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# VARIATION OF 40-HOUR WORKWEEK OF FEDERAL EMPLOYEES FOR EDUCATIONAL PURPOSES

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

SECOND SESSION

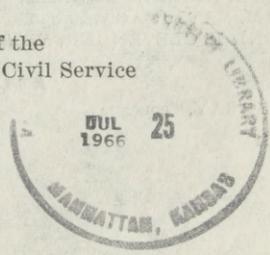
ON

## H.R. 7154 and S. 1495

BILLS TO PERMIT VARIATION OF THE 40-HOUR WORK-  
WEEK OF FEDERAL EMPLOYEES FOR EDUCATIONAL  
PURPOSES

MAY 24, 1966

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



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## CONTENTS

---

	Page
Statement of—	
Finnegan, Harold E., legislative liaison, National Federation of Federal Employees-----	13
Leich, Harold H., Chief, Policy Development Division, Bureau of Policies and Standards, Civil Service Commission, accompanied by Frank S. Mellor and Irving I. Steinberg, program planners, Policy Development Division-----	2
McCart, John A., on behalf of the Government Employees' Council, AFL-CIO-----	15
Terry, Newell, Director, Office of Personnel Management, Department of the Interior, accompanied by Thomas F. Bates, science adviser to the Secretary; Paul Lorentzen, Chief, Division of Programs and Standards, Office of the Secretary; and W. R. Hibbard, Jr., Director, Bureau of Mines-----	5
Walters, Thomas G., special assistant for legislation, American Federation of Government Employees, accompanied by W. J. Voss, director of research-----	10
Communication received from—	
Macy, Hon. John W., Jr., to Hon. Tom Murray, chairman, Committee on Post Office and Civil Service, letter dated April 22, 1966-----	3

CONTENTS

01

02

03

04

05

06

07

08

09

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

## VARIATION OF 40-HOUR WORKWEEK OF FEDERAL EMPLOYEES FOR EDUCATIONAL PURPOSES

TUESDAY, MAY 24, 1966

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

The subcommittee met, pursuant to notice, at 10 o'clock in room 346 Cannon House Office Building, Hon. Lindley Beckworth (chairman of the subcommittee) presiding.

Mr. BECKWORTH. The subcommittee will come to order.

This morning we are beginning public hearings on H.R. 7154 which I introduced on April 6, 1965. This bill, which is sponsored by the administration, would permit variation of the 40-hour workweek of Federal employees for educational purposes.

(H.R. 7154 and S. 1495 follow:)

[H.R. 7154, 89th Cong., 1st sess.]

A BILL To permit variation of the forty-hour workweek of Federal employees for educational purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 604(a)(2) of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 944(a)(2)), is further amended by striking out "or that costs would be substantially increased," and inserting in lieu thereof, "that costs would be substantially increased or that it would be in the interest of the Government to assign a special tour of duty to enable officers or employees to take courses in nearby colleges, universities, or other educational institutions which will equip them for more effective work in the agency."

[S. 1495, 89th Cong., 1st sess.]

AN ACT, To permit variation of the forty-hour workweek of Federal employees for educational purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 604(a) of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 944(a)), is amended by adding a new paragraph to read as follows:

"(3) Notwithstanding the provisions of paragraph (2) of this subsection, the head of each such department, establishment, or agency and of the municipal government of the District of Columbia may establish special tours of duty (of not less than forty hours) without regard to the requirements of such paragraph in order to enable officers and employees to take courses in nearby colleges, universities, or other educational institutions which will equip them for more effective work in the agency. No premium compensation shall be paid to any officer or employee solely because his special tour of duty established pursuant to this paragraph results in his working on a day or at a time of day for which premium compensation is otherwise authorized."

Mr. BECKWORTH. In September 1954, the Federal Employees' Pay Act of 1945 was amended to prevent indiscriminate assignment

of employees to uncommon or inconvenient tours of duty. Prior to this amendment, some departments and agencies, especially the Bureau of Mines in the Department of the Interior, varied the 40-hour workweek of those employees who were attending educational institutions.

If an employee wishes to take training courses given during official duty hours but not covered by the Government Employees Training Act of 1958, the employee must use leave or arrange to take leave without pay. The purpose of the proposed legislation is to allow a department or agency to vary weekly work schedules of an employee who is taking educational courses that will increase the employee's efficiency and effectiveness.

On June 11, 1965, the Senate passed S. 1495 designed to permit a variation in the 40-hour workweek. S. 1495 was referred to the House Committee on Post Office and Civil Service on June 14, 1965.

We are happy to have with us this morning witnesses from the Civil Service Commission, the Department of the Interior, the American Federation of Government Employees, and the National Federation of Federal Employees.

We will hear first from Mr. Harold H. Leich, Chief of Policy Development Division, Bureau of Policies and Standards, Civil Service Commission, to be followed by Mr. Newell Terry, Director, Office of Personnel Management, Department of the Interior; Mr. Tom Walters, special assistant for legislation, American Federation of Government Employees; and Dr. Harold E. Finnegan, legislative assistant of the National Federation of Federal Employees.

Mr. Leich, you may proceed.

**STATEMENT OF HAROLD H. LEICH, CHIEF, POLICY DEVELOPMENT DIVISION, BUREAU OF POLICIES AND STANDARDS, CIVIL SERVICE COMMISSION; ACCOMPANIED BY FRANK S. MELLOR AND IRVING I. STEINBERG, PROGRAM PLANNERS, POLICY DEVELOPMENT DIVISION**

Mr. LEICH. Mr. Chairman, I appreciate the opportunity to appear before you this morning and comment on the proposal. I am accompanied by Mr. Frank S. Mellor and Mr. Irving I. Steinberg, who are both also of the Policy Development Division.

Chairman Macy regrets that he cannot be present because of a conflict in hearings this morning.

As indicated in Chairman Macy's letter of April 22, 1966, to Chairman Murray, the Commission favors the purpose of H.R. 7154 and recommends its enactment if the wording is changed to conform to the language of S. 1495 as passed by the Senate last year.

Mr. Chairman, I suggest that Chairman Macy's letter might be made a part of the hearing record.

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

(The letter is as follows:)

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., April 22, 1966.

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

DEAR MR. CHAIRMAN: This is in further reply to your request for the views and recommendations of the Civil Service Commission on H.R. 7154, a bill, "To permit variation of the forty-hour workweek of Federal employees for educational purposes." This bill is intended to give heads of departments and agencies a new authority beyond that now granted by existing legislation.

The Government Employees' Training Act gives the Federal departments broad authority to send employees for training in non-Government facilities during or outside of normal work hours. The act, however, authorizes training which management determines as needed and as "directly related to the performance by such employee of official duties for the Government." Training under this act is a regular part of the employee's work and meets fully his responsibility for performing at least 40 hours of work in each workweek. If necessary training under this act cannot be accomplished without variation in the regular daily tour, heads of departments and agencies can make the necessary adjustment under the existing provisions of section 604(a)(2) of the Federal Employees Pay Act of 1945, as amended. Thus, we need no additional authority for training in non-Government facilities which is related to official duties.

H.R. 7154 would extend the authority now granted to Federal executives by permitting them to assign special tours of duty to enable employees to take courses in nearby educational institutions which will "equip them for more effective work in the agency." We interpret this as granting authority to send employees to courses which are not directly related to performance of official duties. Thus, a clerk might study law in the hopes that later on he would become an attorney in the agency or a typist might study economics in the hopes of qualifying later on for a professional position. On the other hand, an engineer might wish to take training which would increase his knowledge of his profession, but which management would not be able to support because of other training priorities or other budgetary demands.

When an employee sets out to improve his knowledges, skills, and abilities because he wishes to do so and management determines that it cannot support this effort within its authorizations, budgets, and goals, he would, in our opinion, be in a quite different status from an employee assigned for training in a non-Government facility under the Government Employees' Training Act.

This distinction is made clear in the report of the Senate Committee on Post Office and Civil Service on S. 1495, a bill which has the same purpose as H.R. 7154 and which has been passed by the Senate. That report states that the "present bill will provide discretionary authority for the head of any agency to establish special tours of duty so that an employee may attend school at his own expense in order to improve educational and professional qualifications for employment." If legislation is enacted, the Commission can by regulation under the Federal Employees' Pay Act of 1945, as amended, make it clear that the new authority applies to training which is not done under the Government Employees' Training Act.

The distinction is important because training under the Government Employees' Training Act is work. Departments should not rearrange a tour to make such training fall outside the employee's working hours unless failure to do so would seriously handicap it in carrying out its functions. On the other hand, if the training is not under the Government Employees' Training Act, time spent by an employee taking courses at a non-Government training facility would not be hours worked, and an adjustment of his tour might be necessary simply to facilitate the employee's taking the course.

S. 1495, the bill passed by the Senate, specifies that the special tours established under the new provision must be tours of not less than 40 hours. It also provides that no premium compensation shall be paid to an employee solely because a special tour established under this authority results in his working on a day or at a time of day for which premium compensation is otherwise authorized. Both of these provisions are desirable.

In order to cover the points mentioned above, the Commission suggests that the language in S. 1495 as passed by the Senate be substituted for the present language of H.R. 7154. Subject to this suggested modification, the Commission favors enactment of H.R. 7154.

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

By direction of the Commission:

Sincerely yours,

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

Mr. LEICH. An amendment to the present law governing hours of work of Federal employees is desirable in order to make clear that heads of agencies have full authority in their discretion to adjust tours of duty so that employees may attend school at their own expense to improve their qualifications.

There is no problem regarding tours of duty with respect to training that is authorized under the Government Employees Training Act of 1958. That act permits employees to take educational courses in outside institutions when the training is related to the accomplishment of the mission of the agency, and attendance at such courses is considered to be official duty when it is authorized under the Government Employees Training Act.

The problem is rather the type of education that an employee pays for himself outside the scope of the Training Act. Even when such training may eventually qualify him for more important duties, his agency cannot adjust his tour of duty to accommodate to his educational schedule as long as the courses are not taken under the Government Employees Training Act.

We believe that the Government should encourage and stimulate such self-development efforts on the part of its employees, and that is why the administration endorses an amendment to the Federal Employees Pay Act to accomplish this purpose.

The language of S. 1495 which the Senate has already passed would accomplish the same purpose as H.R. 7154, but is preferable in two respects.

First, it makes clear that the adjusted tour of duty must be of not less than 40 hours a week and, second, it stipulates that no overtime or other premium compensation should be paid to an employee solely because an adjusted tour of duty includes work for which premium pay is otherwise authorized.

Since the adjusted tour is for the employee's benefit, this seems like a reasonable provision.

Therefore, Mr. Chairman, the Commission endorses the objectives of H.R. 7154 but suggests adoption of the improved language of S. 1495 as passed by the Senate.

I thank you.

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

Have you noted a need for this legislation in a good many of the departments of the Government?

Mr. LEICH. Mr. Chairman, this problem was brought to us some years ago by the Department of the Interior, who took the leadership in pointing out that this was a problem in that it seriously interfered with some of the training activities of employees of the Bureau of Mines. We feel that the same problem exists wherever the restrictions of the present Federal Employees Pay Act govern, and, therefore, we think it would be of use to the other departments and agencies as well.

Mr. BECKWORTH. Do you have an estimate as to how many people have been held back because of this kind of situation in the past?

Mr. LEICH. This would be a very difficult thing to estimate, and we

have made no survey as such for this purpose. We do know that many thousands of Federal employees go for outside training on their own time and expense, and obviously a certain proportion of them would benefit by this bill.

Mr. BECKWORTH. It would be so much more convenient for them, would it not?

Mr. LEICH. Yes, indeed, Mr. Chairman.

Mr. BECKWORTH. Do you foresee that the enactment of H.R. 7154 or similar legislation would cost the Government anything?

Mr. LEICH. No, Mr. Chairman. I think there would be no cost, particularly with the Senate wording, which makes clear that there would be no premium pay to be paid by the Government as a result. We see no cost to the Government.

Mr. BECKWORTH. Have you any questions, Mr. Matsunaga?

Mr. MATSUNAGA. No questions, Mr. Chairman.

Mr. BECKWORTH. I believe that is all, Mr. Leich.

Mr. LEICH. Thank you, Mr. Chairman.

Mr. BECKWORTH. The next witness will be Mr. Newell Terry, Director of the Office of Personnel Management of the Department of the Interior.

You may proceed, Mr. Terry.

**STATEMENT OF NEWELL TERRY, DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY THOMAS F. BATES, SCIENCE ADVISER TO THE SECRETARY; PAUL LORENTZEN, CHIEF, DIVISION OF PROGRAMS AND STANDARDS, OFFICE OF THE SECRETARY; AND W. R. HIBBARD, JR., DIRECTOR, BUREAU OF MINES**

Mr. TERRY. Mr. Chairman and gentlemen, I welcome the opportunity to appear before you to testify in favor of H.R. 7154, a bill to permit variation of the 40-hour workweek of Federal employees for educational purposes. I am accompanied here by Dr. Thomas F. Bates on my left, science adviser to the Secretary; Mr. Paul Lorentzen, Chief, Division of Programs and Standards, Office of the Secretary; and Dr. Walter R. Hibbard, who is Director of the Bureau of Mines.

One of the most important tasks of the Department of the Interior is to insure the staffing of its research and development programs with highly skilled personnel in needed scientific and engineering specialties. Equally as important as quality staffing is the need to provide the proper environment for creativity by removing obstacles and encouraging self-improvement and self-development.

Passage of the Government Employees Training Act was a landmark in the Government's pursuit of excellence. Its many flexible provisions are especially suitable for meeting the need of Federal research activities to keep professional and technical staffs abreast of rapidly changing developments. Thus the Department can use training as a part of its regular career development program of its professionals.

Federal agencies now have the authority to adjust an employee's regular tour of duty for authorized training "directly related to the performance by such employee of official duties for the Government." H.R. 7154 would extend the authority now granted to Federal agencies by allowing a variation in tour of duty so that an employee

can take training not deemed essential to the Federal activity and not covered by the Government Employees Training Act, but which is desirable because it increases the employee's efficiency and effectiveness. Under present conditions, highly motivated employees desiring this type of training must use leave or arrange to take leave without pay when the training occurs during official duty hours. Obviously, this is not practical for regularly scheduled courses.

In many instances where the educational assignments are significant for management but just as significant for the employee's personal gain, management has determined that it cannot support this effort within its authorizations, budgets, and goals. In other instances, the employee interested in developing skills and obtaining professional experience useful for future assignments is the one management can least afford to lose from the productive effort. Although management is in sympathy with the employee's desires and interested in encouraging employee self-development involving scientific and professional disciplines, the present law (sec. 604(a) of the act of June 30, 1945) does not allow it to vary the employee's tour of duty to permit him to acquire higher education of benefit to both management and the employee. Such an arrangement, although a convenience to the employee, is considered to be in the best interest of the Department from a long-range viewpoint. We believe, therefore, that this inequity is contrary to the important principles contained in the Government Employees Training Act.

Approximately 180 research centers, laboratories, or offices of the Bureau of Mines, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife, and the Geological Survey, are located on or near colleges or universities which provide a valuable training ground and unique educational opportunities for scientific and professional employees. Our newest Bureau, the Federal Water Pollution Control Administration, has 12 additional laboratories either in operation or under construction. These also will be located on or near a college campus.

Using the requested authority, an employee could attend courses for several hours during the day or spend an entire day in class and be permitted to make up the hours away from the office by working after official work hours or on another day during the week, thus causing no interruption in this work production nor in his 40-hour workweek.

The Federal Government is already at a disadvantage in competing with industry and educational institutions for professional and scientific personnel in pay, certain fringe benefits, and opportunities for advancement. Approval of the proposed legislation would aid materially in increasing the supply and caliber of scientists and engineers that are so needed in the present critical time.

S. 1495, passed by the Senate on June 11, 1965, specifies that the special tours established under the new provision must be tours of not less than 40 hours. It also provides that no premium compensation shall be paid to an employee solely because a special tour established under this authority results in his working on a day or at a time of day for which premium compensation is otherwise authorized. Both of these provisions are desirable.

The Department therefore suggests that the language in S. 1495, as passed by the Senate, be substituted for the present language of H.R. 7154.

Thank you very much for inviting me to appear in connection with H.R. 7154. We hope that you will be able to take favorable action on the bill. We shall be happy to try to answer any questions.

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

Are there any questions?

Mr. MATSUNAGA. Mr. Terry, I am inclined to agree with you in favoring H.R. 7154, but then the question arises: How would such a program as this be policed?

Mr. TERRY. By policing, you suggest the possibility of misuse of the authority granted?

Mr. MATSUNAGA. Or abuse.

Mr. TERRY. It would be policed in our Department, sir, by the supervisors, through the heads of the bureaus concerned issuing instructions as to criteria which should be met before the authority would be used.

Mr. MATSUNAGA. Do you see a danger that some of the employees would make application for the educational program to get out of their burdensome daily tasks?

Mr. TERRY. The danger seems not too great in light of the fact that they would have to return and complete their 40 hours of work at some other time of the day or the week.

Mr. MATSUNAGA. As a requirement for continuing attendance in a school or educational course, would you require a passing grade? If so, how would this be accomplished?

Mr. TERRY. Sir, this is a possibility which it occurs to me is more appropriate in connection with courses that are paid for by the Federal Government and for which attendance is authorized on Government time. This is not the kind of training that is contemplated by the present bill. This bill relates to courses which employees would take as an interruption to their regular tour of duty.

Mr. MATSUNAGA. What would you say the minimum hours would be for a program of this kind?

Mr. TERRY. Typically, a course in a college or university would meet two or three times a week for 1 or 2 hours daily. An employee might be enrolled in more than one course.

Mr. MATSUNAGA. The employee could make up time before 7 a.m. or after regular working hours?

Mr. TERRY. Yes.

Mr. MATSUNAGA. He would be allowed to do that. The question arises, Who would know about it?

Mr. TERRY. This is a problem which I suspect could be worked out in each individual case. If his duties consisted solely of supervision, your question is a very pertinent one and I suspect one would have to take a second look at the use of this authority in that case.

Mr. MATSUNAGA. I can see the danger of misuse and abuse here. The thing which concerns me is the policing of the program. This is my principal interest.

Mr. TERRY. I can understand that, sir. The policing of the program under the Government Employees' Training Act is just as critical as the problem which you describe, and to the best of my knowledge, we have not encountered serious problems in policing that.

I suspect the current proposal would provide no more problems than we have under the other act.

Mr. MATSUNAGA. Your experience with the other program has been good?

Mr. TERRY. Indeed, it has, sir.

Mr. MATSUNAGA. Thank you very much.

Mr. BECKWORTH. In line with the questions of Mr. Matsunaga, would you give us two or three examples of types of experiences you have had under the present program where in no sense does the Government sustain any loss of time or otherwise? Now you do not have to name names; just provide a description of your experience.

Mr. TERRY. Could Dr. Hibbard respond to your question?

Mr. BECKWORTH. Yes.

Dr. HIBBARD. I think probably a good example is 12 of our research laboratories which are right on the campus site. In fact, the buildings are right across the street from buildings of the educational institution nearby. In the case of our building on the campus of Carnegie Tech, Pittsburgh, Pa., there are available courses on the use of computers, particularly the new computer language. Many employees are not required to use a computer in connection with their existing jobs as they are now written, but they aspire to improve themselves by continuing their education to be able to fulfill this kind of job. Therefore, they are very anxious to take these courses and use the computers and program them.

At the moment, they have to do this by arranging for an evening course. This is a possibility, but not a very desirable one from the university's standpoint. Or they can take leave to do so. I think this is the best example that comes to mind.

In our station at Laramie, Wyo., we have a similar situation where there are people who are not now using a computer, who have the opportunity to take courses in this field right there on the campus a stone's throw away, in anticipation of the type of job they aspire to in their own personal development and growth. Again, there are courses available, but they must take them in the evening if they can be arranged that way. Sometimes they cannot, and they must take leave.

Mr. BECKWORTH. Do these people you are talking about take a course at a regular time of day and come back at night to make up whatever time is lost? Is that occurring now?

Dr. HIBBARD. No, sir. This would be the desirable way to do it. The new legislation will permit that, as I understand it. Under the present circumstances, they cannot do it that way.

Mr. TERRY. Mr. Chairman, would you welcome a comment from Dr. Bates on this?

Mr. BECKWORTH. Yes.

Dr. BATES. Mr. Chairman, I should like to point out, in addition to the reasons given in our testimony, there are a couple of aspects of the environment in which we find ourselves in Interior and other agencies which make this extremely important.

First of all, interdisciplinarianism, if I may use that term, in science and engineering with regard to the responsibilities of our people, has become most important. In the Department of the Interior, for example, we have many bureaus concerned with water. It becomes most important for a geologist doing a certain job for the Geological Survey in the area of water to take advantage of training with regard to water as it relates to sanitary engineering and water as it relates to mining law and many areas that are outside of his specific job but which nevertheless are most important for him to become acquainted

with relative to his communication with other people in the Department, in the States, and in the municipalities, looking toward the solution of water problems.

So, I think we are moving into an era where it is most important that people go to the university campuses and be allowed to take courses that are on the fringe of their responsibilities and not part of them. I think this is a most important factor.

The second factor I would like to bring out is that education now more than ever is an ongoing process. I had been a professor at Penn State University for 23 years before I came on my tour of duty here. Many of my colleagues there at the university, full professors themselves, are yearning to get through with their own lectures to go over to the chemistry or math departments to take other courses in fringe areas. We are moving so rapidly in the educational field that it becomes very necessary for these people as well as our best employees really to be looking far ahead relative to the interacting things that are around them.

I think this provision would give us a great deal more flexibility from the standpoint of the training people need to take new responsibilities in areas that are either right down the line from what they have now or much broader areas with regard to the responsibilities of our agency.

Mr. BECKWORTH. Thank you very much.

Mr. MATSUNAGA. Then you would not require a tie-in with the job requirements as far as a course taken by the employee?

Dr. BATES. That is right. I would not. That is exactly the point. I think it would be very important for a man in the Bureau of Mines to take a course in engineering management, for example, relative to where he hopes to be 10 years from now, but not relative to the specific requirements of his present job.

Mr. MATSUNAGA. Who will decide whether an applicant is qualified or should be granted this privilege?

Mr. TERRY. Sir, the way the Department operates—and I suspect this is true of most Government agencies—is to permit the head of the office, unit, laboratory, or whatever is involved, to evaluate the needs of his employees in this respect. He would make this decision, unless it were affecting him or one of his immediate assistants, in which case the decision would be made higher up.

Mr. MATSUNAGA. Is the question of favoritism likely to creep up and, if that occurs, is there an appeal from the decision of the immediate supervisor?

Mr. TERRY. There would be a right of appeal or reconsideration. I suspect it must be admitted that in the administration of any such program, wherever there is an opportunity for human judgment there is an opportunity for favoritism.

Mr. MATSUNAGA. Then your program sets up a procedure for appeal if one feels that the discretionary authority has been abused?

Mr. TERRY. I would not want to suggest, sir, that in the implementation of this authority we would set up a special appeals procedure. There is already in existence adequate machinery for requesting and securing reconsideration of decisions which the employee feels are adverse to his interests.

Mr. MATSUNAGA. No further questions.

Mr. BECKWORTH. Thank you very much, gentlemen.

Our next witness will be Mr. Tom Walters, special assistant for legislation, American Federation of Government Employees.

**STATEMENT OF THOMAS G. WALTERS, SPECIAL ASSISTANT FOR LEGISLATION, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES; ACCOMPANIED BY W. J. VOSS, DIRECTOR OF RESEARCH**

Mr. WALTERS. Thank you, Mr. Chairman.

I am accompanied by Dr. Voss, the head of our research department.

We are delighted to appear here this morning in support of this legislation. We have a very short statement and, with your permission, I will read it.

Before I proceed with the statement, I would like to say the only sad note about this hearing is that in the not too distant future our good chairman will not be chairing the committee. For many years around Washington I have been delighted to have the privilege and pleasure not only of appearing before these hearings, but of being with you as an individual and as a Member of Congress. We certainly will miss you.

Mr. BECKWORTH. You are very kind to say that. It has been a pleasure to work with all of you.

Mr. WALTERS. One other tie-in. Your father was from the great State of Georgia, and that, of course, is the State from which I hail.

Of course we are delighted also to appear before our friend from Honolulu, the playground of the world, where we hope to have our convention soon.

Mr. MATSUNAGA. I would like to say, Mr. Chairman, I concur with the gentleman as to your retirement. We will miss you. If the gentleman is really going to retire, which I doubt, I hope he comes to Hawaii.

Mr. WALTERS. The bill H.R. 7154 would benefit both the Federal Government and persons employed by the Government. Because of this dual advantage, the American Federation of Government Employees endorses this measure and recommends its approval by this committee and its ultimate enactment.

Representative Beckworth is to be congratulated for sponsoring a bill which would provide such a practical improvement in the training program of any Federal department or agency.

The bill amends the Federal Employees Pay Act of 1945 to the extent that it would permit employees of the Federal Government to have their duty hours adjusted to permit them to take courses in nearby educational institutions. It is understood, of course, that the courses would be of direct benefit to the Government by providing training which would increase the effectiveness of the employees who successfully completed such courses.

I would like to deviate here, Mr. Chairman. One of the things that appeals to me in this legislation is that the employee must pay for these courses out of his own pocket. He must use his own time. In my opinion, perhaps 99-plus percent will be people who are firmly interested not only in improving their own knowledge, but in improving their work for the Federal Government. This, it seems to me, would eliminate most of the abuses. If they were doing this on Government time

and being paid to do it, then I think the desire or the incentive to create abuses would be much greater than under the authority of the language that you so ably put into the bill.

The bill S. 1495, having virtually the same objective as H.R. 7154, has been passed by the Senate. This bill permits variation of the 40-hour workweek to permit Federal employees to take courses in nearby educational institutions which will equip them for more effective work in the Federal service. The bill contains the stipulation that re-vamping work hours should not result in payment of premium compensation.

This proposed authority to arrange work hours so as to permit Federal employees to attend courses which would be mutually beneficial to them and to the Government would have the effect of supplementing the Government Employees Training Act (Public Law 507, approved July 7, 1958). The enactment of that measure was a most forward-looking step on the part of the Federal Government; it was a belated effort to bring the Federal civil service parallel with this important practice of private industry of giving certain employees training in areas in which they are lacking.

Training of the type which is envisaged by either this bill or by the Training Act of 1958 is restricted to that which supplements the training which an employee may reasonably be expected to bring into the service. It is not a matter of the Government providing education without which a person could not qualify for a particular position. It is, rather, training which makes the education or experience of a particular employee already in the civil service so much more valuable to his employer. In fact, the Training Act specifically prohibits the use of the authority provided by the act for the purpose of providing an opportunity to such employees to obtain an academic degree in order to qualify for appointment to a particular position for which such academic degree is a basic requirement.

The courses taken under H.R. 7154 would be at the employee's expense. Time spent in courses taken at Government expense would be considered worktime and paid for at the basic rate for the position then occupied. Such courses would necessarily be directly related to the employee's position.

The Training Act also stipulates that an employee who is selected for certain training must sign a written agreement that he will continue in the service of his department for a period at least equal to three times the length of the period of such training. Thus, the Government may receive sufficient benefit to make the investment worthwhile.

We appreciate the opportunity, Mr. Chairman, to express our views on this measure and to wholeheartedly endorse the intent of this legislation.

Mr. BECKWORTH. I want to say I appreciate the kind words of the gentleman. His friendship has meant a lot to me, and always will.

I think the gentleman is correct in what he states about the fact that if a Government employee is paying for the course himself and spending his own time, in 99 percent of the instances that person would never consider perpetrating a fraud on himself, which in effect would be the case if he were not truly sincere.

Mr. Matsunaga, any questions?

Mr. MATSUNAGA. I wish to commend Mr. Walters for his concise and to-the-point statement.

On page 2, the second paragraph, you state:

Such courses would necessarily be directly related to the employee's position.

You are referring to the Government courses there, are you not; not to courses to be taken under this program?

Mr. WALTERS. Yes, that is right, under the regular Training Act.

Mr. MATSUNAGA. Under the proposed bill, H.R. 7154, an employee would not be required to take a course directly related to his employment.

Mr. WALTERS. Not necessarily, but having attempted to take some night courses and some courses after working a full day, I do not believe many people will continue attempting to work 8 hours a day and go to school some, too, without trying to take a course which in some way will improve their productivity or their present working conditions or to a larger field of Federal service.

After all, I think it would be either directly or indirectly related to the work that he is doing. It is not bound to be that, no. I think it would be good commonsense on the part of the employee to attempt to take courses that would improve his productivity and his scope of activity in the Federal service. I think that logically follows.

There could be some cases where that would not be true, of course.

Mr. MATSUNAGA. You would approve of the authority to grant or not to grant being placed solely in the discretion of the supervisor?

Mr. WALTERS. I do not like to put too much authority in supervisors, but I think you have to rely on the head of the agency or the department to issue rules and regulations that would lay down the ground rules within which the supervisor would have to operate. I am sure, or at least I would hope, there would be ground rules to prevent any magnitude of abuses on this question, and I am sure there would be.

It has been our experience with our membership that we have heard very little complaint on the effects of the Government Employees' Training Act. We believe this will fall somewhat in that scope of operation. I do not expect any criticism to speak of from the field. If there is much favoritism or abuse, we will hear about it. I am sure of that. The Manpower Subcommittee and this subcommittee and other committees will hear about it. I do not envision of any particular volume of abuses.

Mr. MATSUNAGA. I was wondering about the case of, say, a draftsman wanting to take a course in art during the day, the course being offered only during the day. He wants his work schedule arranged so he can go and take this course in art. Would this be approved or disapproved or, in your view, should this be approved or disapproved?

Mr. WALTERS. I would certainly want to take a second look. Of course, there is a possibility, if the employee had a talent for art and he developed it, he might be a better artist than a draftsman.

Mr. MATSUNAGA. Suppose he had the intention of learning art and then going into the art field to teach and leave his drafting job with the Government.

Mr. WALTERS. There are some restrictions. He could not just walk off the job tomorrow and go pick up something else. I am sure they will tie him down to where he would have to be there awhile, somewhat to repay Uncle Sam for this courtesy of adjusting his work hours.

Mr. MATSUNAGA. There would not be any such requirement, would there?

Mr. WALTERS. Not necessarily, except in the ground rules there should be some rules. I am constrained to believe in this great worldwide Government of ours there will be abuses under all types of legislation and work. After some 40-odd years in the Federal service, I think the abuses are lower, perhaps, than they are in private industry. I do not think by any stretch of the imagination that we have all the smart guys or girls who can figure out the ways to beat the jackpot, so to speak. I do not think we have any more than our fair share of them. I hope I am right in that estimation, and I believe I am.

Mr. MATSUNAGA. I am inclined to agree with you. I think we have dedicated people in our Government service. And in my view, I would allow that person to take an art course. He would be a better man and a better producer.

Mr. WALTERS. I see nothing wrong in it, except I think he would have to have a great desire in starting at the bottom in an art course after he is an adult out working, to become efficient enough in that to make any money or make a living.

Of course, I am no artist and have no inclination to be one, but great artists like our ex-President and Mrs. Moses do not come by the hundreds. They are few and far between.

Mr. MATSUNAGA. If he was going to take piano lessons, he might become a second Truman, who knows?

Mr. WALTERS. That could be.

Mr. BECKWORTH. Thank you very much, gentlemen.

Our next witness is Dr. Harold E. Finnegan, legislative assistant, National Federation of Federal Employees.

Dr. Finnegan.

**STATEMENT OF HAROLD E. FINNEGAN, LEGISLATIVE LIAISON,  
NATIONAL FEDERATION OF FEDERAL EMPLOYEES (APPEARING  
FOR NATHAN T. WOLKOMIR, PRESIDENT)**

Dr. FINNEGAN. Mr. Chairman and members of the subcommittee, my name is Harold E. Finnegan, legislative liaison for Nathan T. Wolkomir, president of the National Federation of Federal Employees. Mr. Wolkomir is out of the city and asked me to give his testimony.

Our organization is the oldest and largest independent union of Federal employees, with members in virtually all departments and agencies here and overseas.

The National Federation of Federal Employees interprets H.R. 7154 as permitting an agency head to establish a tour of duty that may be an exception to one or all parts of section 604(a)(2) of the Federal Employees Pay Act of 1945, as amended, when the agency head determines it would be in the interest of the Government to assign such a tour to enable an employee to take course(s) in a nearby institution of higher learning. This would apply only to the tour of the employee taking the course(s) and does not authorize the changing of the tour of employees subordinate to or supporting the employee taking the course(s). NFFE endorses H.R. 7154 as interpreted.

The phrase "in the interest of the Government" is a nebulous phrase, and NFFE recommends the subcommittee give consideration

to the establishment of standards to assist the agency head in reaching that determination.

Mr. Chairman, on behalf of the National Federation of Federal Employees, I wish to express our thanks and appreciation for the opportunity to testify on H.R. 7154.

Mr. BECKWORTH. Dr. Finnegan, have you any thoughts on the question of the establishment of standards, to which you referred in the next to the last paragraph of your statement?

Dr. FINNEGAN. Not too firm. In going back to the proposed amendment, the section we are proposing to amend, the only other occasion whereby the agency head can come up with an uncommon tour of duty is where the agency head determines that the organization would be seriously handicapped in carrying out its functions or that the costs would be substantially increased. Both of those are fairly easy to interpret. Here we are getting over into one that we are just starting to explore.

I am agreeable to the objective. I think maybe we do not have to have it in legislation. Perhaps the Civil Service Commission could cover this point in the implementing regulations. We have skirted that a little in the testimony here this morning as to whether or not some of the courses should be related or whether they should not. My own personal opinion is that it is for the growth and development of the individual. The big problem is how the employee is to have his tour changed and still carry on his normal functions when many times his work is interlocked with the work of others. This is the reason for our query on the change of tours. It can be done. It should be done. But it will take some judgment and some implementation to do it.

Mr. BECKWORTH. Questions, Mr. Matsunaga?

Mr. MATSUNAGA. This is a real problem. An employee makes an application to take a course. Then his work is such that it is tied in with other employees who are working during set hours, and if he were to work alone at some odd hour he would not be able to perform his work as fully or as efficiently as he would otherwise.

Dr. FINNEGAN. This is a real problem, the only real problem we see in this. I think it can be worked out. There should be thought given to making this change, because it is bound to have an impact. You get into a hassle if you let a person go out 15 minutes early more than once or twice. Other employees want to leave 15 minutes early or come in 15 minutes early. Ground rules will have to be worked out.

I am not saying the committee should do it, but it will have to be thought through.

Mr. MATSUNAGA. I can see all kinds of problems. The supervisor would be accused of favoritism if one applied and the supervisor deemed he was indispensable during those hours and would not let him go and, on the other hand, let someone else go.

Dr. FINNEGAN. It is a privilege. The language about interests of the Government I think is deliberate and should be kept in there. We probably need a committee of the Commission people to come up with suggested language.

Mr. MATSUNAGA. No further questions. Thank you.

Mr. BECKWORTH. Thank you very much, Dr. Finnegan.

Without objection we will insert into the record of hearings a statement by Mr. John A. McCart, operations director, Government Employees' Council, AFL-CIO, on H.R. 7154 and S. 1495.

(The statement referred to follows:)

PREPARED STATEMENT OF JOHN A. MCCART, ON BEHALF OF THE GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. Chairman and members of the subcommittee, the Government Employees' Council and its 30 unions representing employees in the classified, wage board, and postal services of the Federal Government endorses the pending legislation.

To you, Mr. Chairman, we express appreciation for arranging a hearing on this meritorious legislation and for your introduction of H.R. 7154.

The purpose of this bill and S. 1495, which has been passed by the Senate, is to authorize agency heads to establish special tours of duty for Federal employees who desire to attend school at their own expense and thus improve their value to the Federal Government.

In 1958, Congress approved the Government Employees' Training Act. Under this statute, Federal agencies are permitted to defray the expenses of employees attending school during regular working hours if the training is directly related to the agencies' programs.

Section 604(a) of the Federal Employees' Pay Act of 1945, as amended by the Fringe Benefits Bill of 1954, establishes a basic Monday-through-Friday, 40-hour workweek for most Federal employees.

Strict adherence to this statute prevents agencies from arranging different tours of duty for individuals who pursue advanced education at their own expense as a means of upgrading their general qualifications.

In order for the employees in question to take advanced training, they must use leave or secure leave without pay when the classes are conducted during regular working hours.

Even though Federal management recognizes the value of such training from a long-range point of view, it is unable to rearrange an individual's work tour because of the existing legislative restriction.

The two bills now under consideration by the subcommittee correct this situation.

In approving S. 1495, the Senate added two safeguards to the original bill.

The Senate measure requires that the tours of duty authorized by the legislation be not less than 40 hours' duration.

It provides also that premium pay shall not be available to an individual solely because of the rearranged workweek.

These changes are desirable to protect the equity of the employees involved as well as the Federal Government.

Because the employees covered by this legislation will pay the tuition and related costs connected with their advanced education, there will be no financial burden on the Government. From a long-range point of view, the Government is likely to realize a saving through greater effectiveness on the part of the employee participating in the additional training.

For these reasons, Mr. Chairman, the council recommends that the subcommittee act favorably on the legislation now under consideration.

Mr. BECKWORTH. This concludes the hearing, and we will go into executive session at this point.

(Whereupon, at 10:55 a.m., the subcommittee went into executive session.)



