compensation," as of present, rather than "8." (One such firefighter has resigned.)

(b) On page C-8, under the heading "National Reactor Testing Station, Idaho Falls, Idaho," and the category "Hours in weekly and daily tours," please add the parenthetical "(the chief works a 40-hour week of five 8-hour days)."

(c) On page E-2, please underline the heading "Atomic Energy Commission."

The requested annual cost estimates covering the two AEC Federal firefighter groups are enclosed.

It is our general reaction that your report is as comprehensive as needed and convincingly supports the counterproposals you have advanced. We are, however, disappointed that the case for the retention of the present 72-hour workweek was not espoused. Possibly, in your judgment, this was not a feasible approach at this late date. We still believe that present total compensation of Federal firefighters appears fair in relation to the number of hours of work duty, including actual firefighting, typically required. Our field activities concerned report an excellent record on recruitment and retention of such employees and the general satisfaction of firefighters with hours of work and pay matters in Federal employment.

We believe that it is appropriate to emphasize to the House subcommittee that Federal firefighters, despite the unique nature and potential severity of some of the fire or related hazards existing in certain Federal field establishments, actually fight fewer fires and less severe fires than their municipal counterparts because of the high degree of control of fire and related hazards and the efficacy of fire prevention measures in a Government owned and operated activity. (This would partly explain the "average per capita fire loss" figures quoted by Captain Gisvold on page 13 of the hearing on H.R. 10294.)

We also believe that the data in the 1965 Municipal Year Book are not as appropriate a guide as page 17 of your report concedes. For example, reference is made there to a median workweek of 67 hours for cities of 10,000 to 25,000 population. However, it is evident from table 2 in appendix D-1 that no municipality uses a 67-hour workweek as such, and that despite a marked trend in municipalities of this size to shorter workweeks than 72 hours in the period 1955 to 1965 (comparing tables 2 and 3 in appendix D-1), the prevailing workweek remains 72 hours (with shifts of 24 hours each, as shown in table 1 of appendix D-1). This, of course, parallels Federal practice. (The various "medians" contained in the Municipal Year Book tables for firefighter hours of work were computed on the basis of interpolating noncontinuous data, a suspect practice, and are not useful "averages" for determining "prevailing" practice.)

If, however, it is your opinion that the need for a shorter workweek has already been conceded at this point, we endorse your proposal for a 60-hour workweek as the most feasible substitute for the 72-hour workweek. We also endorse your proposal for a 10-percent rate of additional annual compensation but there are some aspects of proposal 2 which may need discussion in your report:

(a) Proposal 2b. states that agencies are to be free to request the Civil Service Commission to establish rates for any shorter workweeks they wish to prescribe. Will this lead the Commission to set up precise percentage rates instead of "rounding off" to either 10 percent or 5 percent, as these are the only two values left in the presently used range and would not permit much distinction?

(b) What definition is contemplated for the term "usually uninterrupted sleeping time"? (Would it be "50 percent or more nights during the last

full calendar year with no general call-outs occurring during the established lights-out hours'?)

Sincerely yours,

ARTHUR L. TACKMAN,
Director, Division of Personnel.

Enclosure: Summary table.

SUMMARY TABLE

Estimated effect within AEC of reduction in firefighter workweek from 72 to 60 hours

	Idaho Operations Office	Los Alamos Area Office
Number of additional staff required.....	10	20
Salaries (base plus 10 percent).....	\$56,000	\$126,532
Supplemental benefits (life insurance, health benefits plus retirement).....	5,250	9,520
Clothing.....	1,500	4,000
Gross increase.....	61,750	140,052
Savings from reduction in workweek (20 percent differential to 10 percent).....	³ -28,000	-56,382
Net estimated additional cost.....	33,750	83,670

¹ Includes cost of "turn-out" clothing and "fatigues," and laundering of same (industrial-type fire department).

² Includes cost of dress uniforms and dry cleaning of same (municipal-type fire department).

³ Includes savings for 7 employees changed from "existing aggregate" to "base plus 10 percent."

FEDERAL AVIATION AGENCY,
Washington, D.C., February 10, 1966.

Mr. O. GLENN STAHL,
Director, Bureau of Programs and Standards,
U. S. Civil Service Commission,
Washington, D.C.

DEAR MR. STAHL: Thank you for the opportunity to review the preliminary staff report on hours of work and premium pay of Federal firefighters. The information in the report about the situation in the Federal Aviation Agency is factual, and we have nothing further to add.

We have two comments on the study:

(1) *Hours of work.*—In providing background information, we pointed out the special problems inherent in isolated locations such as Wake Island and Cold Bay, Alaska. While the maximum 60-hour workweek is reasonable, the head of an agency must have authority to establish longer tours when circumstances require. In this regard, we fully endorse the hours of work proposal as stated on page 18 of the draft.

(2) *Pay.*—(a) We agree that a separate firefighter pay system is unnecessary; however, in implementing any changes that result from the present study, we urge that the CSC issue pay regulations that apply specifically to firefighters. Existing regulations cover all types of standby duty that can vary significantly from the firefighter work environment. Because of the particular work factors associated with fire-protection services, we feel that separate pay treatment is desirable.

(b) The pay treatment rationale for reducing the workweek is well developed and sound. The fact remains, however, that a proposal to reduce the pay of presently employed firefighters while reducing the hours of work is unprecedented among municipal fire departments. Any proposal along these lines will, of course, be vigorously opposed by employees, employee organizations and, in our view, Congress. We suggest that a "saved salary" provision be included in the study. We find no justification for penalizing present Federal firefighters under the cloak of comparability.

Enclosed is the requested cost information. We have not included cost data for the Wake Island and Cold Bay, Alaska, locations. The FAA would take full advantage of any authority for establishing longer tours where needed, and there would be no change in the workweeks at these two locations.

The cost figures are based on implementing a 60-hour workweek with a 10 percent differential above base pay, all other factors being stable. These cost

estimates should be considered as maximums because management may make staffing or operational changes when implementing the 60-hour week which may result in reduced costs.

Sincerely yours,

E. L. EMBREY,
Acting Chief, Personnel Programs Division,
Personnel and Training.

Enclosure.

FEDERAL AVIATION AGENCY
Firefighter 60-hour workweek cost data

	WNA	DIA	Atlantic City	Totals
Number of additional positions.....	16	16	6	38
Salaries (GS-4-4th step).....	\$89,920	\$89,920	\$33,720	\$213,560
Benefits at 7½ percent.....	6,744	6,744	2,529	16,017
Uniforms/clothing at \$300.....	4,800	4,800	1,800	11,400
Total.....	101,464	101,644	38,049	240,977

GENERAL SERVICES ADMINISTRATION,
OFFICE OF FINANCE AND ADMINISTRATION,
Washington, D.C., January 26, 1966.

Mr. O. GLENN STAHL,
Director, Bureau of Programs and Standards,
U.S. Civil Service Commission, Washington, D.C.

DEAR MR. STAHL: We have reviewed the staff report on premium pay and workweeks of Federal firefighters prepared at the request of the Civil Service Subcommittee of the House Post Office and Civil Service Committee. The factual references to the practices of GSA in this area are correct.

We agree that the basic proposals to reduce the workweeks of firefighters to a maximum of 60 hours a week and to provide a means of recognizing, in pay treatment, variations in work requirements deviating from the norm are preferable to the legislative proposals. However, in instances where it is not possible to allow 8 hours of usually uninterrupted sleeping time, we advocate keeping firefighters on the annual premium pay system rather than on an hourly pay basis. Appropriate recognition of differences in demands made on the time of firefighters could be provided for by categorizing a certain range of demand as "light," "medium," or "heavy," and giving an additional percentage of premium pay to each category on an annual basis. This procedure would eliminate the complicated record-keeping required in an hourly pay system.

The proposal to reduce the 72-hour workweek to a 60-hour workweek would affect four of our locations. We estimate that it would be necessary to add 24 positions at a cost of \$115,000 a year in salaries; an additional \$5,000 a year for uniforms and equipment; and \$9,000 a year in supplemental benefits. We are unable to calculate additional costs caused by hourly premium pay rather than annual premium pay.

Sincerely yours,

STEPHEN GOULD, Director of Personnel.

VETERANS' ADMINISTRATION,
ASSISTANT ADMINISTRATOR FOR PERSONNEL,
Washington, D.C., February 1, 1966.

Mr. O. GLENN STAHL,
Director, Bureau of Programs and Standards,
U.S. Civil Service Commission, Washington, D.C.

DEAR MR. STAHL: We appreciate the opportunity to review your draft report concerning the pay and hours of duty on Federal firefighters which accompanied your letter of January 5, 1966. Concerning the data about the Veterans' Administration, we wish to amend our initial report to reflect that we have 4 stations with 51 firefighters which are on 72-hour workweeks. This indicates corresponding changes in your report in part III, page 9, and appendix C, page 14. Also, because the context is now somewhat different, other changes are indicated. We

suggest that the last sentence of the quotation from our report contained on page E-5 of your draft may well be omitted.

In part III, page 9, we believe that the first sentence of the second paragraph under "Veterans' Administration" should be changed by substituting "many" for "most."

In appendix C on page 14 in the summary of Veterans' Administration firefighting characteristics, item 3, under "Hours in weekly and daily tours" should be amended as follows:

In the first sentence delete "substantial."

In the second sentence delete "typically," and add at the end of the sentence "or firefighting personnel are inspectors. In some cases these tours are necessitated by lack of facilities to provide for standby."

Current VA operations and practices appear to be within the scope of the proposals of your draft report with only a few exceptions which would require changes should the maximum workweek of 60 hours be adopted. These changes would involve an estimated net increase in cost of \$32,450 in salaries, \$2,200 in supplemental benefits and \$810 for uniforms.

Although we would seek to apply the "8 hours of usually uninterrupted sleeping time" principle, it seems overly restrictive in view of the type of work involved and the inability to predict activity. If the concept stands, however, we suggest that consideration be given to providing for compensation in those operations which do not meet this condition by use of a higher percentage of base pay for an annual premium rate. This seems to us preferable to the use of overtime, holiday pay, night differential, and other forms of premium pay for these positions unless they truly have a basic workweek of 40 hours without scheduled standby. Whereas varying rates of premium pay would not cause an internal problem, the two of two systems of applying premium pay to the same kind of positions with similar tours of duty could be a problem in automated payroll operations.

If now appears that some history of operation under the new principle may be necessary before clearer determinations become apparent in some firefighting units as to whether the "8 hours of usually uninterrupted sleeping time" is characteristic and applicable.

Sincerely,

F. C. HADRO,
FOR IRENE PARSONS,
Assistant Administrator for Personnel.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Washington, D.C., February 21, 1966.

MR. O. GLENN STAHL,
*Director, U.S. Civil Service Commission,
Bureau of Programs and Standards,
Washington, D.C.*

DEAR MR. STAHL: Acknowledging receipt of a copy of the first staff draft of the report on premium pay and workweeks of Federal firefighters required by the Civil Service Subcommittee of the House Post Office and Civil Service Committee, you are advised that we wholeheartedly endorse the position expressed in the International Association of Fire Fighters' letter dated January 28, 1966, with the following additions.

Your staff draft purports to deal with three principal features; that is, the reduction of the workweek, the emphasis placed on time allowed for sleeping and to provide, for work requirements bearing from the norm, a mode of pay treatment enabling recognition of variations.

The three principal features seem innocent enough to allow the layman a sense of security. However, the conclusion reached by the Civil Service Commission and the background analysis by which these recommendations were reached by your office do not appear to be conducive of an equitable, sound, and fair approach to the problems involved in the draft.

For instance the assumption that an employee in a standby status is free to eat, read, listen to the radio or engage in other similar pursuits as an example against many nights in which the firefighter is unable to be with his family in the pursuit of civic duties or personal meetings is pure folly. Also, the assumption that a fireman can have an 8-hour uninterrupted sleeping time during a 24-hour shift based on a survey by your office showing that sleep is interrupted by a fire alarm 1 out of every 4 nights or 1 out of every 10 nights does not accurately represent a fair con-

clusion to support your comments in this instance. Do you propose in this area, if a fire breaks out more often than 1 out of 4 nights or one out of 10 nights that the fireman simply state "We don't have to answer that fire according to pro rated calculations by the Civil Service Commission"?

We note, too, that you delve in the hours of work and pay of municipal firefighters to substantiate your case and yet on page 19 you state that "The fact that municipal firefighters' salaries have increased while their hours were decreasing has no necessary significance for Federal workers." We do not believe it fair to utilize those areas which would be advantageous to your position while ignoring those points which would be advantageous to the firefighter concerned. It stands to reason that if the municipal firefighters' salaries have increased while their hours were decreasing that this certainly does have a significant bearing on our position in this matter.

We have many additional comments to make in connection with the proposed first staff draft and we would like to present these arguments orally with the firefighters' union and other interested employee organizations in the meeting suggested by Mr. Beckworth, subcommittee chairman of the House Post Office and Civil Service Committee, in his letter to Mr. Macy dated August 27, 1965, when Mr. Beckworth advised the Civil Service Commission to include employee organizations in oral consultation prior to submission of the proposed draft to his subcommittee.

We appreciate the opportunity to comment on the proposed draft and believe that our oral testimony will further enhance the welfare of the firefighter employees of the Federal Government when legislation is enacted by Congress.

Sincerely,

J. F. GRINER, *National President.*

Enclosure.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, D.C., January 28, 1966.

Mr. O. GLENN STAHL,
*Director, U.S. Civil Service Commission,
Bureau of Programs and Standards, Washington, D.C.*

DEAR MR. STAHL: We appreciate your having furnished us with a copy of the first staff draft of the report relative to premium pay and workweeks of Federal firefighters, and further the opportunity to comment on its contents.

We, however, feel that after receipt of comments of those involved and before any revised draft is made final, that across the table discussion be accorded.

Our comments will at this time be confined to the three preliminary staff proposals:

Principal feature No. 1

To reduce the workweek of a Federal firefighter to 60 hours per week as the first step would meet with our approval, provided that some agreement would be incorporated as to a second step reduction.

As was testified by us before the House Post Office and Civil Service subcommittee, we feel that the present hours of Federal firefighters are archaic and unreasonable and just to pass legislation that would, at the time, still be far from adequate without a provision for a future reduction at a specified date would be a far cry from coming near comparability, a term used and recognized by the President of the United States.

As to the maintenance of present pay as a result of reduced hours, we continue to contend that, undeniably no justification can be offered for reducing pay while reducing unreasonably long hours served.

We submit to you that there is only one way, in our opinion, to cope with several problems that now exist relative to inequities in Federal firefighters' conditions, and that is to us a simple one, the Civil Service Commission to set up a classification for this unusual workable vocation. As an example, a GS-4 firefighter with a base salary of \$4,641 plus 20 percent equaling \$5,569.20 would become a GS firefighter with a salary of \$5,570.

By such action on your part we feel that you would eliminate many problems involving employer as well as employee. The major one being, premium pay to count as base pay for retirement purposes. As has been stated by Civil Service Chairman Macy, a member of the Retirement Division of Civil Service Commission and others attached to the staff of the House and Senate Post Office and Civil Service Committee, they definitely feel that Federal firefighters premium pay is a part of their base pay.

If the Congress should act favorably on such legislation, and we have every reason to believe they will, this surely would at least set a precedent whereby other employees would request all types of "premium pay" count on retirement. We can appreciate the problems involved by the employer in case this should become a reality.

May we point out what appears to us to be an inconsistency as well as an unrealistic and unworkable suggestion appearing in proposal 2, (b) whereby some six or more agencies are allowed by request to the Civil Service Commission to establish a shorter than 60-hour workweek. Then going back to the last part of proposal 1, it is stated in so many words that these same agencies may under certain circumstances permit a longer than 60-hour workweek with the approval of the head of the agency.

Our position is that these firefighters are in reality employees of the Federal Government, not employees of the Army, Navy, or the Air Force, etc., no such provisions are applicable to the approximately 2.5 million Federal employees and we strongly urge that no different distinction be made of Federal firefighters regardless of what agency they may serve. In more specific language we urge a fair and equitable workweek be established for all employees of the Federal Government engaged in the protection of Federal Government property from fire or similar catastrophies, around the clock, regardless of what particular agency they serve or in what part of the United States they may be assigned.

Principal feature No. 2

The language used in this proposal is unbelievable for a professional firefighter, even by stretching one's imagination, could it be possible to set rates of annual salary by placing emphasis on uninterrupted sleeping time. This in our opinion could be compared with the policyholder who concluded that because he had only had one fire in the past 10 years he would have only to purchase coverage for 1 of the next 10 years.

May we very positively point out that every municipal city in the United States employing professional firefighters, assign all to the same workweek and the same pay rate regardless of whether they might be stationed in a downtown or active district or whether they are stationed in a suburban fire station which does a relatively small amount of actual firefighting.

As tangible justification for our position we quote the exact figures taken from the annual report of the Washington, D.C. Fire Department for the fiscal year of 1965. Engine company No. 10 responded to 2,100 calls while engine company No. 29 responded to only 204 calls. Rescue squad No. 1 responded to 1,795 calls while ambulance No. 5 responded to 5,538 calls. All employees assigned to these various units are paid the same annual rate of pay and work the same hours per week.

Principal feature No. 3

This provision speaks of varying requirements which would affect pay treatment; again, we take the position that this is unrealistic and unworkable. May we attempt to justify our approach by quoting in general the answers given by several fire chiefs of municipal cities who were asked the following question: "What are four of duty general work requirements of your personnel assigned to firefighting units?" Their answers were relatively the same, in that "they expect and require that a firefighter report for work promptly and during his tour he efficiently perform the many duties as required by regulation and his commanding officer and that he further at all times keep himself in readiness for immediate respond to any and all calls."

Again, may we repeat this can be corrected to the advantage of the employer and the employee by the Civil Service Commission assigning firefighters to a specific classification. There, then would be no need for regulations as to work time, standby time or sleeping time. The employer would not be restricted, neither would the employee, both would be free to perform efficient emergency service such as firefighting. And again, as is the case in all municipal fire departments there would be the employee who would, because of activity variations, be performing more or less actual work.

We sincerely urge the Commission to give our proposals very careful consideration. We grew up in this profession and feel that our experience entirely qualifies us to offer suggestions that will not only improve working conditions for the Federal firefighters, but will also enhance the quality of this essential service to our Federal Government.

Sincerely,

WM. D. BUCK, *President.*

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D.C., February 23, 1966.

MR. O. GLENN STAHL,
*Director, Bureau of Programs and Standards,
U.S. Civil Service Commission,
Washington, D.C.*

DEAR MR. STAHL: In your letter of January 5, 1966, you asked for comments on a preliminary staff draft of the report on premium pay and workweeks of Federal firefighters.

Review of the material submitted with your letter causes us to have mixed feelings on the proposal. Naturally the shorter workweek is attractive to our members and the study reflects a movement in the right direction, however, we are unalterably opposed to the reduction in pay for firefighters as suggested in the reduced workweek.

We are at the same time vitally concerned regarding the failure to include premium pay in calculating retirement deductions and in arriving at the retirement annuity. This may require legislation. On the other hand, wage board employees have been granted credit retirementwise for the additional night differential compensation and conceivably firefighters could have the same benefits for their premium pay through administrative action.

In many instances the proposed change in the workweek would increase the cost of transportation as well as reduce the opportunity for firefighters to perform part-time work in their off-duty time, a pattern which has developed over the years. The net effect of the proposal would result in a significant loss of income for a large percentage of the firefighters. This may further result in a mass turnover in the ranks of firefighters and effect recruitment opportunities which are now significant considerations. We oppose the plan until such time as a realistic pay plan is embraced within the reduced work-hour plan that will at least protect the current gross pay compensation for firefighters.

Sincerely,

N. T. WOLKOMIR, *President.*



THE NEGRO IN THE SOUTH

